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1
2 An act relating to financial institutions; amending s.
3 120.80, F.S.; providing that the failure of foreign
4 nationals to participate through video conference in
5 certain hearings is grounds for denial of certain
6 applications; amending s. 475.01, F.S.; conforming a
7 cross-reference; amending s. 518.117, F.S.; conforming
8 a cross-reference; amending s. 655.045, F.S.; revising
9 the circumstances under which the Office of Financial
10 Regulation is required to conduct certain
11 examinations; authorizing the office to delay
12 examinations of state financial institutions under
13 certain circumstances; specifying that examination
14 requirements are deemed met under certain
15 circumstances; requiring copies of certain examination
16 reports to be furnished to state financial
17 institutions; requiring certain directors to review
18 such reports and acknowledge receipt of such reports
19 and reviews; amending s. 655.414, F.S.; revising the
20 entities that may acquire liabilities and assets, and
21 the liabilities and assets that may be acquired,
22 according to certain procedures, conditions, and
23 limitations; specifying the basis for calculating
24 percentages of assets or liabilities; revising the
25 quantity of assets a mutual financial institution may
26 not sell to a stock financial institution, subject to
27 certain conditions; amending s. 655.50, F.S.; revising
28 the definition of the term "financial institution";
29 amending s. 657.021, F.S.; requiring credit unions to

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30 submit specified information to the office within a
31 specified timeframe after certain meetings; amending
32 s. 657.028, F.S.; deleting a provision relating to
33 filing specified credit union information with the
34 office; amending s. 658.12, F.S.; defining the term
35 "target market"; amending s. 658.20, F.S.; requiring
36 the office, upon receiving applications for authority
37 to organize a bank or trust company, to investigate
38 the need for a target market and the ability of the
39 primary service area or target market to support
40 proposed and existing bank or trust facilities;
41 amending s. 658.21, F.S.; revising financial
42 institution application approval requirements to
43 include consideration of target market conditions;
44 authorizing the office to waive a requirement that
45 certain proposed financial institution presidents or
46 chief executive officers have certain experience
47 within a specified timeframe under certain
48 circumstances; amending s. 658.28, F.S.; requiring a
49 person or group to notify the office within a
50 specified timeframe upon acquiring a controlling
51 interest in a state bank or state trust company;
52 amending s. 658.2953, F.S.; defining the term "de novo
53 branch"; amending s. 662.1225, F.S.; revising the type
54 of institution with which certain family trust
55 companies are required to maintain a deposit account;
56 amending s. 662.128, F.S.; revising the timeframe for
57 filing renewal applications for certain family trust
58 companies; amending s. 663.07, F.S.; revising the

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59 banks with which international bank agencies and
60 international branches are required to maintain
61 certain deposits or investment securities; amending s.
62 663.532, F.S.; revising references to lists of
63 jurisdictions used for qualifying qualified limited
64 service affiliates; requiring qualified limited
65 service affiliates to suspend certain permissible
66 activities under certain circumstances; specifying
67 that such suspensions remain in effect until certain
68 conditions are met; amending s. 736.0802, F.S.;
69 conforming a cross-reference; reenacting s.
70 658.165(1), F.S., relating to banker's banks, for the
71 purpose of incorporating amendments made to s. 658.20,
72 F.S., in a reference thereto; providing an effective
73 date.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
77 Section 1. Paragraph (a) of subsection (3) of section
78 120.80, Florida Statutes, is amended to read:

79 120.80 Exceptions and special requirements; agencies.—

80 (3) OFFICE OF FINANCIAL REGULATION.—

81 (a) Notwithstanding s. 120.60(1), in proceedings for the
82 issuance, denial, renewal, or amendment of a license or approval
83 of a merger pursuant to title XXXVIII:

84 1.a. The Office of Financial Regulation of the Financial
85 Services Commission shall have published in the Florida
86 Administrative Register notice of the application within 21 days
87 after receipt.

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88 b. Within 21 days after publication of notice, any person
89 may request a hearing. Failure to request a hearing within 21
90 days after notice constitutes a waiver of any right to a
91 hearing. The Office of Financial Regulation or an applicant may
92 request a hearing at any time prior to the issuance of a final
93 order. Hearings shall be conducted pursuant to ss. 120.569 and
94 120.57, except that the Financial Services Commission shall by
95 rule provide for participation by the general public.

96 2. Should a hearing be requested as provided by sub-
97 subparagraph 1.b., the applicant or licensee shall publish at
98 its own cost a notice of the hearing in a newspaper of general
99 circulation in the area affected by the application. The
100 Financial Services Commission may by rule specify the format and
101 size of the notice.

102 3. Notwithstanding s. 120.60(1), and except as provided in
103 subparagraph 4., an application for license for a new bank, new
104 trust company, new credit union, new savings and loan
105 association, or new licensed family trust company must be
106 approved or denied within 180 days after receipt of the original
107 application or receipt of the timely requested additional
108 information or correction of errors or omissions. An application
109 for such a license or for acquisition of such control which is
110 not approved or denied within the 180-day period or within 30
111 days after conclusion of a public hearing on the application,
112 whichever is later, shall be deemed approved subject to the
113 satisfactory completion of conditions required by statute as a
114 prerequisite to license and approval of insurance of accounts
115 for a new bank, a new savings and loan association, a new credit
116 union, or a new licensed family trust company by the appropriate

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117 insurer.

118 4. In the case of an application for license to establish a
119 new bank, trust company, or capital stock savings association in
120 which a foreign national proposes to own or control 10 percent
121 or more of any class of voting securities, and in the case of an
122 application by a foreign national for approval to acquire
123 control of a bank, trust company, or capital stock savings
124 association, the Office of Financial Regulation shall request
125 that a public hearing be conducted pursuant to ss. 120.569 and
126 120.57. Notice of such hearing shall be published by the
127 applicant as provided in subparagraph 2. The failure of such
128 foreign national to appear personally at or to participate
129 through video conference in the hearing shall be grounds for
130 denial of the application. Notwithstanding s. 120.60(1) and
131 subparagraph 3., every application involving a foreign national
132 shall be approved or denied within 1 year after receipt of the
133 original application or any timely requested additional
134 information or the correction of any errors or omissions, or
135 within 30 days after the conclusion of the public hearing on the
136 application, whichever is later.

137 Section 2. Subsection (4) of section 475.01, Florida
138 Statutes, is amended to read:

139 475.01 Definitions.—

140 (4) A broker acting as a trustee of a trust created under
141 chapter 689 is subject to the provisions of this chapter unless
142 the trustee is a bank, state or federal association, or trust
143 company possessing trust powers as defined in s. 658.12 ~~s.~~
144 ~~658.12(23)~~.

145 Section 3. Section 518.117, Florida Statutes, is amended to

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146 read:

147 518.117 Permissible investments of fiduciary funds.—A
148 fiduciary that is authorized by lawful authority to engage in
149 trust business as defined in s. 658.12 ~~s. 658.12(20)~~ may invest
150 fiduciary funds in accordance with s. 660.417 so long as the
151 investment otherwise complies with this chapter.

152 Section 4. Paragraph (a) of subsection (1) and subsection
153 (4) of section 655.045, Florida Statutes, are amended, and
154 paragraph (f) is added to subsection (1) of that section, to
155 read:

156 655.045 Examinations, reports, and internal audits;
157 penalty.—

158 (1) The office shall conduct an examination of the
159 condition of each state financial institution at least every 18
160 months. The office may conduct more frequent examinations based
161 upon the risk profile of the financial institution, prior
162 examination results, or significant changes in the institution
163 or its operations. The office may use continuous, phase, or
164 other flexible scheduling examination methods for very large or
165 complex state financial institutions and financial institutions
166 owned or controlled by a multi-financial institution holding
167 company. The office shall consider examination guidelines from
168 federal regulatory agencies in order to facilitate, coordinate,
169 and standardize examination processes.

170 (a) The office may accept an examination of a state
171 financial institution made by an appropriate federal regulatory
172 agency or may conduct a joint or concurrent examination of the
173 institution with the federal agency. However, if the office
174 accepts an examination in accordance with this paragraph, the

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175 office shall conduct at least once during each 36-month period
176 beginning July 1, 2023 ~~2014~~, a subsequent ~~the office shall~~
177 ~~conduct an~~ examination of each state financial institution in a
178 manner that allows the preparation of a complete examination
179 report not subject to the right of a federal or other non-
180 Florida entity to limit access to the information contained
181 therein. The office may furnish a copy of all examinations or
182 reviews made of financial institutions or their affiliates to
183 the state or federal agencies participating in the examination,
184 investigation, or review, or as otherwise authorized under s.
185 655.057.

186 (f) In coordinating an examination required under this
187 section, if a federal agency suspends or cancels a previously
188 scheduled examination of a state financial institution, the
189 office has an additional 90 days to meet the examination
190 requirement of this section. In such case, the requirement is
191 deemed met by the federal agency conducting the examination or
192 upon the office conducting the examination instead.

193 (4) A copy of the report of each examination must be
194 furnished to the state financial institution ~~entity~~ examined and
195 presented to the board of directors at its next regular or
196 special meeting. Each director shall review the report and
197 acknowledge receipt of the report and such review by signing and
198 dating the prescribed signature page of the report and returning
199 a copy of the signed page to the office.

200 Section 5. Section 655.414, Florida Statutes, is amended to
201 read:

202 655.414 Acquisition of assets; assumption of liabilities.—
203 With prior approval of the office, and upon such conditions as

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204 the commission prescribes by rule, a financial institution
205 ~~entity~~ may acquire 50 percent or more ~~all or substantially all~~
206 of the assets of, liabilities of, or a combination of assets and
207 ~~or assume all or any part of the~~ liabilities of, any other
208 financial institution in accordance with the procedures and
209 subject to the following conditions and limitations:

210 (1) CALCULATION OF ASSET OR LIABILITY PERCENTAGES.—
211 Percentages of assets or liabilities must be calculated based on
212 the most recent quarterly reporting date.

213 (2) ADOPTION OF A PLAN.—The board of directors of the
214 acquiring or assuming financial entity and the board of
215 directors of the transferring financial institution must adopt,
216 by a majority vote, a plan for such acquisition, assumption, or
217 sale on terms that are mutually agreed upon. The plan must
218 include:

219 (a) The names and types of financial institutions involved.

220 (b) A statement setting forth the material terms of the
221 proposed acquisition, assumption, or sale, including the plan
222 for disposition of all assets and liabilities not subject to the
223 plan.

224 (c) A provision for liquidation, if applicable, of the
225 transferring financial institution upon execution of the plan,
226 or a provision setting forth the business plan for the continued
227 operation of each financial institution after the execution of
228 the plan.

229 (d) A statement that the entire transaction is subject to
230 written approval of the office and approval of the members or
231 stockholders of the transferring financial institution.

232 (e) If a stock financial institution is the transferring

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233 financial institution and the proposed sale is not for cash, a
234 clear and concise statement that dissenting stockholders of the
235 institution are entitled to the rights set forth in s. 658.44(4)
236 and (5).

237 (f) The proposed effective date of the acquisition,
238 assumption, or sale and such other information and provisions as
239 necessary to execute the transaction or as required by the
240 office.

241 (3)~~(2)~~ APPROVAL OF OFFICE.—Following approval by the board
242 of directors of each participating financial institution, the
243 plan, together with certified copies of the authorizing
244 resolutions adopted by the boards and a completed application
245 with a nonrefundable filing fee, must be forwarded to the office
246 for approval or disapproval. The office shall approve the plan
247 of acquisition, assumption, or sale if it appears that:

248 (a) The resulting financial entity or entities would have
249 an adequate capital structure in relation to their activities
250 and their deposit liabilities;

251 (b) The plan is fair to all parties; and

252 (c) The plan is not contrary to the public interest.

253
254 If the office disapproves the plan, it shall state its
255 objections and give the parties an opportunity to amend the plan
256 to overcome such objections.

257 (4)~~(3)~~ VOTE OF MEMBERS OR STOCKHOLDERS.—If the office
258 approves the plan, it may be submitted to the members or
259 stockholders of the transferring financial institution at an
260 annual meeting or at a special meeting called to consider such
261 action. Upon a majority vote of the total number of votes

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262 eligible to be cast or, in the case of a credit union, a
263 majority vote of the members present at the meeting, the plan is
264 adopted.

265 (5)~~(4)~~ ADOPTED PLAN; CERTIFICATE; ABANDONMENT.—

266 (a) If the plan is adopted by the members or stockholders
267 of the transferring financial institution, the president or vice
268 president and the cashier, manager, or corporate secretary of
269 such institution shall submit the adopted plan to the office,
270 together with a certified copy of the resolution of the members
271 or stockholders approving it.

272 (b) Upon receipt of the certified copies and evidence that
273 the participating financial institutions have complied with all
274 applicable state and federal law and rules, the office shall
275 certify, in writing, to the participants that the plan has been
276 approved.

277 (c) Notwithstanding approval of the members or stockholders
278 or certification by the office, the board of directors of the
279 transferring financial institution may abandon such a
280 transaction without further action or approval by the members or
281 stockholders, subject to the rights of third parties under any
282 contracts relating thereto.

283 (6)~~(5)~~ FEDERALLY CHARTERED OR OUT-OF-STATE INSTITUTION AS A
284 PARTICIPANT.—If one of the participants in a transaction under
285 this section is a federally chartered financial institution or
286 an out-of-state financial institution, all participants must
287 also comply with requirements imposed by federal and other state
288 law for the acquisition, assumption, or sale and provide
289 evidence of such compliance to the office as a condition
290 precedent to the issuance of a certificate authorizing the

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291 transaction; however, if the purchasing or assuming financial
292 institution is a federal or out-of-state state-chartered
293 financial institution and the transferring state financial
294 entity will be liquidated, approval of the office is not
295 required.

296 (7)~~(6)~~ STOCK INSTITUTION ACQUIRING MUTUAL INSTITUTION.—A
297 mutual financial institution may not sell 50 percent or more ~~all~~
298 ~~or substantially all~~ of its assets to a stock financial
299 institution until it has first converted into a capital stock
300 financial institution in accordance with s. 665.033(1) and (2).
301 For this purpose, references in s. 665.033(1) and (2) to
302 associations also refer to credit unions but, in the case of a
303 credit union, the provision concerning proxy statements does not
304 apply.

305 Section 6. Paragraph (c) of subsection (3) of section
306 655.50, Florida Statutes, is amended to read:

307 655.50 Florida Control of Money Laundering and Terrorist
308 Financing in Financial Institutions Act.—

309 (3) As used in this section, the term:

310 (c) "Financial institution" has the same meaning as in s.
311 655.005(1)(i), excluding an international representative office,
312 an international administrative office, or a qualified limited
313 service affiliate ~~means a financial institution, as defined in~~
314 ~~31 U.S.C. s. 5312, as amended, including a credit card bank,~~
315 ~~located in this state.~~

316 Section 7. Present subsections (2) through (8) of section
317 657.021, Florida Statutes, are redesignated as subsections (3)
318 through (9), respectively, and a new subsection (2) is added to
319 that section, to read:

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320 657.021 Board of directors; executive committee
321 responsibilities; oaths; reports to the office.—

322 (2) Within the 30 days following the annual meeting or any
323 other meeting at which any director, officer, member of the
324 supervisory or audit committee, member of the credit committee,
325 or credit manager is elected or appointed, the credit union
326 shall submit to the office the names and residence addresses of
327 the elected or appointed persons on a form adopted by the
328 commission and provided by the office.

329 Section 8. Subsection (6) of section 657.028, Florida
330 Statutes, is amended to read:

331 657.028 Activities of directors, officers, committee
332 members, employees, and agents.—

333 ~~(6) Within 30 days after election or appointment, a record~~
334 ~~of the names and addresses of the members of the board, members~~
335 ~~of committees, all officers of the credit union, and the credit~~
336 ~~manager shall be filed with the office on forms prescribed by~~
337 ~~the commission.~~

338 Section 9. Present subsections (20) through (24) of section
339 658.12, Florida Statutes, are redesignated as subsections (21)
340 through (25), respectively, and a new subsection (20) is added
341 to that section, to read:

342 658.12 Definitions.—Subject to other definitions contained
343 in the financial institutions codes and unless the context
344 otherwise requires:

345 (20) "Target market" means the group of clients or
346 potential clients from whom:

347 (a) A bank or proposed bank expects to draw deposits and to
348 whom the bank or proposed bank focuses or intends to focus its

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349 marketing efforts; or

350 (b) A trust company, a trust department of a bank or
351 association, a proposed trust company, or a proposed trust
352 department of a bank or association expects to draw its
353 fiduciary accounts and to whom the trust company, the trust
354 department of a bank or association, the proposed trust company,
355 or the proposed trust department of a bank or association
356 focuses or intends to focus its marketing efforts.

357 Section 10. Paragraphs (b) and (c) of subsection (1) of
358 section 658.20, Florida Statutes, are amended to read:

359 658.20 Investigation by office.—

360 (1) Upon the filing of an application, the office shall
361 make an investigation of:

362 (b) The need for bank or trust facilities or additional
363 bank or trust facilities, as the case may be, in the primary
364 service area where the proposed bank or trust company is to be
365 located or the need for the target market that the bank or trust
366 company intends to engage with in business.

367 (c) The ability of the primary service area or target
368 market to support the proposed bank or trust company and all
369 other existing bank or trust facilities that serve the same
370 primary service area or target market ~~in the primary service~~
371 ~~area.~~

372 Section 11. Subsections (1) and (4) of section 658.21,
373 Florida Statutes, are amended to read:

374 658.21 Approval of application; findings required.—The
375 office shall approve the application if it finds that:

376 (1) Local and target market conditions indicate reasonable
377 promise of successful operation for the proposed state bank or

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378 trust company. In determining whether an applicant meets the
379 requirements of this subsection, the office shall consider all
380 materially relevant factors, including:

381 (a) The purpose, objectives, and business philosophy of the
382 proposed state bank or trust company.

383 (b) The projected financial performance of the proposed
384 bank or trust company.

385 (c) The feasibility of the proposed bank or trust company,
386 as stated in the business plan, particularly with respect to
387 asset and liability growth and management.

388 (4) (a) The proposed officers have sufficient financial
389 institution experience, ability, standing, and reputation and
390 the proposed directors have sufficient business experience,
391 ability, standing, and reputation to indicate reasonable promise
392 of successful operation, and none of the proposed officers or
393 directors has been convicted of, or pled guilty or nolo
394 contendere to, any violation of s. 655.50, relating to the
395 control of money laundering and terrorist financing; chapter
396 896, relating to offenses related to financial institutions; or
397 similar state or federal law.

398 (b) At least two of the proposed directors who are not also
399 proposed officers must have had at least 1 year of direct
400 experience as an executive officer, regulator, or director of a
401 financial institution within the 5 years before the date of the
402 application. However, if the applicant demonstrates that at
403 least one of the proposed directors has very substantial
404 experience as an executive officer, director, or regulator of a
405 financial institution more than 5 years before the date of the
406 application, the office may modify the requirement and allow the

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407 applicant to have only one director who has direct financial
408 institution experience within the last 5 years.

409 (c) The proposed president or chief executive officer must
410 have had at least 1 year of direct experience as an executive
411 officer, director, or regulator of a financial institution
412 within the last 5 years. The office may waive this requirement
413 after considering:

414 1. The adequacy of the overall experience and expertise of
415 the proposed president or chief executive officer;

416 2. The likelihood of successful operation of the proposed
417 state bank or trust company pursuant to subsection (1);

418 3. The adequacy of the proposed capitalization under
419 subsection (2);

420 4. The proposed capital structure under subsection (3);

421 5. The experience of the other proposed officers and
422 directors; and

423 6. Any other relevant data or information.

424 Section 12. Present subsections (2), (3), and (4) of
425 section 658.28, Florida Statutes, are redesignated as
426 subsections (3), (4), and (5), respectively, and a new
427 subsection (2) is added to that section, to read:

428 658.28 Acquisition of control of a bank or trust company.—

429 (2) If a person or a group of persons, directly or
430 indirectly, acquires a controlling interest in a state bank or
431 state trust company, as contemplated by this section, through
432 probate or trust, the person or group of persons shall notify
433 the office within 90 days after acquiring such an interest. Such
434 an interest does not give rise to a presumption of control until
435 the person or group of persons votes the shares or the office

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436 has issued a certificate of approval in response to an
437 application pursuant to subsection (1).

438 Section 13. Present paragraphs (a), (b), and (c) of
439 subsection (11) of section 658.2953, Florida Statutes, are
440 redesignated as paragraphs (b), (c), and (d), respectively, and
441 a new paragraph (a) is added to that subsection, to read:

442 658.2953 Interstate branching.—

443 (11) DE NOVO INTERSTATE BRANCHING ~~BY STATE BANKS.~~—

444 (a) As used in this subsection, the term “de novo branch”
445 means a branch of a bank which is originally established by the
446 bank as a branch and does not become a branch of such bank as a
447 result of:

448 1. The bank’s acquisition of another bank or of a branch of
449 another bank; or

450 2. The conversion, merger, or consolidation of any bank or
451 branch.

452 Section 14. Paragraph (d) of subsection (1) and paragraph
453 (d) of subsection (2) of section 662.1225, Florida Statutes, are
454 amended to read:

455 662.1225 Requirements for a family trust company, licensed
456 family trust company, or foreign licensed family trust company.—

457 (1) A family trust company or a licensed family trust
458 company shall maintain:

459 (d) A deposit account with:

460 1. A bank located in the United States and insured by the
461 Federal Deposit Insurance Corporation; or

462 2. A credit union located in the United States and insured
463 by the National Credit Union Administration ~~a state-chartered or~~
464 ~~national financial institution that has a principal or branch~~

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465 ~~office in this state.~~

466 (2) In order to operate in this state, a foreign licensed
467 family trust company must be in good standing in its principal
468 jurisdiction, must be in compliance with the family trust
469 company laws and regulations of its principal jurisdiction, and
470 must maintain:

471 (d) A deposit account with:

472 1. A bank located in the United States and insured by the
473 Federal Deposit Insurance Corporation; or

474 2. A credit union located in the United States and insured
475 by the National Credit Union Administration ~~a state-chartered or~~
476 ~~national financial institution that has a principal or branch~~
477 ~~office in this state.~~

478 Section 15. Subsection (1) of section 662.128, Florida
479 Statutes, is amended to read:

480 662.128 Annual renewal.—

481 (1) ~~Within 45 days after the end of each calendar year,~~ A
482 family trust company, licensed family trust company, or foreign
483 licensed family trust company shall file an ~~its~~ annual renewal
484 application with the office on an annual basis no later than 45
485 days after the anniversary of the filing of either the initial
486 application or the prior year's renewal application.

487 Section 16. Subsection (1) of section 663.07, Florida
488 Statutes, is amended to read:

489 663.07 Asset maintenance or capital equivalency.—

490 (1) Each international bank agency and international branch
491 shall:

492 (a) Maintain with one or more banks insured by the Federal
493 Deposit Insurance Corporation and located within the United

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494 States ~~in this state~~, in such amounts as the office specifies,
495 evidence of dollar deposits or investment securities of the type
496 that may be held by a state bank for its own account pursuant to
497 s. 658.67. The aggregate amount of dollar deposits and
498 investment securities for an international bank agency or
499 international branch shall, at a minimum, equal the greater of:

- 500 1. Four million dollars; or
501 2. Seven percent of the total liabilities of the
502 international bank agency or international branch excluding
503 accrued expenses and amounts due and other liabilities to
504 affiliated branches, offices, agencies, or entities; or
505 (b) Maintain other appropriate reserves, taking into
506 consideration the nature of the business being conducted by the
507 international bank agency or international branch.

508
509 The commission shall prescribe, by rule, the deposit,
510 safekeeping, pledge, withdrawal, recordkeeping, and other
511 arrangements for funds and securities maintained under this
512 subsection. The deposits and securities used to satisfy the
513 capital equivalency requirements of this subsection shall be
514 held, to the extent feasible, in one or more state or national
515 banks located in this state or in a federal reserve bank.

516 Section 17. Present subsections (4), (5), and (6) of
517 section 663.532, Florida Statutes, are redesignated as
518 subsections (5), (6), and (7), respectively, a new subsection
519 (4) is added to that section, and paragraphs (i) and (j) of
520 subsection (1) of that section are amended, to read:

521 663.532 Qualification.—

522 (1) To qualify as a qualified limited service affiliate

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523 under this part, a proposed qualified limited service affiliate
524 must file a written notice with the office, in the manner and on
525 a form prescribed by the commission. Such written notice must
526 include:

527 (i) A declaration under penalty of perjury signed by the
528 executive officer, manager, or managing member of the proposed
529 qualified limited service affiliate that, to the best of his or
530 her knowledge:

531 1. No employee, representative, or agent provides, or will
532 provide, banking services; promotes or sells, or will promote or
533 sell, investments; or accepts, or will accept, custody of
534 assets.

535 2. No employee, representative, or agent acts, or will act,
536 as a fiduciary in this state, which includes, but is not limited
537 to, accepting the fiduciary appointment, executing the fiduciary
538 documents that create the fiduciary relationship, or making
539 discretionary decisions regarding the investment or distribution
540 of fiduciary accounts.

541 3. The jurisdiction of the international trust entity or
542 its offices, subsidiaries, or any affiliates that are directly
543 involved in or facilitate the financial services functions,
544 banking, or fiduciary activities of the international trust
545 entity is not listed on the Financial Action Task Force's list
546 of High-Risk Jurisdictions subject to a Call for Action or list
547 of Jurisdictions under Increased Monitoring Force Public
548 Statement or on its list of jurisdictions with deficiencies in
549 anti-money laundering or counterterrorism.

550 (j) For each international trust entity that the proposed
551 qualified limited service affiliate will provide services for in

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552 this state, the following:

553 1. The name of the international trust entity;

554 2. A list of the current officers and directors of the
555 international trust entity;

556 3. Any country where the international trust entity is
557 organized or authorized to do business;

558 4. The name of the home-country regulator;

559 5. Proof that the international trust entity has been
560 authorized by charter, license, or similar authorization by its
561 home-country regulator to engage in trust business;

562 6. Proof that the international trust entity lawfully
563 exists and is in good standing under the laws of the
564 jurisdiction where it is chartered, licensed, or organized;

565 7. A statement that the international trust entity is not
566 in bankruptcy, conservatorship, receivership, liquidation, or in
567 a similar status under the laws of any country;

568 8. Proof that the international trust entity is not
569 operating under the direct control of the government or the
570 regulatory or supervisory authority of the jurisdiction of its
571 incorporation, through government intervention or any other
572 extraordinary actions, and confirmation that it has not been in
573 such a status or under such control at any time within the prior
574 3 years;

575 9. Proof and confirmation that the proposed qualified
576 limited service affiliate is affiliated with the international
577 trust entities provided in the notice; and

578 10. Proof that the jurisdictions where the international
579 trust entity or its offices, subsidiaries, or any affiliates
580 that are directly involved in or that facilitate the financial

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581 services functions, banking, or fiduciary activities of the
582 international trust entity are not listed on the Financial
583 Action Task Force's list of High-Risk Jurisdictions subject to a
584 Call for Action or list of Jurisdictions under Increased
585 Monitoring Force Public Statement or on its list of
586 jurisdictions with deficiencies in anti-money laundering or
587 counterterrorism.

588
589 The proposed qualified limited service affiliate may provide
590 additional information in the form of exhibits when attempting
591 to satisfy any of the qualification requirements. All
592 information that the proposed qualified limited service
593 affiliate desires to present to support the written notice must
594 be submitted with the notice.

595 (4) The qualified limited service affiliate shall suspend
596 the permissible activities provided in s. 663.531 relating to a
597 specific jurisdiction if the qualified limited service affiliate
598 becomes aware that the jurisdiction of an international trust
599 entity served by the qualified limited service affiliate is
600 included on the Financial Action Task Force's list of High-Risk
601 Jurisdictions subject to a Call for Action or list of
602 Jurisdictions under Increased Monitoring. Suspensions under this
603 subsection must remain in effect until the jurisdiction is
604 removed from the Financial Action Task Force's list of High-Risk
605 Jurisdictions subject to a Call for Action or list of
606 Jurisdictions under Increased Monitoring.

607 Section 18. Paragraph (a) of subsection (5) of section
608 736.0802, Florida Statutes, is amended to read:

609 736.0802 Duty of loyalty.—

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610 (5) (a) An investment by a trustee authorized by lawful
611 authority to engage in trust business, as defined in s. 658.12
612 ~~s. 658.12(20)~~, in investment instruments, as defined in s.
613 660.25(6), that are owned or controlled by the trustee or its
614 affiliate, or from which the trustee or its affiliate receives
615 compensation for providing services in a capacity other than as
616 trustee, is not presumed to be affected by a conflict between
617 personal and fiduciary interests provided the investment
618 otherwise complies with chapters 518 and 660 and the trustee
619 complies with the requirements of this subsection.

620 Section 19. For the purpose of incorporating the amendment
621 made by this act to section 658.20, Florida Statutes, in
622 references thereto, subsection (1) of section 658.165, Florida
623 Statutes, is reenacted to read:

624 658.165 Banker's banks; formation; applicability of
625 financial institutions codes; exceptions.—

626 (1) If authorized by the office, a corporation may be
627 formed under the laws of this state for the purpose of becoming
628 a banker's bank. An application for authority to organize a
629 banker's bank is subject to ss. 658.19, 658.20, and 658.21,
630 except that s. 658.20(1)(b) and (c) and the minimum stock
631 ownership requirements for the organizing directors provided in
632 s. 658.21(2) do not apply.

633 Section 20. This act shall take effect July 1, 2022.