

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative LaMarca offered the following:

2
3 **Amendment to Amendment (919464) (with title amendment)**

4 Remove lines 5-138 of the amendment and insert:

5 Section 39. Effective July 1, 2024, section 655.0323,
6 Florida Statutes, is amended to read:

7 655.0323 Unsafe and unsound practices.—

8 (1) Financial institutions must make determinations about
9 the provision or denial of services based on an analysis of risk
10 factors unique to each current or prospective customer or member
11 and may not engage in an unsafe and unsound practice as provided
12 in subsection (2). This subsection does not restrict a financial
13 institution that claims a religious purpose from making such

658763

3/7/2024 10:55 PM

Amendment No.

14 determinations based on the current or prospective customer's or
15 member's religious beliefs, religious exercise, or religious
16 affiliations.

17 (2) It is an unsafe and unsound practice for a financial
18 institution to deny, ~~or~~ cancel, suspend, or terminate its
19 services to a person, or to otherwise discriminate against a
20 person in making available such services, or in the terms or
21 conditions of such services, on the basis of:

22 (a) The person's political opinions, speech, or
23 affiliations;

24 (b) Except as provided in subsection (1), the person's
25 religious beliefs, religious exercise, or religious
26 affiliations;

27 (c) Any factor if it is not a quantitative, impartial, and
28 risk-based standard, including any such factor related to the
29 person's business sector; or

30 (d) The use of any rating, scoring, analysis, tabulation,
31 or action that considers a social credit score based on factors
32 including, but not limited to:

33 1. The person's political opinions, speech, or
34 affiliations.

35 2. The person's religious beliefs, religious exercise, or
36 religious affiliations.

37 3. The person's lawful ownership of a firearm.

38 4. The person's engagement in the lawful manufacture,

658763

3/7/2024 10:55 PM

Amendment No.

39 distribution, sale, purchase, or use of firearms or ammunition.

40 5. The person's engagement in the exploration, production,
41 utilization, transportation, sale, or manufacture of fossil
42 fuel-based energy, timber, mining, or agriculture.

43 6. The person's support of the state or Federal Government
44 in combating illegal immigration, drug trafficking, or human
45 trafficking.

46 7. The person's engagement with, facilitation of,
47 employment by, support of, business relationship with,
48 representation of, or advocacy for any person described in this
49 paragraph.

50 8. The person's failure to meet or commit to meet, or
51 expected failure to meet, any of the following as long as such
52 person is in compliance with applicable state or federal law:

53 a. Environmental standards, including emissions standards,
54 benchmarks, requirements, or disclosures;

55 b. Social governance standards, benchmarks, or
56 requirements, including, but not limited to, environmental or
57 social justice;

58 c. Corporate board or company employment composition
59 standards, benchmarks, requirements, or disclosures based on
60 characteristics protected under the Florida Civil Rights Act of
61 1992; or

62 d. Policies or procedures requiring or encouraging
63 employee participation in social justice programming, including,

658763

3/7/2024 10:55 PM

Amendment No.

64 but not limited to, diversity, equity, or inclusion training.

65 (3) Beginning July 1, 2023, and by July 1 of each year
66 thereafter, financial institutions as defined in s. 655.005
67 ~~subject to the financial institutions codes~~ must attest, under
68 penalty of perjury, on a form prescribed by the commission
69 whether the entity is acting in compliance with subsections (1)
70 and (2).

71 (4) If a person who is a customer or member of a financial
72 institution suspects that such financial institution has acted
73 in violation of subsection (2), the aggrieved customer or member
74 may submit a complaint to the office on a form prescribed by the
75 commission within 30 days after such action. A complaint is
76 barred if not timely submitted. The complaint must, at a
77 minimum, contain the name and address of the customer or member;
78 the name of the financial institution; and the facts upon which
79 the customer or member bases his or her allegation.

80 (5) After receipt of a customer's or member's complaint
81 under subsection (4):

82 (a) The office must notify the financial institution that
83 a complaint has been filed.

84 (b) Within 90 calendar days after receiving the notice
85 from the office, the financial institution must file with the
86 office a complaint response report containing such information
87 as the commission requires by rule, unless precluded by law.

88 (c) If the complaint response report indicates that the

658763

3/7/2024 10:55 PM

Amendment No.

89 financial institution took action due to suspicious activity, as
90 defined in s. 655.50(3), the initial investigation by the office
91 must be handled in accordance with s. 655.50. If the office
92 determines that the financial institution's action was taken
93 without any basis under s. 655.50, the office must continue to
94 investigate the financial institution's action and determine
95 whether the financial institution has acted in violation of
96 subsection (2).

97 (d) Within 90 calendar days after receiving the complaint
98 submitted pursuant to this subsection, the office shall begin an
99 investigation of the alleged violation.

100 (e) After the investigation is completed or ceases to be
101 active, the office shall:

102 1. Within 30 calendar days after the completion or
103 cessation of the investigation, create a report on the findings
104 of the investigation. Such report, however, may not contain or
105 must redact any information that remains confidential and exempt
106 from s. 119.07(1). If the office determines that no violation of
107 subsection (2) has occurred, the report must only:

108 a. Identify the complaint for which the report is made;
109 and

110 b. State that a determination has been made that no
111 violation of subsection (2) has occurred.

112 2. Except as otherwise provided or prohibited by law,
113 within 45 calendar days after the completion or cessation of the

658763

3/7/2024 10:55 PM

Amendment No.

114 investigation, send such report to the customer or member who
115 submitted the complaint pursuant to this subsection, via
116 certified mail, return receipt requested, delivery restricted to
117 the addressee; and to the subject financial institution.

118 (f) Except as otherwise provided or prohibited by law, if
119 the office determines that a violation of subsection (2) has
120 occurred, the office must provide notice of such violation to
121 the customer or member and to the Department of Financial
122 Services and the enforcing authority, as defined in s.
123 501.203(2), and provide a copy of the report created pursuant to
124 this subsection.

125 (6)(4) Engaging in a practice described in subsection (2)
126 or failing to timely provide the attestation under subsection
127 (3) is a failure to comply with this chapter, constitutes a
128 violation of the financial institutions codes, and is subject to
129 the applicable sanctions and penalties provided for in the
130 financial institutions codes.

131 (7)(5) Notwithstanding ss. 501.211 and 501.212, a failure
132 to comply with subsection (1) or engaging in a practice
133 described in subsection (2) constitutes a violation of the
134 Florida Deceptive and Unfair Trade Practices Act under part II
135 of chapter 501. Violations must be enforced only by the
136 enforcing authority, as defined in s. 501.203(2), and subject
137 the violator to the sanctions and penalties provided for in that
138 part. If such action is successful, the enforcing authority is

658763

3/7/2024 10:55 PM

Amendment No.

139 entitled to reasonable attorney fees and costs.

140 ~~(8)(6)~~ The office and the commission may not exercise
141 authority pursuant to s. 655.061 in relation to this section.

142 (9) The commission may adopt rules to administer this
143 section.

144 Section 40. Paragraph (f) of subsection (26) of section
145 280.02, Florida Statutes, is amended to read:

146 280.02 Definitions.—As used in this chapter, the term:

147 (26) "Qualified public depository" means a bank, savings
148 bank, or savings association that:

149 (f) Does not engage in the unsafe and unsound practice of
150 denying, ~~or~~ canceling, suspending, or terminating its services
151 to a person, or otherwise discriminating against a person in
152 making available such services or in the terms or conditions of
153 such services, on the basis of:

154 1. The person's political opinions, speech, or
155 affiliations;

156 2. Except as provided in paragraph (e), the person's
157 religious beliefs, religious exercise, or religious
158 affiliations;

159 3. Any factor if it is not a quantitative, impartial, and
160 risk-based standard, including any such factor related to the
161 person's business sector; or

162 4. The use of any rating, scoring, analysis, tabulation,
163 or action that considers a social credit score based on factors

658763

3/7/2024 10:55 PM

Amendment No.

164 including, but not limited to:

165 a. The person's political opinions, speech, or
166 affiliations.

167 b. The person's religious beliefs, religious exercise, or
168 religious affiliations.

169 c. The person's lawful ownership of a firearm.

170 d. The person's engagement in the lawful manufacture,
171 distribution, sale, purchase, or use of firearms or ammunition.

172 e. The person's engagement in the exploration, production,
173 utilization, transportation, sale, or manufacture of fossil
174 fuel-based energy, timber, mining, or agriculture.

175 f. The person's support of the state or Federal Government
176 in combating illegal immigration, drug trafficking, or human
177 trafficking.

178 g. The person's engagement with, facilitation of,
179 employment by, support of, business relationship with,
180 representation of, or advocacy for any person described in this
181 subparagraph.

182 h. The person's failure to meet or commit to meet, or
183 expected failure to meet, any of the following as long as such
184 person is in compliance with applicable state or federal law:

185 (I) Environmental standards, including emissions
186 standards, benchmarks, requirements, or disclosures;

187 (II) Social governance standards, benchmarks, or
188 requirements, including, but not limited to, environmental or

658763

3/7/2024 10:55 PM

Amendment No.

189 social justice;

190 (III) Corporate board or company employment composition
191 standards, benchmarks, requirements, or disclosures based on
192 characteristics protected under the Florida Civil Rights Act of
193 1992; or

194 (IV) Policies or procedures requiring or encouraging
195 employee participation in social justice programming, including,
196 but not limited to, diversity, equity, or inclusion training.

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199 **T I T L E A M E N D M E N T**

200 Remove lines 144-160 of the amendment and insert:
201 applications; amending s. 655.0323, F.S.; providing
202 that certain actions are included as an unsafe and
203 unsound practice for financial institutions; making a
204 technical change; authorizing certain aggrieved
205 customers or members to make a complaint to the Office
206 of Financial Regulation on a specified form within a
207 specified timeframe; providing that complaints are
208 barred if not timely submitted; requiring the office
209 to take certain actions, make certain determinations,
210 and begin an investigation within a specified
211 timeframe after receiving a complaint; requiring a
212 financial institution to provide certain information
213 to the office after being notified that a complaint

658763

3/7/2024 10:55 PM

Amendment No.

214 | has been filed; requiring that certain claims be
215 | handled in accordance with certain provisions;
216 | requiring the office to take certain actions after an
217 | investigation is completed or ceases to be active;
218 | authorizing the Financial Services Commission to adopt
219 | rules to administer this section; amending s. 280.02,
220 | F.S.; conforming provisions to changes made by the
221 | act; amending s. 717.101, F.S.; providing and

658763

3/7/2024 10:55 PM