

CHAPTER 85-82

House Bill No. 1321

An act relating to financial institutions: amending s. 120.60, F.S., providing an administrative procedure with respect to certain applications for license to establish a new bank, trust company, or capital stock savings association; amending s. 655.043, F.S., relating to articles of incorporation of financial institutions; amending s. 655.045, F.S., relating to audits required by the Department of Banking and Finance; amending s. 655.057, F.S., relating to records; amending s. 655.411, F.S., relating to conversion of charters by financial institutions; amending s. 655.50, F.S., redefining the term "financial institution"; amending s. 657.002, F.S., providing definitions with respect to the "Florida Credit Union Act"; amending s. 657.005, F.S., relating to applications for authority to organize a credit union; amending s. 657.008, F.S., authorizing the relocation of branch offices of credit unions; authorizing foreign credit unions to establish branches under certain circumstances; amending s. 657.021, F.S., relating to the authority of the board of directors of a credit union; amending s. 657.026, F.S., relating to the supervisory committee; amending s. 657.027, F.S., relating to the credit committee; amending s. 657.031, F.S., prohibiting credit unions from receiving shares or deposits from certain persons; amending s. 657.039, F.S., relating to loan powers; amending s. 657.042, F.S., relating to investment powers and limitations; amending s. 657.043, F.S., relating to reserves; amending s. 657.062, F.S., relating to assumption of control by a guarantor or insurer; amending s. 657.063, F.S., relating to involuntary liquidation; amending s. 657.064, F.S., relating to voluntary liquidation; amending s. 657.065, F.S., relating to merger; amending s. 657.253, F.S., redefining the term "member credit union"; amending s. 657.257, F.S., relating to membership and eligibility of certain credit unions; amending s. 657.258, F.S., relating to powers and duties of the Florida Credit Union Guaranty Corporation, Inc.; amending s. 657.259, F.S., relating to a plan of operation; amending s. 657.260, F.S., relating to duties and powers of the Department of Banking and Finance; amending s. 658.19, F.S., relating to the application for authority to organize a bank or trust company; amending s. 658.20, F.S., authorizing the Department of Banking and Finance to obtain certain information with respect to application investigation; amending s. 658.21, F.S., relating to application approval; amending s. 658.22, F.S., relating to coordination with federal agencies; amending s. 658.23, F.S., relating to submission of articles of incorporation, contents, form, approval and filing; creating s. 658.235, F.S., providing for subscriptions for stock; providing for approval of major shareholders; providing for organization expenses; amending s. 658.24, F.S., relating to organizational procedures; amending s. 658.25, F.S., relating to opening for business; amending s. 658.26, F.S., relating to bank branches; providing that a bank incorporated for less than a certain time period may not merge with a bank in another county; amending s. 658.39, F.S., relating to examination of records by stockholders; amending s. 658.48, F.S., relating to loans by state banks; amending s. 658.67, F.S., relating to bank investment power and limitations; amending s. 658.68, F.S., relating to liquidity reserves; amending s. 658.73, F.S., relating to examination fees and assessments; creating s. 660.415, F.S., relating to investments of trust companies, trust departments, and fiduciaries; amending s. 663.05, F.S., relating to application for license as an international banking corporation; amending s. 663.06, F.S., relating to permissible activities by international banking corporations; amending s. 664.07, F.S., authorizing industrial savings banks to

establish branches; amending s. 664.08, F.S., relating to prohibited powers of industrial savings banks; amending s. 665.012, F.S., redefining the term "financial depository institution" for the purposes of the "Florida Savings Association Act"; amending s. 665.0201, F.S., relating to incorporation; amending s. 665.0211, F.S., relating to corporate names; amending s. 665.022, F.S., relating to capital stock associations; amending s. 665.023, F.S., relating to preferred stock, consideration for issuance of stock and stated capital and capital surplus; amending s. 665.024, F.S., relating to articles of incorporation; amending s. 665.025, F.S., relating to directors; amending s. 665.028, F.S., relating to corporate offices; amending s. 665.0301, F.S., relating to conversion without change of business form; amending s. 665.034, F.S., relating to the control of an association by a unitary savings and loan holding company; amending s. 665.0701, F.S., relating to investment powers and limitations; amending section 3 of chapter 84-544, Laws of Florida, extending the operation of a statute governing control of deposit-taking institutions; repealing s. 657.006, F.S., relating to bylaw amendments by credit unions; repealing s. 658.18, F.S., relating to stock subscriptions and expenses of organization with respect to banks and trust companies; repealing s. 658.31, F.S., relating to articles of incorporation of banks and trust companies; repealing s. 664.03(15), F.S., relating to the applicability of certain statutory provisions to industrial savings banks; repealing s. 665.028(1)(e) and (5), F.S., relating to savings association offices; providing for review and repeal; providing an effective date.

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

Section 1. Paragraph (c) of subsection (5) of section 120.60, Florida Statutes, 1984 Supplement, is amended, and paragraph (d) is added to said subsection, to read:

120.60 Licensing.--

(5) In proceedings for the issuance, denial, renewal, or amendment of a license or approval of a merger pursuant to title XXXVIII:

(c) Notwithstanding subsection (2), and except as provided in paragraph (d), every application for license for a new bank, new trust company, new credit union, or new savings and loan association, and every application for acquisition of majority control of a bank, trust company, or savings and loan association involving a foreign national, shall be approved or denied within 180 days after receipt of the original application or receipt of the timely requested additional information or correction of errors or omissions. Any application for such a license or for acquisition of such control which is not approved or denied within the 180-day period or within 30 days after conclusion of a public hearing on the application, whichever is the latest, shall be deemed approved subject to the satisfactory completion of conditions required by statute as a prerequisite to license and approval of insurance of accounts for a new bank, a new savings and loan association, or a new credit union by the appropriate insurer.

(d) In the case of every application for license to establish a new bank, trust company, or capital stock savings association in which a foreign national proposes to own or control 10 percent or more of any class of voting securities, and in the case of every application by a foreign national for approval to acquire control of a bank, trust company, or capital stock savings association, the Department of Banking and Finance shall request that a public hearing be conducted pursuant to s.120.57. Notice of such hearing shall be published by the applicant as provided in paragraph (b). the failure of any such foreign national to appear personally at the hearing shall be grounds for denial of the application. Notwithstanding the provisions of subsection (2) and paragraph (c), every application involving a foreign national shall be

approved or denied within 1 year after receipt of the original application or any timely requested additional information or the correction of any errors or omissions, or within 30 days after the conclusion of the public hearing on the application, which ever is later.