

1 A bill to be entitled
2 An act relating to public deposits; amending s.
3 280.02, F.S.; revising definitions; amending s.
4 280.03, F.S.; providing that public deposits in credit
5 unions by specified trust departments or trust
6 companies are exempt from certain requirements and
7 protection; amending s. 280.05, F.S.; revising the
8 losses for which the Chief Financial Officer may sell
9 securities to protect public deposits; amending s.
10 280.052, F.S.; providing requirements for the
11 suspension or disqualification of credit unions;
12 amending s. 280.053, F.S.; authorizing credit unions
13 to be reinstated, or to reapply for qualification, as
14 qualified public depositories under specified
15 circumstances; amending s. 280.055, F.S.; authorizing
16 the Chief Financial Officer to issue a cease and
17 desist order and a corrective order to credit unions
18 upon certain determination; providing penalties;
19 amending s. 280.07, F.S.; specifying the losses
20 against which certain solvent banks, savings banks,
21 savings associations, and credit unions must guarantee
22 public depositors; amending s. 280.08, F.S.; revising
23 the Chief Financial Officer's procedures upon a
24 default or insolvency of a public depository; amending
25 s. 280.085, F.S.; revising the exemptions to the

26 | notice to claimants upon a default or insolvency of a
 27 | public depository; amending s. 280.10, F.S.; revising
 28 | the duties and responsibilities of qualified public
 29 | depositories as a result of specified mergers,
 30 | acquisitions, or consolidations; amending s. 280.13,
 31 | F.S.; providing that the limits imposed on specified
 32 | securities apply to qualified public depositories,
 33 | rather than to banks and savings associations;
 34 | amending s. 280.17, F.S.; revising the evidence that
 35 | public depositors must submit when a qualified public
 36 | depository is in default or insolvent; reenacting ss.
 37 | 17.57(7) (a); 24.114(1); 125.901(3) (e); 136.01;
 38 | 159.608(11); 175.301; 175.401(8); 185.30; 185.50(8);
 39 | 190.007(3); 191.006(16); 215.34(2); 218.415(16) (c),
 40 | (17), and (23) (a); 255.502(4) (h); 331.309(1) and (2);
 41 | 373.553(2); 631.221; and 723.06115(3) (c), F.S.,
 42 | relating to deposits and investments of state money;
 43 | bank deposits and control of lottery transactions;
 44 | children's services and independent special districts;
 45 | county depositories; powers of housing finance
 46 | authorities; depositories for pension funds; retiree
 47 | health insurance subsidies; depositories for
 48 | retirement funds; retiree health insurance subsidies;
 49 | board of supervisors; general powers; state funds and
 50 | noncollectible items; local government investment

51 policies; definitions; treasurers, depositories, and a
 52 fiscal agent; a treasurer of the board, payment of
 53 funds, and depositories; deposit of moneys collected;
 54 and the Florida Mobile Home Relocation Trust Fund,
 55 respectively, to incorporate the amendments made to s.
 56 280.02, F.S., in references thereto; providing an
 57 effective date.
 58

59 Be It Enacted by the Legislature of the State of Florida:
 60

61 Section 1. Subsections (6), (10), (23), and (26) of
 62 section 280.02, Florida Statutes, are amended to read:

63 280.02 Definitions.—As used in this chapter, the term:

64 (6) "Capital account" or "tangible equity capital" means
 65 total equity capital, as defined on the balance-sheet portion of
 66 the Consolidated Reports of Condition and Income (call report),
 67 or means net worth, as described in the National Credit Union
 68 Administration 5300 Call Report, less intangible assets, as
 69 submitted to the regulatory financial ~~banking~~ authority.

70 (10) "Custodian" means the Chief Financial Officer or a
 71 bank, savings association, ~~or~~ trust company, or credit union
 72 that:

73 (a) Is organized and existing under the laws of this
 74 state, any other state, or the United States;

75 (b) Has executed all forms required under this chapter or

76 | any rule adopted hereunder;

77 | (c) Agrees to be subject to the jurisdiction of the courts
 78 | of this state, or of the courts of the United States which are
 79 | located within this state, for the purpose of any litigation
 80 | arising out of this chapter; and

81 | (d) Has been approved by the Chief Financial Officer to
 82 | act as a custodian.

83 | (23) "Public deposit" means the moneys of the state or of
 84 | any state university, county, school district, community college
 85 | district, special district, metropolitan government, or
 86 | municipality, including agencies, boards, bureaus, commissions,
 87 | and institutions of any of the foregoing, or of any court, and
 88 | includes the moneys of all county officers, including
 89 | constitutional officers, which are placed on deposit in a bank,
 90 | savings bank, ~~or~~ savings association, or credit union. This
 91 | includes, but is not limited to, time deposit accounts, demand
 92 | deposit accounts, and nonnegotiable certificates of deposit.
 93 | Moneys in deposit notes and in other nondeposit accounts such as
 94 | repurchase or reverse repurchase operations are not public
 95 | deposits. Securities, mutual funds, and similar types of
 96 | investments are not public deposits and are not subject to this
 97 | chapter.

98 | (26) "Qualified public depository" means a bank, savings
 99 | bank, ~~or~~ savings association, or credit union that:

100 | (a) Is organized and exists under the laws of the United

101 States, ~~or~~ the laws of this state, or the laws of any other
 102 state or territory of the United States.

103 (b) Has its principal place of business in this state or
 104 has a branch office in this state which is authorized under the
 105 laws of this state or of the United States to receive deposits
 106 in this state.

107 (c) Is insured by the Federal Deposit Insurance
 108 Corporation or the National Credit Union Share Insurance Fund
 109 ~~Has deposit insurance pursuant to the Federal Deposit Insurance~~
 110 ~~Act, as amended, 12 U.S.C. ss. 1811 et seq.~~

111 (d) Has procedures and practices for accurate
 112 identification, classification, reporting, and collateralization
 113 of public deposits.

114 (e) Meets all the requirements of this chapter.

115 (f) Has been designated by the Chief Financial Officer as
 116 a qualified public depository.

117 Section 2. Paragraph (a) of subsection (3) of section
 118 280.03, Florida Statutes, is amended to read:

119 280.03 Public deposits to be secured; prohibitions;
 120 exemptions.—

121 (3) The following are exempt from the requirements of, and
 122 protection under, this chapter:

123 (a) Public deposits deposited in a bank, ~~or~~ savings
 124 association, or credit union by a trust department or trust
 125 company which are fully secured under trust business laws.

126 Section 3. Subsection (11) of section 280.05, Florida
 127 Statutes, is amended to read:

128 280.05 Powers and duties of the Chief Financial Officer.—
 129 In fulfilling the requirements of this act, the Chief Financial
 130 Officer has the power to take the following actions he or she
 131 deems necessary to protect the integrity of the public deposits
 132 program:

133 (11) Sell securities for the purpose of paying losses to
 134 public depositors not covered by deposit or share insurance.

135 Section 4. Subsection (1) of section 280.052, Florida
 136 Statutes, is amended to read:

137 280.052 Order of suspension or disqualification;
 138 procedure.—

139 (1) The suspension or disqualification of a bank, ~~or~~
 140 savings association, or credit union as a qualified public
 141 depository must be by order of the Chief Financial Officer and
 142 must be mailed to the qualified public depository by registered
 143 or certified mail.

144 Section 5. Paragraph (c) of subsection (1) and paragraph
 145 (c) of subsection (2) of section 280.053, Florida Statutes, are
 146 amended to read:

147 280.053 Period of suspension or disqualification;
 148 obligations during period; reinstatement.—

149 (1)

150 (c) Upon expiration of the suspension period, the bank, ~~or~~

151 savings association, or credit union may, by order of the Chief
152 Financial Officer, be reinstated as a qualified public
153 depository, unless the cause of the suspension has not been
154 corrected or the bank, ~~or~~ savings association, or credit union
155 is otherwise not in compliance with this chapter or any rule
156 adopted pursuant to this chapter.

157 (2)

158 (c) Upon expiration of the disqualification period, the
159 bank, ~~or~~ savings association, or credit union may reapply for
160 qualification as a qualified public depository. If a
161 disqualified bank, ~~or~~ savings association, or credit union is
162 purchased or otherwise acquired by new owners, it may reapply to
163 the Chief Financial Officer to be a qualified public depository
164 prior to the expiration date of the disqualification period.
165 Redesignation as a qualified public depository may occur only
166 after the Chief Financial Officer has determined that all
167 requirements for holding public deposits under the law have been
168 met.

169 Section 6. Paragraphs (b) and (f) of subsection (1) and
170 subsection (2) of section 280.055, Florida Statutes, are amended
171 to read:

172 280.055 Cease and desist order; corrective order;
173 administrative penalty.—

174 (1) The Chief Financial Officer may issue a cease and
175 desist order and a corrective order upon determining that:

176 (b) A bank, savings association, credit union, or other
 177 financial institution is holding public deposits without a
 178 certificate of qualification issued by the Chief Financial
 179 Officer;

180 (f) A qualified public depository; a bank, savings
 181 association, credit union, or other financial institution; or a
 182 custodian has committed any other violation of this chapter or
 183 any rule adopted pursuant to this chapter that the Chief
 184 Financial Officer determines may be remedied by a cease and
 185 desist order or corrective order.

186 (2) Any qualified public depository or other bank, savings
 187 association, credit union, or financial institution or custodian
 188 that violates a cease and desist order or corrective order of
 189 the Chief Financial Officer is subject to an administrative
 190 penalty not exceeding \$1,000 for each violation of the order.
 191 Each day the violation of the order continues constitutes a
 192 separate violation.

193 Section 7. Section 280.07, Florida Statutes, is amended to
 194 read:

195 280.07 Mutual responsibility and contingent liability.—

196 (1) A ~~Any~~ bank or savings association that is designated
 197 as a qualified public depository and that is not insolvent shall
 198 guarantee public depositors against loss caused by the default
 199 or insolvency of other banks, savings banks, or savings
 200 associations that are designated as qualified public

201 depositories.

202 (2) A credit union that is designated as a qualified
203 public depository and that is not insolvent shall guarantee
204 public depositors against loss caused by the default or
205 insolvency of other credit unions that are designated as
206 qualified public depositories.

207

208 Each qualified public depository shall execute a form prescribed
209 by the Chief Financial Officer for such guarantee which shall be
210 approved by the board of directors and shall become an official
211 record of the institution.

212 Section 8. Subsection (1) and paragraph (a) of subsection
213 (3) of section 280.08, Florida Statutes, are amended, and
214 paragraph (b) of subsection (3) of that section is republished,
215 to read:

216 280.08 Procedure for payment of losses.—When the Chief
217 Financial Officer determines that a default or insolvency has
218 occurred, he or she shall provide notice as required in s.
219 280.085 and implement the following procedures:

220 (1) The Division of Treasury, in cooperation with the
221 Office of Financial Regulation of the Financial Services
222 Commission or the receiver of the qualified public depository in
223 default, shall ascertain the amount of funds of each public
224 depositor on deposit at such depository and the amount of
225 deposit or share insurance applicable to such deposits.

226 (3) (a) The loss to public depositors shall be satisfied,
227 insofar as possible, first through any applicable deposit or
228 share insurance and then through demanding payment under letters
229 of credit or the sale of collateral pledged or deposited by the
230 defaulting depository. The Chief Financial Officer may assess
231 qualified public depositories as provided in paragraph (b) for
232 the total loss if the demand for payment or sale of collateral
233 cannot be accomplished within 7 business days.

234 (b) The Chief Financial Officer shall provide coverage of
235 any remaining loss by assessment against the other qualified
236 public depositories. The Chief Financial Officer shall determine
237 such assessment for each qualified public depository by
238 multiplying the total amount of any remaining loss to all public
239 depositors by a percentage which represents the average monthly
240 balance of public deposits held by each qualified public
241 depository during the previous 12 months divided by the total
242 average monthly balances of public deposits held by all
243 qualified public depositories, excluding the defaulting
244 depository, during the same period. The assessment calculation
245 shall be computed to six decimal places.

246 Section 9. Subsection (4) of section 280.085, Florida
247 Statutes, is amended, and subsection (1) of that section is
248 republished, to read:

249 280.085 Notice to claimants.—

250 (1) Upon determining the default or insolvency of a

251 | qualified public depository, the Chief Financial Officer shall
 252 | notify, by first-class mail, all public depositors that have
 253 | complied with s. 280.17 of such default or insolvency. The
 254 | notice must direct all public depositors having claims or
 255 | demands against the Public Deposits Trust Fund occasioned by the
 256 | default or insolvency to file their claims with the Chief
 257 | Financial Officer within 30 days after the date of the notice.

258 | (4) The notice required in subsection (1) is not required
 259 | if the default or insolvency of a qualified public depository is
 260 | resolved in a manner in which all Florida public deposits are
 261 | acquired by another insured bank, savings bank, ~~or~~ savings
 262 | association, or credit union.

263 | Section 10. Subsections (1) and (3) of section 280.10,
 264 | Florida Statutes, are amended to read:

265 | 280.10 Effect of merger, acquisition, or consolidation;
 266 | change of name or address.—

267 | (1) When a qualified public depository is merged into,
 268 | acquired by, or consolidated with a bank, savings bank, ~~or~~
 269 | savings association, or credit union that is not a qualified
 270 | public depository:

271 | (a) The resulting institution shall automatically become a
 272 | qualified public depository subject to the requirements of the
 273 | public deposits program.

274 | (b) The contingent liability of the former institution
 275 | shall be a liability of the resulting institution.

276 (c) The public deposits and associated collateral of the
277 former institution shall be public deposits and collateral of
278 the resulting institution.

279 (d) The resulting institution shall, within 90 calendar
280 days after the effective date of the merger, acquisition, or
281 consolidation, deliver to the Chief Financial Officer:

282 1. Documentation in its name as required for participation
283 in the public deposits program; or

284 2. Written notice of intent to withdraw from the program
285 as provided in s. 280.11 and a proposed effective date of
286 withdrawal which shall be within 180 days after the effective
287 date of the acquisition, merger, or consolidation of the former
288 institution.

289 (e) If the resulting institution does not meet
290 qualifications to become a qualified public depository or does
291 not submit required documentation within 90 calendar days after
292 the effective date of the merger, acquisition, or consolidation,
293 the Chief Financial Officer shall initiate mandatory withdrawal
294 actions as provided in s. 280.11 and shall set an effective date
295 of withdrawal that is within 180 days after the effective date
296 of the acquisition, merger, or consolidation of the former
297 institution.

298 (3) If the default or insolvency of a qualified public
299 depository results in acquisition of all or part of its Florida
300 public deposits by a bank, savings bank, ~~or~~ savings association,

301 or credit union that is not a qualified public depository, the
 302 bank, savings bank, ~~or savings association,~~ or credit union
 303 acquiring the Florida public deposits is subject to subsection
 304 (1).

305 Section 11. Subsection (1) of section 280.13, Florida
 306 Statutes, is amended to read:

307 280.13 Eligible collateral.—

308 (1) Securities eligible to be pledged as collateral by
 309 qualified public depositories ~~banks and savings associations~~
 310 shall be limited to:

311 (a) Direct obligations of the United States Government.

312 (b) Obligations of any federal agency that are fully
 313 guaranteed as to payment of principal and interest by the United
 314 States Government.

315 (c) Obligations of the following federal agencies:

- 316 1. Farm credit banks.
- 317 2. Federal land banks.
- 318 3. The Federal Home Loan Bank and its district banks.
- 319 4. Federal intermediate credit banks.
- 320 5. The Federal Home Loan Mortgage Corporation.
- 321 6. The Federal National Mortgage Association.
- 322 7. Obligations guaranteed by the Government National
 323 Mortgage Association.

324 (d) General obligations of a state of the United States,
 325 or of Puerto Rico, or of a political subdivision or municipality

326 | thereof.

327 | (e) Obligations issued by the Florida State Board of
328 | Education under authority of the State Constitution or
329 | applicable statutes.

330 | (f) Tax anticipation certificates or warrants of counties
331 | or municipalities having maturities not exceeding 1 year.

332 | (g) Public housing authority obligations.

333 | (h) Revenue bonds or certificates of a state of the United
334 | States or of a political subdivision or municipality thereof.

335 | (i) Corporate bonds of any corporation that is not an
336 | affiliate or subsidiary of the qualified public depository.

337 | Section 12. Paragraph (b) of subsection (4) of section
338 | 280.17, Florida Statutes, is amended to read:

339 | 280.17 Requirements for public depositors; notice to
340 | public depositors and governmental units; loss of protection.—In
341 | addition to any other requirement specified in this chapter,
342 | public depositors shall comply with the following:

343 | (4) If public deposits are in a qualified public
344 | depository that has been declared to be in default or insolvent,
345 | each public depositor shall:

346 | (b) Submit to the Chief Financial Officer for each public
347 | deposit, within 30 days after the date of official notification
348 | from the Chief Financial Officer, the following:

349 | 1. A claim form and agreement, as prescribed by the Chief
350 | Financial Officer, executed under oath, accompanied by proof of

351 authority to execute the form on behalf of the public depositor.

352 2. A completed public deposit identification and
353 acknowledgment form, as described in subsection (2).

354 3. Evidence of the insurance afforded the deposit pursuant
355 to the Federal Deposit Insurance Act or the Federal Credit Union
356 Act, 12 U.S.C. ss. 1781 et seq., as appropriate.

357 Section 13. For the purpose of incorporating the amendment
358 made by this act to section 280.02, Florida Statutes, in a
359 reference thereto, paragraph (a) of subsection (7) of section
360 17.57, Florida Statutes, is reenacted to read:

361 17.57 Deposits and investments of state money.—

362 (7) In addition to the deposits authorized under this
363 section and notwithstanding any other provisions of law, funds
364 that are not needed to meet the disbursement needs of the state
365 may be deposited by the Chief Financial Officer in accordance
366 with the following conditions:

367 (a) The funds are initially deposited in a qualified
368 public depository, as defined in s. 280.02, selected by the
369 Chief Financial Officer.

370 Section 14. For the purpose of incorporating the amendment
371 made by this act to section 280.02, Florida Statutes, in a
372 reference thereto, subsection (1) of section 24.114, Florida
373 Statutes, is reenacted to read:

374 24.114 Bank deposits and control of lottery transactions.—

375 (1) All moneys received by each retailer from the

376 operation of the state lottery, including, but not limited to,
377 all ticket sales, interest, gifts, and donations, less the
378 amount retained as compensation for the sale of the tickets and
379 the amount paid out as prizes, shall be remitted to the
380 department or deposited in a qualified public depository, as
381 defined in s. 280.02, as directed by the department. The
382 department shall have the responsibility for all administrative
383 functions related to the receipt of funds. The department may
384 also require each retailer to file with the department reports
385 of the retailer's receipts and transactions in the sale of
386 lottery tickets in such form and containing such information as
387 the department may require. The department may require any
388 person, including a qualified public depository, to perform any
389 function, activity, or service in connection with the operation
390 of the lottery as it may deem advisable pursuant to this act and
391 rules of the department, and such functions, activities, or
392 services shall constitute lawful functions, activities, and
393 services of such person.

394 Section 15. For the purpose of incorporating the amendment
395 made by this act to section 280.02, Florida Statutes, in a
396 reference thereto, paragraph (e) of subsection (3) of section
397 125.901, Florida Statutes, is reenacted to read:

398 125.901 Children's services; independent special district;
399 council; powers, duties, and functions; public records
400 exemption.—

401 (3)

402 (e)1. All moneys received by the council on children's

403 services shall be deposited in qualified public depositories, as

404 defined in s. 280.02, with separate and distinguishable accounts

405 established specifically for the council and shall be withdrawn

406 only by checks signed by the chair of the council and

407 countersigned by either one other member of the council on

408 children's services or by a chief executive officer who shall be

409 so authorized by the council.

410 2. Upon entering the duties of office, the chair and the

411 other member of the council or chief executive officer who signs

412 its checks shall each give a surety bond in the sum of at least

413 \$1,000 for each \$1 million or portion thereof of the council's

414 annual budget, which bond shall be conditioned that each shall

415 faithfully discharge the duties of his or her office. The

416 premium on such bond may be paid by the district as part of the

417 expense of the council. No other member of the council shall be

418 required to give bond or other security.

419 3. No funds of the district shall be expended except by

420 check as aforesaid, except expenditures from a petty cash

421 account which shall not at any time exceed \$100. All

422 expenditures from petty cash shall be recorded on the books and

423 records of the council on children's services. No funds of the

424 council on children's services, excepting expenditures from

425 petty cash, shall be expended without prior approval of the

426 council, in addition to the budgeting thereof.

427 Section 16. For the purpose of incorporating the amendment
428 made by this act to section 280.02, Florida Statutes, in a
429 reference thereto, section 136.01, Florida Statutes, is
430 reenacted to read:

431 136.01 County depositories.—Each county depository shall
432 be a qualified public depository as defined in s. 280.02 for the
433 following funds: county funds; funds of all county officers,
434 including constitutional officers; funds of the school board;
435 and funds of the community college district board of trustees.
436 This enumeration of funds is made not by way of limitation, but
437 of illustration; and it is the intent hereof that all funds of
438 the county, the board of county commissioners or the several
439 county officers, the school board, or the community college
440 district board of trustees be included.

441 Section 17. For the purpose of incorporating the amendment
442 made by this act to section 280.02, Florida Statutes, in a
443 reference thereto, subsection (11) of section 159.608, Florida
444 Statutes, is reenacted to read:

445 159.608 Powers of housing finance authorities.—A housing
446 finance authority shall constitute a public body corporate and
447 politic, exercising the public and essential governmental
448 functions set forth in this act, and shall exercise its power to
449 borrow only for the purpose as provided herein:

450 (11) To invest and reinvest surplus funds of the housing

451 finance authority in accordance with s. 218.415. However, in
452 addition to the investments expressly authorized in s.
453 218.415(16)(a)-(g) and (17)(a)-(d), a housing finance authority
454 may invest surplus funds in interest-bearing time deposits or
455 savings accounts that are fully insured by the Federal Deposit
456 Insurance Corporation regardless of whether the bank or
457 financial institution in which the deposit or investment is made
458 is a qualified public depository as defined in s. 280.02. This
459 subsection is supplementary to and may not be construed as
460 limiting any powers of a housing finance authority or providing
461 or implying a limiting construction of any other statutory
462 provision.

463 Section 18. For the purpose of incorporating the amendment
464 made by this act to section 280.02, Florida Statutes, in a
465 reference thereto, section 175.301, Florida Statutes, is
466 reenacted to read:

467 175.301 Depository for pension funds.—For any
468 municipality, special fire control district, chapter plan, local
469 law municipality, local law special fire control district, or
470 local law plan under this chapter, all funds of the
471 firefighters' pension trust fund of any chapter plan or local
472 law plan under this chapter may be deposited by the board of
473 trustees with the treasurer of the municipality or special fire
474 control district, acting in a ministerial capacity only, who
475 shall be liable in the same manner and to the same extent as he

476 or she is liable for the safekeeping of funds for the
477 municipality or special fire control district. However, any
478 funds so deposited with the treasurer of the municipality or
479 special fire control district shall be kept in a separate fund
480 by the treasurer or clearly identified as such funds of the
481 firefighters' pension trust fund. In lieu thereof, the board of
482 trustees shall deposit the funds of the firefighters' pension
483 trust fund in a qualified public depository as defined in s.
484 280.02, which depository with regard to such funds shall conform
485 to and be bound by all of the provisions of chapter 280.

486 Section 19. For the purpose of incorporating the amendment
487 made by this act to section 280.02, Florida Statutes, in
488 references thereto, subsection (8) of section 175.401, Florida
489 Statutes, is reenacted to read:

490 175.401 Retiree health insurance subsidy.—For any
491 municipality, special fire control district, chapter plan, local
492 law municipality, local law special fire control district, or
493 local law plan under this chapter, under the broad grant of home
494 rule powers under the Florida Constitution and chapter 166,
495 municipalities have the authority to establish and administer
496 locally funded health insurance subsidy programs. In addition,
497 special fire control districts may, by resolution, establish and
498 administer locally funded health insurance subsidy programs.
499 Pursuant thereto:

500 (8) DEPOSIT OF HEALTH INSURANCE SUBSIDY FUNDS.—All funds

501 of the health insurance subsidy fund may be deposited by the
502 board of trustees with the treasurer of the municipality or
503 special fire control district, acting in a ministerial capacity
504 only, who shall be liable in the same manner and to the same
505 extent as he or she is liable for the safekeeping of funds for
506 the municipality or special fire control district. Any funds so
507 deposited shall be segregated by the treasurer in a separate
508 fund, clearly identified as funds of the health insurance
509 subsidy fund. In lieu thereof, the board of trustees shall
510 deposit the funds of the health insurance subsidy fund in a
511 qualified public depository as defined in s. 280.02, which shall
512 conform to and be bound by the provisions of chapter 280 with
513 regard to such funds. In no case shall the funds of the health
514 insurance subsidy fund be deposited in any financial
515 institution, brokerage house trust company, or other entity that
516 is not a public depository as provided by s. 280.02.

517 Section 20. For the purpose of incorporating the amendment
518 made by this act to section 280.02, Florida Statutes, in a
519 reference thereto, section 185.30, Florida Statutes, is
520 reenacted to read:

521 185.30 Depository for retirement fund.—For any
522 municipality, chapter plan, local law municipality, or local law
523 plan under this chapter, all funds of the municipal police
524 officers' retirement trust fund of any municipality, chapter
525 plan, local law municipality, or local law plan under this

526 chapter may be deposited by the board of trustees with the
527 treasurer of the municipality acting in a ministerial capacity
528 only, who shall be liable in the same manner and to the same
529 extent as he or she is liable for the safekeeping of funds for
530 the municipality. However, any funds so deposited with the
531 treasurer of the municipality shall be kept in a separate fund
532 by the municipal treasurer or clearly identified as such funds
533 of the municipal police officers' retirement trust fund. In lieu
534 thereof, the board of trustees shall deposit the funds of the
535 municipal police officers' retirement trust fund in a qualified
536 public depository as defined in s. 280.02, which depository with
537 regard to such funds shall conform to and be bound by all of the
538 provisions of chapter 280.

539 Section 21. For the purpose of incorporating the amendment
540 made by this act to section 280.02, Florida Statutes, in
541 references thereto, subsection (8) of section 185.50, Florida
542 Statutes, is reenacted to read:

543 185.50 Retiree health insurance subsidy.—For any
544 municipality, chapter plan, local law municipality, or local law
545 plan under this chapter, under the broad grant of home rule
546 powers under the Florida Constitution and chapter 166,
547 municipalities have the authority to establish and administer
548 locally funded health insurance subsidy programs. Pursuant
549 thereto:

550 (8) DEPOSIT OF PENSION FUNDS.—All funds of the health

551 insurance subsidy fund may be deposited by the board of trustees
552 with the treasurer of the municipality, acting in a ministerial
553 capacity only, who shall be liable in the same manner and to the
554 same extent as he or she is liable for the safekeeping of funds
555 for the municipality. Any funds so deposited shall be segregated
556 by said treasurer in a separate fund, clearly identified as
557 funds of the health insurance subsidy fund. In lieu thereof, the
558 board of trustees shall deposit the funds of the health
559 insurance subsidy fund in a qualified public depository as
560 defined in s. 280.02, which shall conform to and be bound by the
561 provisions of chapter 280 with regard to such funds. In no case
562 shall the funds of the health insurance subsidy fund be
563 deposited in any financial institution, brokerage house trust
564 company, or other entity that is not a public depository as
565 provided by s. 280.02.

566 Section 22. For the purpose of incorporating the amendment
567 made by this act to section 280.02, Florida Statutes, in a
568 reference thereto, subsection (3) of section 190.007, Florida
569 Statutes, is reenacted to read:

570 190.007 Board of supervisors; general duties.—

571 (3) The board is authorized to select as a depository for
572 its funds any qualified public depository as defined in s.
573 280.02 which meets all the requirements of chapter 280 and has
574 been designated by the Chief Financial Officer as a qualified
575 public depository, upon such terms and conditions as to the

576 | payment of interest by such depository upon the funds so
 577 | deposited as the board may deem just and reasonable.

578 | Section 23. For the purpose of incorporating the amendment
 579 | made by this act to section 280.02, Florida Statutes, in a
 580 | reference thereto, subsection (16) of section 191.006, Florida
 581 | Statutes, is reenacted to read:

582 | 191.006 General powers.—The district shall have, and the
 583 | board may exercise by majority vote, the following powers:

584 | (16) To select as a depository for its funds any qualified
 585 | public depository as defined in s. 280.02 which meets all the
 586 | requirements of chapter 280 and has been designated by the Chief
 587 | Financial Officer as a qualified public depository, upon such
 588 | terms and conditions as to the payment of interest upon the
 589 | funds deposited as the board deems just and reasonable.

590 | Section 24. For the purpose of incorporating the amendment
 591 | made by this act to section 280.02, Florida Statutes, in a
 592 | reference thereto, subsection (2) of section 215.34, Florida
 593 | Statutes, is reenacted to read:

594 | 215.34 State funds; noncollectible items; procedure.—

595 | (2) Whenever a check, draft, or other order for the
 596 | payment of money is returned by the Chief Financial Officer, or
 597 | by a qualified public depository as defined in s. 280.02, to a
 598 | state officer, a state agency, or the judicial branch for
 599 | collection, the officer, agency, or judicial branch shall add to
 600 | the amount due a service fee of \$15 or 5 percent of the face

601 amount of the check, draft, or order, whichever is greater. An
602 agency or the judicial branch may adopt a rule which prescribes
603 a lesser maximum service fee, which shall be added to the amount
604 due for the dishonored check, draft, or other order tendered for
605 a particular service, license, tax, fee, or other charge, but in
606 no event shall the fee be less than \$15. The service fee shall
607 be in addition to all other penalties imposed by law, except
608 that when other charges or penalties are imposed by an agency
609 related to a noncollectible item, the amount of the service fee
610 shall not exceed \$150. Proceeds from this fee shall be deposited
611 in the same fund as the collected item. Nothing in this section
612 shall be construed as authorization to deposit moneys outside
613 the State Treasury unless specifically authorized by law.

614 Section 25. For the purpose of incorporating the amendment
615 made by this act to section 280.02, Florida Statutes, in
616 references thereto, paragraph (c) of subsection (16), subsection
617 (17), and paragraph (a) of subsection (23) of section 218.415,
618 Florida Statutes, are reenacted to read:

619 218.415 Local government investment policies.—Investment
620 activity by a unit of local government must be consistent with a
621 written investment plan adopted by the governing body, or in the
622 absence of the existence of a governing body, the respective
623 principal officer of the unit of local government and maintained
624 by the unit of local government or, in the alternative, such
625 activity must be conducted in accordance with subsection (17).

626 Any such unit of local government shall have an investment
 627 policy for any public funds in excess of the amounts needed to
 628 meet current expenses as provided in subsections (1)-(16), or
 629 shall meet the alternative investment guidelines contained in
 630 subsection (17). Such policies shall be structured to place the
 631 highest priority on the safety of principal and liquidity of
 632 funds. The optimization of investment returns shall be secondary
 633 to the requirements for safety and liquidity. Each unit of local
 634 government shall adopt policies that are commensurate with the
 635 nature and size of the public funds within its custody.

636 (16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—
 637 Those units of local government electing to adopt a written
 638 investment policy as provided in subsections (1)-(15) may by
 639 resolution invest and reinvest any surplus public funds in their
 640 control or possession in:

641 (c) Interest-bearing time deposits or savings accounts in
 642 qualified public depositories as defined in s. 280.02.

643 (17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT
 644 POLICY.—Those units of local government electing not to adopt a
 645 written investment policy in accordance with investment policies
 646 developed as provided in subsections (1)-(15) may invest or
 647 reinvest any surplus public funds in their control or possession
 648 in:

649 (a) The Local Government Surplus Funds Trust Fund, or any
 650 intergovernmental investment pool authorized pursuant to the

651 Florida Interlocal Cooperation Act of 1969, as provided in s.
652 163.01.

653 (b) Securities and Exchange Commission registered money
654 market funds with the highest credit quality rating from a
655 nationally recognized rating agency.

656 (c) Interest-bearing time deposits or savings accounts in
657 qualified public depositories, as defined in s. 280.02.

658 (d) Direct obligations of the U.S. Treasury.
659

660 The securities listed in paragraphs (c) and (d) shall be
661 invested to provide sufficient liquidity to pay obligations as
662 they come due.

663 (23) AUTHORIZED DEPOSITS.—In addition to the investments
664 authorized for local governments in subsections (16) and (17)
665 and notwithstanding any other provisions of law, a unit of local
666 government may deposit any portion of surplus public funds in
667 its control or possession in accordance with the following
668 conditions:

669 (a) The funds are initially deposited in a qualified
670 public depository, as defined in s. 280.02, selected by the unit
671 of local government.

672 Section 26. For the purpose of incorporating the amendment
673 made by this act to section 280.02, Florida Statutes, in a
674 reference thereto, paragraph (h) of subsection (4) of section
675 255.502, Florida Statutes, is reenacted to read:

676 255.502 Definitions; ss. 255.501-255.525.—As used in this
677 act, the following words and terms shall have the following
678 meanings unless the context otherwise requires:

679 (4) "Authorized investments" means and includes without
680 limitation any investment in:

681 (h) Savings accounts in, or certificates of deposit of,
682 qualified public depositories as defined in s. 280.02, in an
683 amount that does not exceed 15 percent of the net worth of the
684 institution, or a lesser amount as determined by rule by the
685 State Board of Administration, provided such savings accounts
686 and certificates of deposit are secured in the manner prescribed
687 in chapter 280.

688
689 Investments in any security authorized in this subsection may be
690 under repurchase agreements or reverse repurchase agreements.

691 Section 27. For the purpose of incorporating the amendment
692 made by this act to section 280.02, Florida Statutes, in a
693 reference thereto, subsections (1) and (2) of section 331.309,
694 Florida Statutes, are reenacted to read:

695 331.309 Treasurer; depositories; fiscal agent.—

696 (1) The board shall designate an individual who is a
697 resident of the state, or a qualified public depository as
698 defined in s. 280.02, as treasurer of Space Florida, who shall
699 have charge of the funds of Space Florida. Such funds shall be
700 disbursed only upon the order of or pursuant to the resolution

701 of the board by warrant, check, authorization, or direct deposit
702 pursuant to s. 215.85, signed or authorized by the treasurer or
703 his or her representative or by such other persons as may be
704 authorized by the board. The board may give the treasurer such
705 other or additional powers and duties as the board may deem
706 appropriate and shall establish the treasurer's compensation.
707 The board may require the treasurer to give a bond in such
708 amount, on such terms, and with such sureties as may be deemed
709 satisfactory to the board to secure the performance by the
710 treasurer of his or her powers and duties. The board shall audit
711 or have audited the books of the treasurer at least once a year.

712 (2) The board is authorized to select as depositories in
713 which the funds of the board and of Space Florida shall be
714 deposited any qualified public depository as defined in s.
715 280.02, upon such terms and conditions as to the payment of
716 interest by such depository upon the funds so deposited as the
717 board may deem just and reasonable. The funds of Space Florida
718 may be kept in or removed from the State Treasury upon written
719 notification from the chair of the board to the Chief Financial
720 Officer.

721 Section 28. For the purpose of incorporating the amendment
722 made by this act to section 280.02, Florida Statutes, in a
723 reference thereto, subsection (2) of section 373.553, Florida
724 Statutes, is reenacted to read:

725 373.553 Treasurer of the board; payment of funds;

726 depositories.—

727 (2) The board is authorized to select as depositories in
728 which the funds of the board and of the district shall be
729 deposited in any qualified public depository as defined in s.
730 280.02, and such deposits shall be secured in the manner
731 provided in chapter 280.

732 Section 29. For the purpose of incorporating the amendment
733 made by this act to section 280.02, Florida Statutes, in a
734 reference thereto, section 631.221, Florida Statutes, is
735 reenacted to read:

736 631.221 Deposit of moneys collected.—The moneys collected
737 by the department in a proceeding under this chapter shall be
738 deposited in a qualified public depository as defined in s.
739 280.02, which depository with regards to such funds shall
740 conform to and be bound by all the provisions of chapter 280, or
741 invested with the Chief Financial Officer pursuant to chapter
742 18. For the purpose of accounting for the assets and
743 transactions of the estate, the receiver shall use such
744 accounting books, records, and systems as the court directs
745 after it hears and considers the recommendations of the
746 receiver.

747 Section 30. For the purpose of incorporating the amendment
748 made by this act to section 280.02, Florida Statutes, in a
749 reference thereto, paragraph (c) of subsection (3) of section
750 723.06115, Florida Statutes, is reenacted to read:

751 723.06115 Florida Mobile Home Relocation Trust Fund.—
752 (3) The department shall distribute moneys in the Florida
753 Mobile Home Relocation Trust Fund to the Florida Mobile Home
754 Relocation Corporation in accordance with the following:
755 (c) Funds transferred from the trust fund to the
756 corporation shall be transferred electronically and shall be
757 transferred to and maintained in a qualified public depository
758 as defined in s. 280.02 which is specified by the corporation.
759 Section 31. This act shall take effect July 1, 2019.