

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING

IN RE:

Florida Chartered Savings and)	84-8 OGA
Loan Associations)	Administrative Proceeding
)	No. 84-567-DOB (S&L)
Finance Subsidiaries of Florida)	Docketed – 12/20/84
Associations)	
_____)	

ORDER OF GENERAL APPLICATION

In the exercise of the powers and authority vested in this office pursuant to Section 655.061, Florida Statutes, it is hereby found and ordered:

1. Pursuant to Section 545.82, Title 12, Code of Federal Regulations, effective July 18, 1984, (the "Rule"), a copy of which is attached hereto and incorporated herein Federal associations may establish finance subsidiaries subject to the provisions set forth therein.

2. Section 655.061, Florida Statutes, provides:

Competitive equality with federally organized or chartered financial institutions.

--Subject to the prior approval of the department pursuant to rule or order of general application, state financial institutions subject to this chapter and the financial institutions codes may make any loan or investment or exercise any power which they could make or exercise if incorporated or operating in this state as a federally-chartered or regulated financial institution of the same type and shall be entitled to all privileges and protections granted federally-chartered or regulated financial institutions of the same type under federal statutes and regulations. The provisions of this section shall take priority over, and be given effect over, any other general or specific provisions of this chapter and the financial institutions codes to the contrary. In issuing this order or rule under this section, the department shall consider the importance of maintaining a competitive dual system of financial institutions and whether

such an order or rule is in the public interest. However, nothing contained in this section shall be construed to grant any power or right to establish any branch of a bank not otherwise expressly authorized by Chapter 658.

3. Within Section 545.82(g) of the Rule are requirements for notifications to the Principal Supervisory Agent. A Florida-chartered association establishing a finance subsidiary pursuant to this Order shall provide these notifications to the State of Florida, Department of Banking and Finance (the "Department") rather than the Principal Supervisory Agent. All acts under Section 545.82 of the Rule requiring prior written approval of the Board will be subject to the prior written approval of the Department in lieu thereof.

4. It is determined that it would be in the public interest and import to the maintenance of a competitive dual system of regulation for Florida-chartered associations to exercise the same powers with reference to finance subsidiaries as those exercised by federally-chartered associations operating in Florida.

IT is therefore ORDERED:

That, notwithstanding the absence of specific authority in Chapter 665, Florida Statutes, Florida-chartered associations are authorized to establish finance subsidiaries to the same extent and subject to the same limitations as federally-chartered associations exercising such power under the Rules of the Federal Home Loan Bank Board.

DONE AND ORDERED this 20th day of December, 1984, in Tallahassee, Florida.

GERALD LEWIS
Comptroller, State of Florida