

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING

IN RE:

Florida Chartered Savings and)	
Loan Associations)	85-4 OGA
)	Administrative Proceeding
Demand Accounts and Negotiable)	No. 85-182-DOB
Order of Withdrawal (NOW Accounts)	Docketed – 8/13/85
_____)	

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 545.12, Title 12, Code of Federal Regulations, effective May 26, 1983, and Title 12, U.S. Code, Section 1464 (5), copies of which are attached hereto and incorporated herein, Federal associations may offer Demand Deposit Accounts to commercial customers which maintain a “Loan Relationship” with the Institution.

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 an 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. 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 demand accounts 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 offer commercial Demand Accounts 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 13th day of August, 1985, in
Tallahassee, Florida

GERALD LEWIS
Comptroller, State of Florida

