

69U-162.004 Application to Register as a Family Trust Company.

(1) A family trust company seeking to register under section 662.122(1), F.S., must file a completed registration application on Form OFR-162-02, "Application to Register as a Family Trust Company," revised 12/2016, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07681>, accompanied by a nonrefundable \$5,000 application fee for deposit into the Financial Institutions' Regulatory Trust Fund.

(2) The application must contain all information required by the form and the following exhibits:

(a) Exhibit A Family Members;

(b) Exhibit B Current or Former Employees to Whom Services Will Be Provided;

(c) Exhibit C Genealogical Chart;

(d) Exhibit D Articles of Incorporation (or Articles of Organization, Certificate of Incorporation, Certificate of Formation, or Certificate of Organization pursuant to section 662.123, F.S.);

(e) Exhibit E Bylaws or Operating Agreement;

(f) Exhibit F Capital Account;

(g) Exhibit G Statement Regarding Maintenance of Corporate and Fiduciary Records; and,

(h) Exhibit H List of All Stockholders or Members.

(3) The statement provided in application Exhibit G, Statement Regarding Maintenance of Corporate and Fiduciary Records, must describe in detail how the proposed family trust company will maintain accurate corporate and fiduciary services records. The statement must identify by name any automated accounting system software or third-party accounting service provider to be used for corporate and fiduciary accounting. Any fiduciary accounting system should provide fiduciary accounting separate from corporate accounts as provided in section 662.127, F.S., and in accordance with sections 736.0810 and 736.08135, F.S. (2014), herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06067>, and <https://www.flrules.org/Gateway/reference.asp?No=Ref-06066>, and Rule 5.346, Fiduciary Accounting, of the Florida Probate Rules, effective 1/1/2011, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06065>. If accounting and bookkeeping functions are to be performed off the premises of the proposed family trust company's principal place of business, name the servicing agent, and describe any affiliation by way of ownership, directorship, or common employment of personnel which the proposed family trust company may have with the servicing agent.

(4) The application must be signed under penalty of perjury by the applicant's authorized representative.

Rulemaking Authority 662.140 FS. Law Implemented 662.111(2), (8), (9), (10), (11), (12), 662.112, 662.120(1), 662.122(1), (3), (4), (5), 662.1225(1), 662.123(1), (2), 662.124, 662.125(1), (2), 662.132 FS. History—New 11-19-15, Amended 12-26-16.