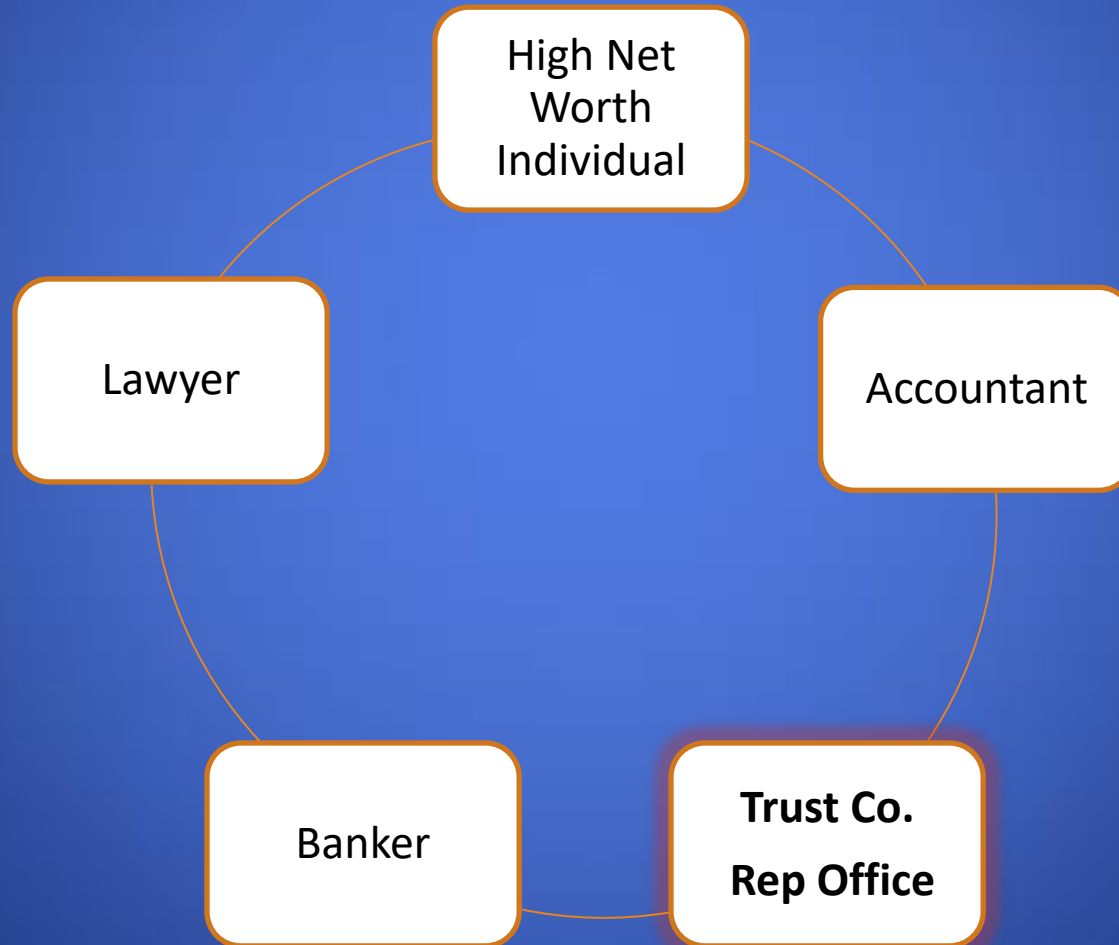


TTN USA CONFERENCE - MIAMI

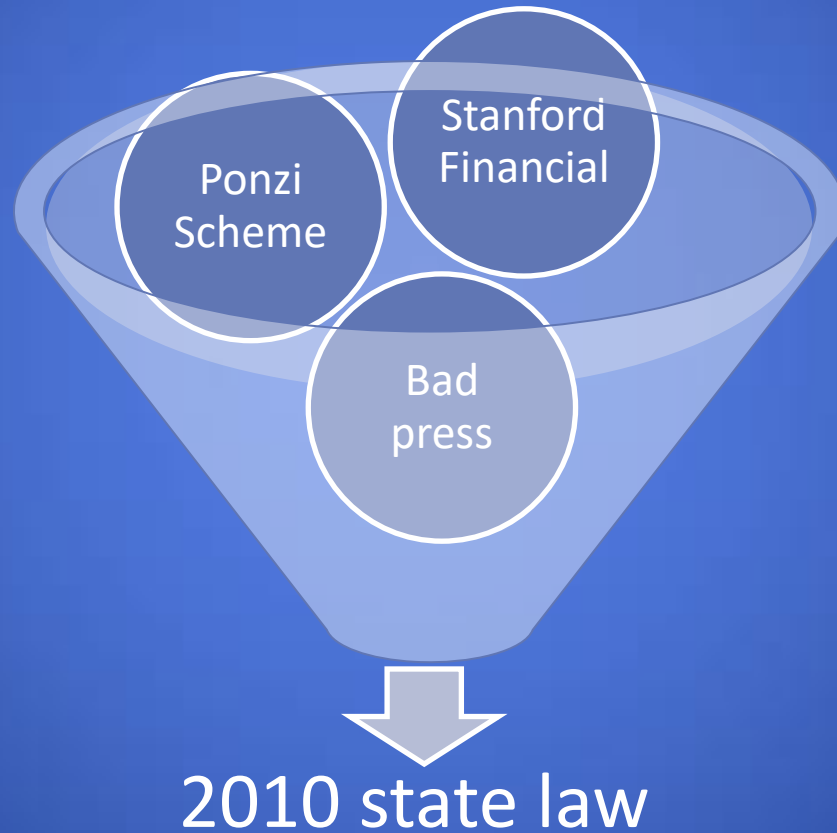
International Trust Companies
in Florida

Raquel A. Rodriguez
McDonald Hopkins LLC
May 4, 2018

Miami – Center for Wealth



What Happened?




2010 Law - One Size Fits All


- “International trust company representative office”
 - **Any marketing or promotion** of trust services **by or on behalf of** foreign trust company
 - Ancillary activities (i.e., **communications** with clients of the trust company or **processing paperwork or forms**)
 - Onerous capital requirements
 - \$20 million per trust company!

2017 Amendments

International Banking – Chapter 663



International Trust
Co. Rep. Offices
(Part III)



Qualified Limited
Service Affiliates
(Part IV)

Permissible Activities-- ITCROS

Nonfiduciary
activities
ancillary to
the fiduciary
business of
its
international
trust entity

- Advertising, marketing, and soliciting for fiduciary business on behalf of an international trust entity
- Contacting existing or potential customers
- Answering questions, and providing information about matters related to accounts
- Serving as a liaison in this state between the international trust entity and its existing or potential customers
- Anything a Qualified Limited Service Affiliate can do

Qualified Limited Service Affiliates

Similar permissible activities but Florida marketing limited

“General public”



Licensed professionals
(lawyers, accountants, bankers, etc.)

Prospective non-US resident clients

Trade or professional events

Prohibited Activities -- BOTH

Fiduciary activities

Accepting the fiduciary appointment

Executing the fiduciary documents

Making discretionary decisions regarding the investment or distribution of fiduciary accounts

Accepting custody of any trust property or any other good, asset, or thing of value

Office of Financial Regulation

ITCROs

Forms

Investigation

Public Hearing

180 days from receipt or 30 days from public hearing

QLSAs

Forms

Investigation

OFR has 30 days to request more

180 days from "deemed complete"

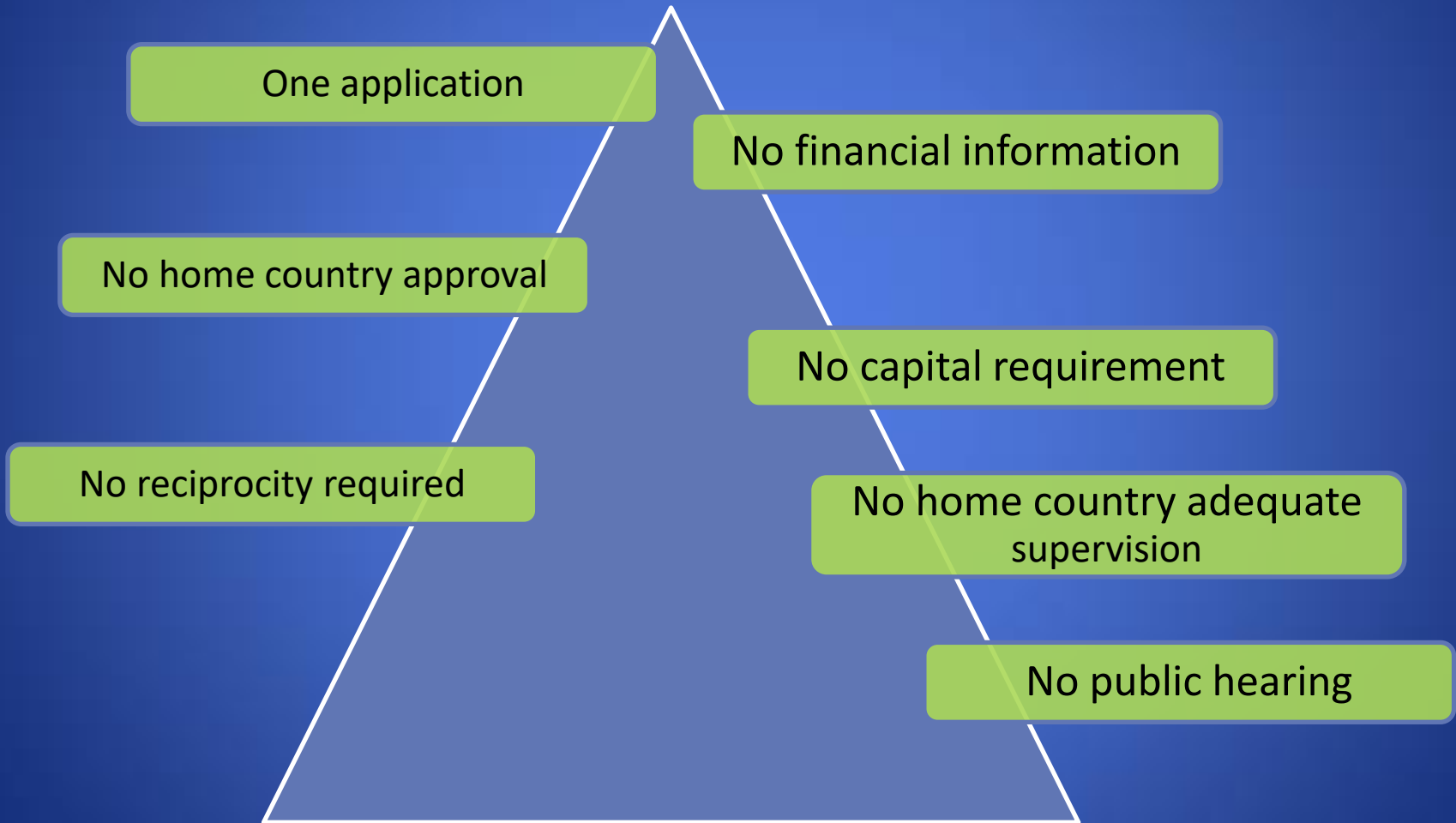
ITCRO Application

- Each trust entity is applicant
- Financial condition
- Capital requirement
 - Risk-based
 - \$1 million minimum
- Background investigation – owners, directors, management
- Corp good standing
- Trust license
- Home country regulator approval
- Home country adequate supervision
- Reciprocity by licensing jurisdiction

QLSA Application

- QLSA is applicant
- Multiple jurisdictions
- Background investigation
 - QLSA
 - QLSA directors or executive officers
 - Trust entities, officers and directors
- International trust entity
 - Corp good standing
 - Trust license or other
 - Affiliated
 - No bankruptcy
 - No government control
 - Financial Action Task Force Public Statement

QLSA Advantages



QLSA Disclosures Required

No oversight or determination of safety and soundness by Office of Financial Regulation

Market exclusively to professionals and non-US resident clients of affiliated international trust entity

May not engage in any fiduciary activities, banking services or promote or sell investments

QLSA Verification



Non-ITCRO/QLSA

- Company administration, secretariat or director services

Caveat – verbal statement -- no written ruling from OFR

Questions?