

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to enforcement of instruments; amending s.
7 673.3091, F.S.; providing additional instrument
8 enforcement authority under certain circumstances;
9 providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (1) of section 673.3091, Florida
14 Statutes, is amended to read:

15 673.3091 Enforcement of lost, destroyed, or stolen
16 instrument.--

17 (1) A person not in possession of an instrument is
18 entitled to enforce the instrument if:

19 (a) The person seeking to enforce ~~was in possession of~~ the
20 instrument was ~~and~~ entitled to enforce the instrument ~~it~~ when
21 loss of possession occurred, or has directly or indirectly
22 acquired ownership of the instrument from a person who was

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23 | entitled to enforce the instrument when loss of possession
24 | occurred;

25 | (b) The loss of possession was not the result of a
26 | transfer by the person or a lawful seizure; and

27 | (c) The person cannot reasonably obtain possession of the
28 | instrument because the instrument was destroyed, its whereabouts
29 | cannot be determined, or it is in the wrongful possession of an
30 | unknown person or a person that cannot be found or is not
31 | amenable to service of process.

32 | Section 2. This act shall take effect upon becoming a law.