

By Senator Posey

24-538-04

1 A bill to be entitled
2 An act relating to enforcement of lost,
3 destroyed, or stolen negotiable instruments;
4 amending s. 673.3091, F.S.; providing an
5 additional circumstance under which a person
6 not in possession of a lost, destroyed, or
7 stolen negotiable instrument may enforce such
8 instrument; providing an effective date.

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

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

14 673.3091 Enforcement of lost, destroyed, or stolen
15 instrument.--

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

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

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

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

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

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5 SENATE SUMMARY

6 Revises conditions under which a person not in possession
7 of a lost, destroyed, or stolen negotiable instrument may
8 enforce such instrument.

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