



801266

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
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The Committee on Banking and Insurance (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 48.092, Florida Statutes, is created to
read:

48.092 Service on financial institutions.—Service on
financial institutions must be made in accordance with s.
655.0201.

Section 2. Section 655.0201, Florida Statutes, is amended



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11 to read:

12 655.0201 Service of process, notice, levy, or demand on
13 financial institutions.-

14 (1) Notwithstanding any other Florida law, this section
15 establishes the proper location for service of process upon a
16 financial institution for all types of service of process to be
17 made on a financial institution ~~Process against any financial~~
18 ~~institution authorized by federal or state law to transact~~
19 ~~business in this state may be served in accordance with chapter~~
20 ~~48, chapter 49, chapter 605, or part I of chapter 607, as~~
21 ~~appropriate.~~

22 (2) A ~~Any~~ financial institution authorized by federal or
23 state law to transact business in this state may designate with
24 the Department of State a place or registered agent located
25 within the state as the financial institution's sole location or
26 agent for service of process, notice, levy, or demand. Any such
27 place or registered agent so designated must be open and
28 available for service of process during regular business hours
29 on regular business days, which, at a minimum, is any time
30 between the hours of 9 a.m. and 5 p.m. local time, on Mondays
31 through Fridays, excluding federal and Florida holidays. After a
32 financial institution designates a place or registered agent
33 within this state, such place or registered agent is the sole
34 location for service of process, including service for actions
35 related to garnishment, levy, injunctions, lawsuits, and the
36 attachment of safety deposit boxes, in accordance with chapters
37 60, 76, and 77, and the Florida Rules of Civil Procedure
38 ~~required or permitted by law to be served on the financial~~
39 ~~institution. If the financial institution has no registered~~



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40 ~~agent, or its registered agent cannot with reasonable diligence~~
41 ~~be served, service may be made to any executive officer of the~~
42 ~~financial institution at its principal place of business in this~~
43 ~~state.~~

44 (3) (a) If a financial institution has no registered agent
45 or service cannot be made in accordance with subsection (2),
46 service may be made to any officer or director of the financial
47 institution at its principal place of business or at any other
48 branch, office, or place of business in the state.

49 (b) Notwithstanding subsection (2), any service required or
50 authorized to be made by the Office of Financial Regulation
51 under the financial institutions codes may be made to any
52 officer, director, or business agent of the financial
53 institution at its principal place of business or any other
54 branch, office, or place of business in the state as set forth
55 in s. 655.031(2) If service cannot be made in accordance with
56 subsection (2), service may be made to any officer, director, or
57 business agent of the financial institution at its principal
58 place of business or at any other branch, office, or place of
59 business in the state.

60 ~~(4) This section does not prescribe the only means, or~~
61 ~~necessarily the required means, of serving notice or demand on a~~
62 ~~financial institution.~~

63 Section 3. This act shall take effect January 1, 2017.

64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete everything before the enacting clause
67 and insert:
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69 A bill to be entitled
70 An act relating to service of process on financial
71 institutions; creating s. 48.092, F.S.; requiring
72 service on financial institutions to be made in
73 accordance with s. 655.0201, F.S.; amending s.
74 655.0201, F.S.; revising applicability of provisions
75 of law governing service of process on financial
76 institutions; authorizing certain financial
77 institutions to designate with the Department of State
78 a place or registered agent within the state as the
79 sole location or agent for service of process, notice,
80 levy, or demand; providing that service of process,
81 notice, levy, or demand may be made at specified time
82 periods; providing exceptions if the financial
83 institution has no registered agent, service cannot be
84 made at the sole location, or for service made by the
85 Office of Financial Regulation; providing an effective
86 date.