

By Senator Flores

37-00619B-16

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1 A bill to be entitled
2 An act relating to service of process on financial
3 institutions; amending s. 655.005, F.S.; defining the
4 term "department"; amending s. 655.0201, F.S.;
5 revising provisions for service of process made on a
6 financial institution; authorizing a financial
7 institution to designate a central location within the
8 state which is the sole location where service of
9 process on the financial institution and its branches
10 may be made within the state; specifying a notice to
11 be filed with the Department of Financial Services if
12 a financial institution elects to designate such a
13 central location; specifying types of service of
14 process to be made at the central location; requiring
15 the department to publish a list of central locations
16 on its website and update the list in a specified
17 manner; revising the individuals who may receive
18 service of process if a central location is not
19 designated; deleting a provision authorizing other
20 means of service or demand; amending ss. 322.143 and
21 655.968, F.S.; conforming cross-references; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present paragraphs (g) through (q) of subsection
27 (1) of section 655.005, Florida Statutes, are redesignated as
28 paragraphs (i) through (s), respectively, present paragraphs (r)
29 through (y) of that subsection are redesignated as paragraphs
30 (u) through (bb), respectively, present paragraphs (z) and (aa)
31 of that subsection are redesignated as paragraphs (t) and (g),
32 respectively, and a new paragraph (h) is added to that

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33 subsection, to read:

34 655.005 Definitions.—

35 (1) As used in the financial institutions codes, unless the
36 context otherwise requires, the term:

37 (h) "Department" means the Department of Financial
38 Services.

39 Section 2. Section 655.0201, Florida Statutes, is amended
40 to read:

41 655.0201 Service of process, notice, or demand on financial
42 institutions.—

43 (1) A financial institution authorized by federal or state
44 law to transact business in this state may designate a place or
45 registered agent within the state as its central location for
46 service of process. After a financial institution has designated
47 a place or registered agent, such place or registered agent is
48 the sole location for service of process on the financial
49 institution and all of its branches within the state ~~Process~~
50 ~~against any financial institution authorized by federal or state~~
51 ~~law to transact business in this state may be served in~~
52 ~~accordance with chapter 48, chapter 49, chapter 605, or part I~~
53 ~~of chapter 607, as appropriate.~~

54 (2) (a) To establish a central location for service of
55 process, a financial institution must file a notice with the
56 department designating its central location. The filing must
57 contain the central location's:

58 1. Addressee name.

59 2. Physical address.

60 3. Telephone number.

61 4. Business hours during which service of process will be

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62 accepted.

63 (b) The central location is the proper venue for service of
64 process for all types of service of process made on a financial
65 institution, including service for actions related to
66 garnishment, levy, injunctions, lawsuits, and the attachment of
67 safety deposit boxes, in accordance with chapters 60, 76, and 77
68 and the Florida Rules of Civil Procedure.

69 (c) The department shall publish a list of all central
70 locations on its website. The department must update the list to
71 reflect revocations or modifications made by a financial
72 institution within 15 business days after receipt of such
73 revocation or modification. The department's website must
74 specify the date this list was last updated ~~Any financial~~
75 ~~institution authorized by federal or state law to transact~~
76 ~~business in this state may designate a registered agent as the~~
77 ~~financial institution's agent for service of process, notice, or~~
78 ~~demand required or permitted by law to be served on the~~
79 ~~financial institution. If the financial institution has no~~
80 ~~registered agent, or its registered agent cannot with reasonable~~
81 ~~diligence be served, service may be made to any executive~~
82 ~~officer of the financial institution at its principal place of~~
83 ~~business in this state.~~

84 (3) If service cannot be made in accordance with subsection
85 (1) ~~(2)~~, service may be made to an ~~any~~ officer, ~~director, or~~
86 ~~business agent~~ of the financial institution at its principal
87 place of business or at any other branch, office, or place of
88 business in the state.

89 ~~(4) This section does not prescribe the only means, or~~
90 ~~necessarily the required means, of serving notice or demand on a~~

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91 ~~financial institution.~~

92 Section 3. Subsection (9) of section 322.143, Florida
93 Statutes, is amended to read:

94 322.143 Use of a driver license or identification card.—

95 (9) This section does not apply to a financial institution
96 as defined in s. 655.005(1) ~~s. 655.005(1)(i)~~.

97 Section 4. Paragraph (b) of subsection (1) of section
98 655.968, Florida Statutes, is amended to read:

99 655.968 Financial institutions; transactions relating to
100 Iran or terrorism.—

101 (1) As used in this section, the term:

102 (b) "Financial institution" has the same meaning as defined
103 in s. 655.005(1) ~~s. 655.005(1)(i)~~.

104 Section 5. This act shall take effect July 1, 2016.