

By the Committee on Banking and Insurance; and Senator Flores

597-03220-16

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1 A bill to be entitled

2 An act relating to service of process on financial
3 institutions; creating s. 48.092, F.S.; requiring
4 service on financial institutions to be made in
5 accordance with s. 655.0201, F.S.; amending s.
6 655.0201, F.S.; revising applicability of provisions
7 of law governing service of process on financial
8 institutions; authorizing certain financial
9 institutions to designate with the Department of State
10 a place or registered agent within the state as the
11 sole location or agent for service of process, notice,
12 levy, or demand; providing that service of process,
13 notice, levy, or demand may be made at specified time
14 periods; providing exceptions if the financial
15 institution has no registered agent, service cannot be
16 made at the sole location, or for service made by the
17 Office of Financial Regulation; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

24 48.092 Service on financial institutions.—Service on
25 financial institutions must be made in accordance with s.
26 655.0201.

27 Section 2. Section 655.0201, Florida Statutes, is amended
28 to read:

29 655.0201 Service of process, notice, levy, or demand on
30 financial institutions.—

31 (1) Notwithstanding any other Florida law, this section
32 establishes the proper location for service of process upon a

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33 financial institution for all types of service of process to be
34 made on a financial institution ~~Process against any financial~~
35 ~~institution authorized by federal or state law to transact~~
36 ~~business in this state may be served in accordance with chapter~~
37 ~~48, chapter 49, chapter 605, or part I of chapter 607, as~~
38 ~~appropriate.~~

39 (2) A ~~Any~~ financial institution authorized by federal or
40 state law to transact business in this state may designate with
41 the Department of State a place or registered agent located
42 within the state as the financial institution's sole location or
43 agent for service of process, notice, levy, or demand. Any such
44 place or registered agent so designated must be open and
45 available for service of process during regular business hours
46 on regular business days, which, at a minimum, is any time
47 between the hours of 9 a.m. and 5 p.m. local time, on Mondays
48 through Fridays, excluding federal and Florida holidays. After a
49 financial institution designates a place or registered agent
50 within this state, such place or registered agent is the sole
51 location for service of process, including service for actions
52 related to garnishment, levy, injunctions, lawsuits, and the
53 attachment of safety deposit boxes, in accordance with chapters
54 60, 76, and 77, and the Florida Rules of Civil Procedure
55 ~~required or permitted by law to be served on the financial~~
56 ~~institution. If the financial institution has no registered~~
57 ~~agent, or its registered agent cannot with reasonable diligence~~
58 ~~be served, service may be made to any executive officer of the~~
59 ~~financial institution at its principal place of business in this~~
60 ~~state.~~

61 (3) (a) If a financial institution has no registered agent

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62 or service cannot be made in accordance with subsection (2),
63 service may be made to any officer or director of the financial
64 institution at its principal place of business or at any other
65 branch, office, or place of business in the state.

66 (b) Notwithstanding subsection (2), any service required or
67 authorized to be made by the Office of Financial Regulation
68 under the financial institutions codes may be made to any
69 officer, director, or business agent of the financial
70 institution at its principal place of business or any other
71 branch, office, or place of business in the state as set forth
72 in s. 655.031(2) If service cannot be made in accordance with
73 subsection (2), service may be made to any officer, director, or
74 business agent of the financial institution at its principal
75 place of business or at any other branch, office, or place of
76 business in the state.

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

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