

By the Committees on Rules; and Banking and Insurance; and  
Senator Flores

595-04110-16

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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, if service cannot  
16 be made at the sole location, and for service made by  
17 the Office of Financial Regulation; providing an  
18 effective date.

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

21  
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

595-04110-16

20161104c2

32 establishes the proper location for service of process upon a  
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.~~

595-04110-16

20161104c2

61           (3) (a) If a financial institution has no registered agent  
62 or service cannot be made in accordance with subsection (2),  
63 service may be made to any officer, director, or business agent  
64 of the financial institution at its principal place of business  
65 or at any other branch, office, or place of business in the  
66 state.

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

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

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