

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 897 (2016)

Amendment No. 1

18 financial institution for all types of service of process to
19 be made on a financial institution ~~Process against any~~
20 ~~financial institution authorized by federal or state law to~~
21 ~~transact business in this state may be served in accordance~~
22 ~~with chapter 48, chapter 49, chapter 605, or part I of chapter~~
23 ~~607, as appropriate.~~

24 (2) A ~~Any~~ financial institution authorized by federal or
25 state law to transact business in this state may designate
26 with the Department of State a place or registered agent
27 located within the state as the financial institution's sole
28 location or agent for service of process, notice, levy, or
29 demand. Any such place or registered agent so designated must
30 be open and available for service of process during regular
31 business hours on regular business days, which, at a minimum,
32 is any time between the hours of 9 a.m. and 5 p.m. local time,
33 on Mondays through Fridays, excluding federal and Florida
34 holidays. After a financial institution designates a place or
35 registered agent within this state, such place or registered
36 agent is the sole location for service of process, including
37 service for actions related to garnishment, levy, injunctions,
38 lawsuits, and the attachment of safety deposit boxes, in
39 accordance with chapters 60, 76, and 77, and the Florida Rules
40 of Civil Procedure required or permitted by law to be served
41 ~~on the financial institution. If the financial institution has~~
42 ~~no registered agent, or its registered agent cannot with~~
43 ~~reasonable diligence be served, service may be made to any~~

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44 ~~executive officer of the financial institution at its~~
45 ~~principal place of business in this state.~~

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

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

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

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

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

Remove everything before the enacting clause and insert:

A bill to be entitled

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