

CHAPTER 2004-3

Senate Bill No. 282

An act relating to enforcement of lost, destroyed, or stolen negotiable instruments; amending s. 673.3091, F.S.; providing an additional circumstance under which a person not in possession of a lost, destroyed, or stolen negotiable instrument may enforce such instrument; providing an effective date.

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

Section 1. Subsection (1) of section 673.3091, Florida Statutes, is amended to read:

673.3091 Enforcement of lost, destroyed, or stolen instrument.—

(1) A person not in possession of an instrument is entitled to enforce the instrument if:

(a) ~~The person seeking to enforce the instrument was in possession of the instrument and entitled to enforce the instrument~~ it when loss of possession occurred, or has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred;

(b) The loss of possession was not the result of a transfer by the person or a lawful seizure; and

(c) The person cannot reasonably obtain possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor March 29, 2004.

Filed in Office Secretary of State March 29, 2004.