

CHAPTER 2016-180

Committee Substitute for Committee Substitute for Senate Bill No. 1104

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

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

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

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

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

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

(1) Notwithstanding any other Florida law, this section establishes the proper location for service of process upon a financial institution for all types of service of process to be made on a financial institution ~~Process against any financial institution authorized by federal or state law to transact business in this state may be served in accordance with chapter 48, chapter 49, chapter 605, or part I of chapter 607, as appropriate.~~

(2) A ~~Any~~ financial institution authorized by federal or state law to transact business in this state may designate with the Department of State a place or registered agent located within the state as the financial institution's sole location or agent for service of process, notice, levy, or demand. Any such place or registered agent so designated must be open and available for service of process during regular business hours on regular business days, which, at a minimum, is any time between the hours of 9 a.m. and 5 p.m. local time, on Mondays through Fridays, excluding federal and Florida holidays. After a financial institution designates a place or registered agent within this state, such place or registered agent is the sole location for service of process, including service for actions related to garnishment, levy, injunctions, lawsuits, and the attachment of safety deposit boxes, in

~~accordance with chapters 60, 76, and 77, and the Florida Rules of Civil Procedure required or permitted by law to be served on the financial institution. If the financial institution has no registered agent, or its registered agent cannot with reasonable diligence be served, service may be made to any executive officer of the financial institution at its principal place of business in this state.~~

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

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

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

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

Approved by the Governor April 1, 2016.

Filed in Office Secretary of State April 1, 2016.