
Important Message Regarding Registered Agents*

Increasingly, the Office of Financial Regulation (“OFR”) or the Florida Chief Financial Officer (“CFO”) have been mistakenly assumed to be the statutory Registered Agent for service of process of legal documents directed to Florida state-chartered financial institutions. In some cases, the OFR or CFO have actually been listed (incorrectly) on filed court documents as the corporate Registered Agent. While Sections 607.0501 and 607.0502, Florida Statutes, do not require Florida state-chartered financial institutions to designate a Registered Agent with the Florida Secretary of State, the statutes also do not provide for the CFO or the OFR to accept legal service for any institution. Service of process to financial institutions is addressed in the Financial Institutions Codes in Section 655.0201, Florida Statutes.

The OFR believes it is important for the financial institution system and public to eliminate any confusion and strive for a smoothly functioning and efficient system for legal service of process. Although it is not required under current Florida law, the OFR encourages all financial institutions to designate, and keep current, a Registered Agent with the Secretary of State so there is no delay in the service of process in litigation. Please take a moment to check if your institution has a current Registered Agent listed with the Secretary of State. That listing may be found at www.sunbiz.org. If a Registered Agent is not listed for your institution, or if the listing is no longer valid, the designation may be made or updated on the institution’s next annual report filed with the Secretary of State at no charge; or the institution may send a letter designating the registered agent to the Amendment Section of the Department of State, Division of Corporations, P.O. Box 6327, Tallahassee, FL 32314. The letter should include: the bank’s name and address, the bank’s Division of Corporation’s document number, the remitter’s name and address, the name and address of the proposed agent, an acceptance statement by the agent and his or her original signature. A check in the amount of \$35 must accompany the letter. Contact the Amendment Section at 850-245-6050 if you have any questions.

If you have any questions, please call us at (850) 410-9800.

** Corrects editing errors contained in earlier message with same title, dated March 18, 2011*

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