

HB 1369

2013

1 A bill to be entitled
2 An act relating to stop-payment orders; amending s.
3 674.403, F.S.; providing that a stop-payment order
4 remains in effect permanently unless a bank receives
5 written notification of cancellation of such order and
6 payment of any applicable fee; prohibiting a bank from
7 charging more than a single fee for a stop-payment
8 order to remain in effect permanently; amending s.
9 674.401, F.S.; revising provisions relating to notices
10 given to banks of the postdating of checks, to
11 conform; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 674.403, Florida Statutes, is amended
16 to read:

17 674.403 Customer's right to stop payment; burden of proof
18 of loss.—

19 (1) A customer or any person authorized to draw on the
20 account if there is more than one person may stop payment of any
21 item drawn on the customer's account or close the account by a
22 written order to the bank describing the item or account with
23 certainty received by an officer of the bank during a banking
24 day and at a time and in a manner that affords the bank a
25 reasonable opportunity to act on it before any action by the
26 bank with respect to the item described in s. 674.303. If the
27 signature of more than one person is required to draw on an
28 account, any of these persons may stop payment or close the

HB 1369

2013

29 | account.

30 | (2) A stop-payment order remains in effect permanently
31 | unless the bank receives written notification of cancellation of
32 | the stop-payment order and any applicable fee imposed by the
33 | bank for such cancellation from the customer or person
34 | authorized to draw on the account who originally authorized the
35 | order. A bank may not charge more than a single fee for a stop-
36 | payment order to remain in effect permanently ~~is effective for 6~~
37 | ~~months. A stop-payment order may be renewed for additional 6-~~
38 | ~~month periods by a writing given to the bank within a period~~
39 | ~~during which the stop-payment order is effective.~~

40 | (3) The bank may be liable to its customer for the actual
41 | loss incurred by the customer resulting from the wrongful
42 | payment of an item contrary to a valid and binding stop-payment
43 | order or order to close an account. The burden of establishing
44 | the fact and amount of loss resulting from the payment of an
45 | item contrary to a stop-payment order or order to close an
46 | account is on the customer. The loss from payment of an item
47 | contrary to a stop-payment order may include damages for
48 | dishonor of subsequent items under s. 674.402.

49 | Section 2. Subsection (3) of section 674.401, Florida
50 | Statutes, is amended to read:

51 | 674.401 When bank may charge customer's account.—

52 | (3) A bank may charge against the account of a customer a
53 | check that is otherwise properly payable from the account, even
54 | though payment was made before the date of the check, unless the
55 | customer has given notice to the bank of the postdating
56 | describing the check with reasonable certainty. The notice is

HB 1369

2013

57 | effective for 6 months and may be renewed for additional 6-month
58 | periods by written notice given to the bank within a period
59 | during which the notice of postdating is effective. Any notice
60 | of postdating ~~the period stated in s. 674.403(2) for stop-~~
61 | ~~payment orders and~~ must be received at such time and in such
62 | manner as to afford the bank a reasonable opportunity to act on
63 | it before the bank takes any action with respect to the check
64 | described in s. 674.303. If a bank charges against the account
65 | of a customer a check before the date stated in the notice of
66 | postdating, the bank is liable for damages for the loss
67 | resulting from its act. The loss may include damages for
68 | dishonor of subsequent items under s. 674.402.

69 | Section 3. This act shall take effect July 1, 2013.