

<b>Tab 1</b>	<b>CS/SB 1062 by JU, Bradley;</b> (Similar to CS/H 00545) Service of Process						
186562	A	S	RCS	CM, Bradley	Delete L.544 - 955:	02/01 08:34 AM	

<b>Tab 2</b>	<b>SB 1474 by Bradley;</b> (Similar to CS/H 01233) Online Training for Private Security Officers						
917980	D	S	RCS	CM, Bradley	Delete everything after	02/01 08:34 AM	

<b>Tab 3</b>	<b>SB 1146 by Rodriguez;</b> (Similar to H 00763) Taxation of Investigative Services						
475734	A	S	RCS	CM, Rodriguez	Delete L.45 - 46:	02/01 08:34 AM	

<b>Tab 4</b>	<b>CS/SB 1536 by BI, Boyd;</b> (Similar to CS/H 00389) Money Services Businesses						
351226	D	S	RCS	CM, Boyd	Delete everything after	02/01 08:34 AM	

<b>Tab 5</b>	<b>SB 1928 by Hooper;</b> Household Moving Services						
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMERCE AND TOURISM**  
**Senator Hooper, Chair**  
**Senator Wright, Vice Chair**

**MEETING DATE:** Monday, January 31, 2022  
**TIME:** 3:00—5:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Hooper, Chair; Senator Wright, Vice Chair; Senators Diaz, Garcia, Gruters, Hutson, Pizzo, Powell, Taddeo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 1062</b> Judiciary / Bradley (Similar CS/H 545)	Service of Process; Authorizing the Department of State to electronically receive service of process under ch. 48, F.S.; revising procedures for service on partnerships, limited liability partnerships, and limited partnerships; requiring designation of registered agents and registered offices by certain partnerships, corporations, and companies; providing for substituted service on certain nonresidents and foreign business entities and on individuals and foreign business entities concealing their whereabouts; providing for service of process for removal of unknown parties in possession of real property, etc.  JU     01/10/2022 Fav/CS CM     01/31/2022 Fav/CS RC	Fav/CS Yeas 10 Nays 0
2	<b>SB 1474</b> Bradley (Similar CS/H 1233)	Online Training for Private Security Officers; Authorizing certain Class "G" and Class "D" license training to be conducted in person or online; providing reporting requirements relating to the completion of such training; providing requirements for online training courses for Class "D" and Class "G" licenses, etc.  CM     01/31/2022 Fav/CS AEG AP	Fav/CS Yeas 10 Nays 0
3	<b>SB 1146</b> Rodriguez (Similar H 763)	Taxation of Investigative Services; Defining the term "small private investigative agency"; providing an exemption from the state tax on sales, use, and other transactions for investigative services provided by a small private investigative agency, etc.  CM     01/31/2022 Fav/CS FT AP	Fav/CS Yeas 10 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Monday, January 31, 2022, 3:00—5:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 1536</b> Banking and Insurance / Boyd (Similar CS/H 389)	Money Services Businesses; Providing that a rule may require reports to contain declarations by control persons, rather than officers or other responsible persons; providing that control persons, rather than officers, are not liable for loss or damages under certain circumstances; requiring licensees to report changes in control persons, rather than certain other entities or persons; repealing a provision relating to control of a money services business, etc.  BI 01/18/2022 Fav/CS CM 01/31/2022 Fav/CS RC	Fav/CS Yeas 10 Nays 0
5	<b>SB 1928</b> Hooper	Household Moving Services; Revising the conditions under which the Department of Agriculture and Consumer Services is authorized to deny, refuse to renew, or revoke the registration of any mover or moving broker; removing a prohibition that precludes a mover from limiting its liability for the loss or damage of household goods to a specified valuation rate; requiring a mover to indemnify a shipper for the loss of or damage to the shipper's household goods caused by the mover during a household move; requiring a mover to conduct a physical survey and provide a binding estimate in certain circumstances unless waived by the shipper; requiring the department to prepare a publication that summarizes the rights and responsibilities of, and remedies available to, movers and shippers; requiring a mover to tender household goods for delivery on the agreed upon delivery date or within a specified period unless waived by the shipper; providing criminal penalties, etc.  CM 01/31/2022 Favorable CJ RC	Favorable Yeas 10 Nays 0

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Other Related Meeting Documents

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The Florida Senate

**APPEARANCE RECORD**

1/31/22

1062

Meeting Date

Bill Number or Topic

**Commercen & Tourism**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Lisa Hurley**

Phone **850.224.5081**

Address **311 E Park Ave.**

Email **lhurley@smithbryanandmyers.com**

Street

**Tallahassee**

**Florida 32301**

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Family Law Section of the Florida Bar**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1/31/22

Meeting Date

SB 1062

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name James Murphy

Phone 813 416-3706

Address 5000 Culbreath Key Way # 9125

Email jbmurphyjo@gmail.com

Street

Tampa FL 33611

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Attorney with Business Law Section of the Florida Bar

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

1/31/22

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1062

Bill Number or Topic

Amendment Barcode (if applicable)

Name Martha Edenfield

Phone (850) 999-4100

Address 106 E. College Ave #1200

Email medenfield@deanmead.com

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**The Real Property, Probate and Trust Law Section**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)



**SENATOR JENNIFER BRADLEY**  
5th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Community Affairs, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on Agriculture,  
Environment, and General Government  
Education  
Ethics and Elections  
Judiciary  
Reapportionment

**SELECT SUBCOMMITTEE:**  
Select Subcommittee on Congressional  
Reapportionment, *Chair*

**JOINT COMMITTEES:**  
Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

January 14, 2022

Senator Ed Hooper, Chairman  
Senate Committee on Commerce and Tourism  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Dear Mr. Chairman:

I respectfully request that CS/SB 1062 be placed on the committee's agenda at your earliest convenience. The Committee Substitute amends several statutory provisions relative to the service of process, which is the official delivery of documents that initiate a lawsuit to a defendant or other party.

The substance of the bill includes recommendations of several sections of the Florida Bar. I would be happy to discuss the bill in greater detail should you have any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Mr. Todd McKay, Staff Director  
Ms. Kathryn Vigrass, Committee Administrative Assistant

**REPLY TO:**

- 1279 Kingsley Avenue, Kingsley Center, Suite 117, Orange Park, Florida 32073 (904) 278-2085
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/CS/SB 1062

INTRODUCER: Commerce and Tourism Committee, Judiciary Committee, and Senator Bradley

SUBJECT: Service of Process

DATE: February 1, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1062 amends laws governing service of process. The term “service of process” refers to the manner of delivery of legal notice to an individual or entity which provides notice of a pending legal action. The bill:

- Details and standardizes the manner and priority of forms of service of process as related to different forms of business entities as appropriate to the form and structure of the entities;
- Prioritizes service of process on the registered agent of an entity;
- Clarifies procedures for substituted service of process by delivery to the Secretary of State;
- Creates the authority of a trial court to allow any effective alternative means of service of process where an entity cannot be served with process by conventional means;
- Creates a framework for service of process on an individual or entity in a foreign country, to include any form of process recognized under that country’s laws;
- Creates procedures for service of process for removal of an unknown party in possession of rented real property;
- Provides that service of a medical negligence pre-suit notice starts to toll the statute of limitations from the date of mailing rather than the date of receipt, and broadens the forms of such delivery to allow commercial delivery services or use of a certified process server;
- Broadens statutes on service of process by registered or certified mail to also allow delivery by a commercial delivery service; and
- Allows the Department of State to accept substituted service of process by electronic means.



This bill does not appear to have a fiscal impact on state or local governments.

The section of the bill regarding notice before filing an action for medical malpractice takes effect upon becoming law, the remainder of the bill takes effect January 2, 2023.

## **II. Present Situation:**

A fundamental concept of due process is that a person must be given fair notice of the initiation of an action against them. Delivery of that notice is referred to as “service of process.” Adequate service of process is also required to summon a witness for testimony or for production of evidence. Centuries ago, service of process was only trusted to the county sheriff. Modern concepts of due process required for adequate service of process recognize that there are numerous means by which a person or entity may be fairly apprised of a lawsuit or a requirement to produce evidence.

The traditional and best form of service of process on a competent adult is by personal delivery to that individual, but that is not always possible. Individuals may be difficult to find, whether intentionally or not. Individuals may be incompetent, whether medically or by youth. Procedures need to be established for determining how to serve process on an entity in a manner likely to have it noticed by management for a timely response. A large body of law has been devoted to the allowable methods for service of process.

The Secretary of State is involved in many aspects of service of process. The Secretary is head of the Department of State, which handles the administrative duties of the Secretary. The Division of Corporations, under the Department of State, accepts business entity registrations and renewals, and maintains a publicly-accessible record of every entity, listing a registered agent and the names of the related top-level individuals of the entity. Every current entity must appoint a registered agent, a person within the state who is authorized by the entity to accept service of process directed to the entity. In some instances, substituted service of process may be made on the Secretary of State.

## **III. Effect of Proposed Changes:**

### **Service of Process on a General Partnership (Section 2)**

A general partnership is a form of business where two or more individuals jointly engage in an enterprise. The assets of the partnership are subject to creditor claims, and every partner is jointly and severally liable for the debts of the partnership. Currently, service on any partner, or on a registered agent if one is named, is deemed service on the partnership, making the assets of the partnership available to the plaintiff. Individual partners are personally liable for partnership debts if partnership assets are exhausted, but must be served with process as an individual in order for his or her non-partnership assets to be subject to creditor claims.<sup>1</sup> A general partnership may, but is not required to, register with the Department of State and name a registered agent for

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<sup>1</sup> Sections 48.061(1), 620.8306, and 620.8307, F.S.

service of process.<sup>2</sup> A general partnership may designate an employee to accept service of process during regular business hours.<sup>3</sup>

The bill provides that, after one attempt at service of process on any partner, registered agent, or designated employee, a partnership may be served by delivery of process to a person in charge of the partnership during regular business hours.

### **Service of Process on a Limited Liability Partnership (Section 2)**

A partnership may elect to be a limited liability partnership by registration with the Secretary of State. The assets of the partnership are subject to creditor claims, but the non-partnership assets of all of the individual partners are not subject to creditor claims.<sup>4</sup> Current statutes do not specifically address service of process on a limited liability partnership, current law on general partnerships therefore applies.

The bill specifies the manner of service of process on a limited liability partnership. Process must first be attempted on the registered agent. If service on the registered agent fails, process may be made on any partner. If no partner is available during regular business hours, any partner may designate an employee to accept service of process. If service on a partner or designated employee fails, process may be served on the person in charge of the partnership during regular business hours. If all of these fail, process may be served upon the Secretary of State or by any other method approved by court order.

### **Service of Process on a Limited Partnership (Sections 2, 30, 31, 32, 33, 34, 35)**

A limited partnership has two classes of partners, limited partners and general partners. The limited partnership must have at least one of each. A limited partnership formed in the state or doing business in the state must register with the Secretary of State. The assets of the limited partnership are subject to creditor claims, as are the assets of a general partner, but the non-partnership assets of any limited partner are not subject to creditor claims.<sup>5</sup> Service of process on a limited partnership is by service on the registered agent. If service cannot be made against the registered agent, substituted service may be made on the Secretary of State.<sup>6</sup>

The bill provides that service of process on a domestic limited partnership must first be attempted by delivery to the registered agent. If that service fails, service may be on any general partner of the limited partnership. If that fails, service may be made on the Secretary of State or by any other method approved by court order.

The bill also provides that a notice or demand required to be delivered to the limited partnership which is not service of process may be delivered to any general partner, the registered agent, or to any other address that is the principal place of business in this state.

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<sup>2</sup> Section 620.8105, F.S.

<sup>3</sup> Section 48.061(1), F.S. This designation is internal to the partnership.

<sup>4</sup> Section 620.8306(3), F.S.

<sup>5</sup> Section 620.1404(1), F.S. *See also* s. 620.1303, F.S.

<sup>6</sup> Section 620.1117, F.S.

**Service of Process on a Limited Liability Company (Sections 3, 19, 21 and 22)**

A limited liability company is a form of business entity that is formed by enactment of an operating agreement and registration with the Secretary of State. Like a corporation, individual investors are not liable for entity debts. Service of process on a limited liability company may be on the registered agent. If service on the registered agent fails, process may be served on any member of a member-managed limited liability company or any manager of a manager-managed limited liability company. If these fail, substituted service may be on the Secretary of State.<sup>7</sup>

The bill keeps the registered agent first and the Secretary of State as a last resort, and provides that any other person listed publicly in the company's latest annual report, as most recently amended, as an additional alternative to any manager of a manager-managed limited liability company or any member of a member-managed limited liability company. As a last resort, the bill adds any other method approved by court order as an alternative to service on the Secretary of State.

To cancel its certificate of authority to transact business in the state, a foreign limited liability company must in part furnish the Secretary of State with an address that can be used should the company be served with substitute process through the Secretary of State,<sup>8</sup> and must commit to keeping the address on file current.<sup>9</sup> The bill adds a requirement to furnish and update, as necessary, an email address.

Business entities may have authority to convert from one form of entity to another. Where the converting entity is a registered limited liability company and the converted entity is any form of foreign entity that is not registered in Florida, the entity must give the Secretary of State a mailing address that can be used should the entity be served with substitute process through the Secretary of State.<sup>10</sup> The bill adds a requirement to furnish an email address with the mailing address.

**Service of Process on a Corporation (Sections 5, 23, 24, 25, 26, 27, 28, and 29)**

A corporation is a form of business entity in which investors purchase shares of stock in the corporation and vote for a board of directors to manage the entity. Shareholders are generally not liable for the debts of the corporation. Service of process on a corporation is by delivery to the president, vice president, or any other head of the corporation. In the absence of a president or other head of the corporation, service may be made on the cashier, treasurer, secretary, or general manager. In the absence of any of the foregoing, service may be made on any director of the corporation. In the absence of any of the foregoing, service may be made on any officer or business agent residing in the state. If a foreign corporation has none of the foregoing officers or agents in this state, service may be made on any agent transacting business for it in this state. As an alternative to all of the foregoing, process may be served on the registered agent.<sup>11</sup> Also as an

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<sup>7</sup> Section 605.0117, F.S.

<sup>8</sup> Section 605.0910(1)(f), F.S.

<sup>9</sup> Section 605.0910(1)(g), F.S.

<sup>10</sup> Section 605.1045(2)(f), F.S.

<sup>11</sup> Section 48.081, F.S. This section does not apply to a corporation that is an insurance company. Service on an insurance company is not affected by this bill.

alternative, should all of the foregoing fail, service may be by delivery to any employee of the corporation at the principal place of business or any employee of the registered agent.

The bill requires that the first attempt at service of process be delivery to the registered agent. If service on the registered agent fails, service may be by delivery to the chair of the board of directors, the president, any vice president, the secretary, the treasurer, or any other person listed on the most recent corporate filing with the Secretary of State. If service on these fail, service may be by substituted service on the Secretary of State or by any other method approved by court order. The bill repeals the duty to go down the hierarchy of officers and repeals the “any employee” option.

To cancel its certificate of authority to transact business in the state, a foreign corporation must in part furnish the Secretary of State with an address that can be used should the corporation be served with substitute process through the Secretary of State,<sup>12</sup> and must commit to update the mailing address in the future.<sup>13</sup> The bill adds a requirement to furnish an email address as a part of the withdrawal, and requires a corporation to also commit to future updates to the email address.

#### **Alternative Use of Commercial Delivery Services (Sections 4, 11, and 17)**

Various forms of service of process require that a copy of the papers served also be furnished to the person affected by mailing through the United States Postal Service. In the following statutes, the bill adds that delivery by a commercial firm regularly engaged in the business of document or package delivery is an alternative to U.S. postal delivery:

- Service of process on agents of nonresidents (natural persons or partnerships) doing business in the state;<sup>14</sup>
- Substituted service of process by service on the Secretary of State; and<sup>15</sup>
- Presuit service of a notice of intent to file a medical negligence action.<sup>16</sup>

#### **Offices of Registered Agents (Section 6)**

A registered agent for a corporation is required to be open daily from 10 a.m. to noon, except for weekends and holidays, and must post a sign listing the corporations that the registered agent serves.<sup>17</sup> No statute governs operating hours or signs of a registered agent for other forms of business entity.

The bill adds all forms of a business entity to the statute governing registered agents, allows a registered agent to be open at times in addition to the 10 a.m. to noon requirement, repeals the sign requirement, specifies that service on a registered agent may be by delivery to any employee of the registered agent, and codifies the commonly understood duty of a registered agent to

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<sup>12</sup> Section 607.1520(1)(f), F.S. (for-profit corporations); s. 617.1520(2)(d), F.S. (not-for-profit corporations).

<sup>13</sup> Section 607.1520(1)(g), F.S. (for-profit corporations); s. 617.1520(2)(e), F.S. (not-for-profit corporations).

<sup>14</sup> Section 48.071, F.S.

<sup>15</sup> Section 48.161, F.S.

<sup>16</sup> Section 766.106(2)(a), F.S.

<sup>17</sup> Section 48.091, F.S.

promptly forward the process and any related papers to the responsible person in the business entity.

### **Service on a Dissolved Entity (Section 7)**

Service of process on a dissolved corporation is the same as service of process on an active corporation.<sup>18</sup> The statutes do not address service of process on other forms of a business entity after dissolution of the entity.

The bill confirms that service on a dissolved corporation is the same as an active corporation as such is amended by the bill. Additionally, the bill adds that service on a dissolved corporation may also be delivered to an existing court-appointed trustee, custodian, or receiver, and adds that the court may appoint a trustee, custodian, or receiver to receive process on behalf of a dissolved domestic for-profit corporation. The bill provides that service on a dissolved limited liability company is the same as an active limited liability company. Process may be delivered to a court-appointed liquidator, trustee, or receiver of a dissolved limited liability company, and the court may appoint a trustee, custodian, or receiver to receive process on behalf of a dissolved domestic limited liability company. Finally, the bill adds that service on a dissolved limited partnership is the same as service on an active limited partnership.

### **Court-Ordered Alternative Means of Service of Process (Section 8)**

Current law on service of process specifies the manner of service of process for various entities and situations, but gives no flexibility for unique circumstances. The bill provides flexibility where, despite due diligence, the party has been unable to personally serve process on any of the following forms of business entity:

- A domestic or foreign corporation;
- A domestic or foreign general partnership, including a limited liability partnership;
- A domestic or foreign limited partnership, including a limited liability limited partnership; or
- A domestic or foreign limited liability company.

In situations where the entity cannot otherwise be served, the court, upon motion and a showing of such inability, may authorize service in any other manner that the party seeking to effectuate service shows will be reasonably effective to give the entity actual notice of the suit. Such other manners of service may include service electronically by email or other technology by any person authorized to serve process or by an attorney. The court may authorize other methods of service consistent with the principles of due process. Additionally, in suits involving a breach of contract, the court may authorize the parties to effectuate service in the manner provided in the contractual notice provision of the contract.

### **Service on Public Agencies and Officers (Section 9)**

Current law provides that process against any municipal corporation, agency, board, or commission, department, or subdivision of the state or any county which has a governing board, council, or commission or which is a body corporate must be served:

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<sup>18</sup> Section 48.101, F.S.

- On the president, mayor, chair, or other head thereof; and in his or her absence;
- On the vice president, vice mayor, or vice chair, or in the absence of all of the above;
- On any member of the governing board, council, or commission.<sup>19</sup>

The bill provides that process against any municipal corporation, agency, board, or commission, department, or subdivision of the state or any county which has a governing board, council, or commission or which is a body corporate must be served on the registered agent. However, if the entity does not have a registered agent, or if the registered agent cannot be served after one good faith attempt, the entity must be served:

- On the president, mayor, chair, or other head thereof, and in the absence of the aforementioned;
- On the vice president, vice mayor, or vice chair, and in the absence of the aforementioned;
- On any member of the governing board, council, or commission, the manager of the governmental entity, of an in-house attorney for the governmental entity, and in the absence of the aforementioned;
- On any employee of the governmental entity at the main office of the governmental entity.

### **Procedures for Substituted Service through the Secretary of State (Sections 1 and 11)**

Several statutes on service of process refer to substituted service of process by service on the Secretary of State. This is generally only available where attempts at personal service have failed. Substituted service on the Secretary of State is effectuated by either hand delivery or by certified mail addressed to the Secretary of State, together with a fee of \$8.75. A copy of the process must be sent to the individual or entity at the last known address by certified or registered mail.<sup>20</sup> Case law interpreting the statute requires that a party using substituted service on the Secretary of State make an honest and conscientious effort, in addition to the mailing, to provide the defendant with actual notice of the lawsuit,<sup>21</sup> which may be notice through a known email.<sup>22</sup> When using substituted service on the Secretary of State, the bill:

- Allows the Secretary of State to agree to receive service of process electronically;
- Repeals the \$8.75 fee payable to the Secretary of State;
- Expands the options for delivery by adding the option to use a commercial firm regularly engaged in the business of document or package delivery as an alternative to mailing;
- Requires that the party send a copy by e-mail or other electronic means if the parties have recently and regularly used any of those means of communication;
- Requires that the party send a copy by mail or commercial delivery of the process to the last known address of the party being served;
- Requires the party to file with the court proof of delivery from the post office or commercial service, unless the party being served is actively refusing or rejecting delivery;
- Requires the party to file an affidavit showing due diligence in the search for the party being served and the need for substituted service, together with any return receipt or other proof of

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<sup>19</sup> Section 48.111(1), F.S.

<sup>20</sup> Section 48.161, F.S.

<sup>21</sup> *All Mobile Video v. Whitener*, 773 So. 2d 587, 589-90 (Fla. 1st DCA 2000) (plaintiff knew telephone and fax number of defendant company but did not call or fax for new address when mailed copy of process was returned).

<sup>22</sup> *Crystal Springs Partners, Ltd. v. Michael R. Band, P.A.*, 132 So. 3d 1230 (Fla 3rd DCA 2014) (law firm plaintiff knew former client's email address and should have emailed copy of process in addition to mailing).

mailing or delivery, within 40 days after delivery to the Secretary of State. The court may extend the 40 days; and

- Establishes that the date of service of substituted process is the date of delivery to the Secretary of State. The Secretary of State must maintain a record of each process delivered.

The bill also defines the due diligence necessary before resorting to substituted service on a natural person as:

- Diligent inquiry and an honest and conscientious effort appropriate to the circumstances to acquire the information necessary to effectuate personal service;
- Reasonable use of the knowledge at the party's command, including knowledge obtained by the diligent inquiry; and
- An appropriate number of attempts to serve the party, taking into account the particular circumstances, during such times when and where the party is reasonably likely to be found, as determined through resources reasonably available to the party seeking to secure service of process.

### **Authorization for Substituted Service on Nonresidents and Foreign Business Entities Doing Business in the State or Who Are Concealing Their Whereabouts (Section 12)**

Current law provides that a nonresident individual or entity doing business in the state is presumed to have appointed the Secretary of State to accept service of process. This also applies to any person who was a resident of the state but who has left the state and to a person who is concealing his or her whereabouts.<sup>23</sup>

The bill repeals the application of this section to former residents, as service on them is provided in statutes allowing for service outside of the state. If a nonresident business entity has properly registered with the Department of State, the bill requires that service of process first be attempted by delivery to the registered agent, then to the entity officials as appropriate to the form of entity, and only after failing in all such attempts, by substituted service on the Secretary of State.

### **Service on Unknown Parties in Possession of Rental Property (Section 13)**

Landlord-tenant eviction requires two attempts at personal service on a tenant at least six hours apart. If the tenant is not found after the second attempt, the process must be conspicuously posted on the rental property and a copy mailed to the tenant by the clerk.<sup>24</sup> It is unclear whether this procedure applies where an unknown person is discovered to be living in the rental unit.

The bill creates a new section of law limited to service of process on an unknown person in possession of real property. The clerk of court is required to issue a summons in the name of "Unknown Party in Possession." The property owner must make three attempts at service, one during business hours, one during nonbusiness hours, and one on a weekend.<sup>25</sup> On each attempt the process server must inquire as to the name of the unknown occupant. The property owner must have a copy of the process mailed by the clerk of court to the unknown party in possession

<sup>23</sup> Section 48.181, F.S.

<sup>24</sup> Section 48.183, F.S.

<sup>25</sup> In general, service of process may not be made on a Sunday. Section 48.20, F.S.

at the property address and must post a copy of the process conspicuously on the property. The date of service for purposes of calculating the 5 days for a defendant to file an answer is the later of the date of personal service, the date of posting on the property, or the date the clerk mails the process. If the inquiry discovers the name of the unknown person in possession, the person must be named in the pleadings. If the name is not known and the legal requirements of eviction are met, the clerk may issue a writ of possession against an unknown person and the sheriff may remove any person on the property.

### **Personal Service Outside of Florida (Sections 14 and 15)**

Service on persons outside the state is effective if made in the manner required for in-state process, except that it must be served by a person authorized under that jurisdiction's law to serve process.<sup>26</sup> The statute mentions that service outside of the United States may be subject to treaty, but does not require compliance. The bill limits application of this section to service within the other 49 states and within U.S. territories and commonwealths, and creates a new section governing service of Florida process upon a person or entity in a foreign country.

The bill provides that service of process may be effectuated in a foreign country upon a party, other than a minor or an incompetent person, by any internationally agreed-upon means of service reasonably calculated to give actual notice of the proceedings, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. If there is no internationally agreed-upon means of service, or if an international agreement allows but does not specify other means, service of process may be made by any method reasonably calculated to give actual notice of the proceedings. Reasonable methods are those prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction, those directed by the foreign authority in response to a letter rogatory or letter of request, or unless prohibited by the foreign country's law, by delivering a copy of the summons and of the complaint to the individual personally or by using any form of mail which the clerk addresses and sends to the party, which requires a signed receipt. Pursuant to motion and order by the court, service of process may be by other means, including electronically by email or other technology, if the party seeking service shows such form of service is reasonably calculated to give actual notice of the proceedings and is not prohibited by international agreement.

### **Service of Process by Publication (Section 16)**

The bill amends s. 49.011, F.S., to expand the cases in which service of process by publication is permitted. The bill authorizes service by publication in a paternity case upon the legal mother when there is no legal father established.

### **Presuit Notice in Medical Negligence Action (Section 17)**

Before filing a medical negligence action, an injured patient must first deliver to each prospective defendant a notice of intent to file the action. This notice starts a 90-day presuit investigation period. The notice also tolls the running of the statute of limitations. The notice

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<sup>26</sup> Section 48.194, F.S.



must be delivered by certified mail, return receipt requested.<sup>27</sup> While many laws on service of process by mail provide that the date of service is the day of mailing, this statute has been interpreted to mean that the date of service is the day that the prospective defendant received the mailing.<sup>28</sup>

The bill expands the methods of service of the presuit notice to allow United States mail service with a tracking number, use of an interstate commercial mail carrier or delivery service, or service by any person authorized by law to serve process. The bill also specifies that delivery to an address on file with the Department of Health, the Secretary of State, or the Agency for Health Care Administration creates a rebuttable presumption that service of the presuit notice was made. If the question of proper service is made, the court must conduct an evidentiary hearing, and if service is challenged, it must be challenged in the first response to the complaint.<sup>29</sup> The bill also provides that tolling of the statute of limitations begins on the date of mailing or the date of the first attempt at service by the certified process server, tolling applies to all defendants, and the 90-day investigation period starts upon delivery of the notice rather than upon mailing.

#### **Miscellaneous (Sections 10, 18, and 20)**

The bill amends ss. 48.151, 495.145, and 605.09091, F.S., respectively, to make conforming changes to provisions made by the bill.

#### **Effective Date**

The section of the bill regarding notice before filing an action for medical malpractice takes effect upon becoming law, the remainder of the bill takes effect January 2, 2023.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>27</sup> Section 766.106(2), F.S.

<sup>28</sup> *Boyd v. Becker*, 627 So. 2d 481 (Fla.1993); *Bove v. Naples, LLC*, 196 So. 3d 411 (Fla. 2nd DCA 2016) (case dismissed where notice was mailed one day before statute of limitations ran and received several days after).

<sup>29</sup> If the court determines that service was properly made and the prospective defendant proves by the greater weight of the evidence that neither they nor a person legally related to the prospective defendant knew or should have known of the service, the court must stay the case for a presuit period pursuant to s. 766.106, F.S. In such situation, the statute of limitations and statute of repose are tolled from the time service was properly made at the prospective defendant's address until the conclusion of the presuit period.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 15.16, 48.061, 48.062, 48.071, 48.081, 48.091, 48.101, 48.111, 48.151, 48.161, 48.181, 48.194, 49.011, 766.106, 495.145, 605.0117, 605.09091, 605.0910, 605.1045, 607.0504, 607.1423, 607.15101, 607.1520, 617.0504, 617.1510, 617.1520, 620.1117, 620.1907, 620.2105, 620.2109, 620.8915, and 620.8919.

This bill creates the following sections of the Florida Statutes: 48.102, 48.184, and 48.197.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Judiciary on January 11, 2022:**

The committee substitute removes references to service or notice by social media, limits the new criteria for due diligence to only apply the criteria to service of process on an individual, makes technical amendments to section of bill regarding service of process on an unnamed occupant of a rental property and allows posting on any attempt, and adds a duty of a foreign corporation to keep its email address on file with the Secretary of State current to match the same change made by the bill to partnerships and limited liability companies.

**CS by Commerce and Tourism on January 31, 2022:**

The committee substitute:

- Adds to the section of the bill dealing with alternative means of service and provides that after due diligence, other manners of service may include service electronically by email or other technology by any person authorized to serve process or by an attorney. It also provides that the court may authorize other methods of service consistent with the principles of due process, and in suits involving a breach of contract, the court may authorize the parties to effectuate service in the manner provided in the contractual notice provision of the contract;
- Provides the manner and order of priority for attempted service on public agencies and officers;
- Removes the rebuttable presumption used in determining whether the party effectuating service used due diligence with substituted service on nonresidents;
- Authorizes service by publication in a paternity case upon the legal mother when there is no legal father established; and
- Establishes that a claimant may provide notice by using any person authorized by law to serve process in litigation for medical negligence, and clarifies that if service is challenged it must be challenged in the first response to the complaint.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2022	.	
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The Committee on Commerce and Tourism (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 544 - 955  
and insert:  
service electronically by e-mail or other technology by any person authorized to serve process in accordance with this chapter, or by an attorney. The court may authorize other methods of service consistent with the principles of due process. In suits involving a breach of contract, the court may consider authorizing the parties to effectuate service in the



11 manner provided for in the contractual notice provision of the  
12 subject contract.

13 Section 9. Subsection (1) of section 48.111, Florida  
14 Statutes, is amended to read:

15 48.111 Service on public agencies and officers.-

16 (1) Process against any municipal corporation, agency,  
17 board, or commission, department, or subdivision of the state or  
18 any county which has a governing board, council, or commission  
19 or which is a body corporate shall be served:

20 (a) On the registered agent; or

21 (b) If the municipal corporation, agency, board, or  
22 commission, department, or subdivision of the state does not  
23 have a registered agent, or if the registered agent cannot  
24 otherwise be served after one good faith attempt:

25 1. On the president, mayor, chair, or other head thereof;  
26 and in the ~~his or her~~ absence of all persons listed in this  
27 subparagraph;

28 2. ~~(b)~~ On the vice president, vice mayor, or vice chair, and  
29 or in the absence of all persons listed in subparagraph 1. and  
30 this subparagraph of the above;

31 3. ~~(c)~~ On any member of the governing board, council, or  
32 commission, the manager of the governmental entity, if any, or  
33 an in-house attorney for the governmental entity, if any, and in  
34 the absence of all the persons listed in subparagraph 1.,  
35 subparagraph 2., and this subparagraph;

36 4. On any employee of the governmental entity at the main  
37 office of the governmental entity.

38 Section 10. Subsection (2) of section 48.151, Florida  
39 Statutes, is amended to read:



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40 48.151 Service on statutory agents for certain persons.—

41 (2) This section does not apply to substituted service of  
42 process under s. 48.161 or s. 48.181 ~~on nonresidents.~~

43 Section 11. Section 48.161, Florida Statutes, is amended to  
44 read:

45 48.161 Method of substituted service on nonresident.—

46 (1) When authorized by law, substituted service of process  
47 on a nonresident individual or a corporation or other business  
48 entity incorporated or formed under the laws of any other state,  
49 territory, or commonwealth, or the laws of any foreign country,  
50 ~~may or a person who conceals his or her whereabouts by serving a~~  
51 ~~public officer designated by law shall~~ be made by sending  
52 leaving a copy of the process to the office of the Secretary of  
53 State by personal delivery; by registered mail; with a fee of  
54 ~~\$8.75 with the public officer or in his or her office or by~~  
55 ~~mailing the copies by certified mail, return receipt requested;~~  
56 by use of a commercial firm regularly engaged in the business of  
57 document or package delivery; or by electronic transmission ~~to~~  
58 ~~the public officer with the fee.~~ The service is sufficient  
59 service on a party that ~~defendant who~~ has appointed or is deemed  
60 to have appointed the Secretary of State a public officer as  
61 such party's ~~his or her~~ agent for the service of process. The  
62 Secretary of State shall keep a record of all process served on  
63 the Secretary of State showing the day and hour of service.

64 (2) Notice of service and a copy of the process must ~~shall~~  
65 be sent forthwith by the party effectuating service or by such  
66 party's attorney by registered mail; by registered or certified  
67 mail, return receipt requested; or by use of a commercial firm  
68 regularly engaged in the business of document or package



69 delivery. In addition, if the parties have recently and  
70 regularly used e-mail or other electronic means to communicate  
71 between themselves, the notice of service and a copy of the  
72 process must be sent by such electronic means or, if the party  
73 is being served by substituted service, the notice of service  
74 and a copy of the process must be served at such party's last  
75 known physical address and, if applicable, last known electronic  
76 address. The party effectuating service shall file proof of  
77 service or return receipts showing delivery to the other party  
78 by mail or courier and by electronic means, if electronic means  
79 were used, unless the party is actively refusing or rejecting  
80 the delivery of the notice. An ~~by the plaintiff or his or her~~  
81 attorney to the defendant, and the defendant's return receipt  
82 and the affidavit of compliance of the party effectuating  
83 service ~~plaintiff or such party's his or her~~ attorney must of  
84 compliance shall be filed within 40 days after ~~on or before~~ the  
85 date ~~return day of~~ service on the Secretary of State ~~process~~ or  
86 within such additional time as the court allows. The affidavit  
87 of compliance must set forth the facts that justify substituted  
88 service under this section and that show due diligence was  
89 exercised in attempting to locate and effectuate personal  
90 service on the party before using substituted service under this  
91 section. The party effectuating service does not need to allege  
92 in its original or amended complaint the facts required to be  
93 set forth in the affidavit of compliance.

94 (3) When an individual or a business entity conceals its  
95 whereabouts, the party seeking to effectuate service, after  
96 exercising due diligence to locate and effectuate personal  
97 service, may use substituted service pursuant to subsection (1)



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98 in connection with any action in which the court has  
99 jurisdiction over such individual or business entity. The party  
100 seeking to effectuate service must also comply with subsection  
101 (2); however, a return receipt or other proof showing acceptance  
102 of receipt of the notice of service and a, or the notice and  
103 copy of the shall be served on the defendant, if found within  
104 the state, by an officer authorized to serve legal process by  
105 the concealed party need not be filed, or if found without the  
106 state, by a sheriff or a deputy sheriff of any county of this  
107 state or any duly constituted public officer qualified to serve  
108 like process in the state or jurisdiction where the defendant is  
109 found. The officer's return showing service shall be filed on or  
110 before the return day of the process or within such time as the  
111 court allows. The fee paid by the plaintiff to the public  
112 officer shall be taxed as cost if he or she prevails in the  
113 action. The public officer shall keep a record of all process  
114 served on him or her showing the day and hour of service.

115 (4) The party effectuating service is considered to have  
116 used due diligence if that party:

117 (a) Made diligent inquiry and exerted an honest and  
118 conscientious effort appropriate to the circumstances to acquire  
119 the information necessary to effectuate personal service;

120 (b) In seeking to effectuate personal service, reasonably  
121 employed the knowledge at the party's command, including  
122 knowledge obtained pursuant to paragraph (a); and

123 (c) Made an appropriate number of attempts to serve the  
124 party, taking into account the particular circumstances, during  
125 such times when and where such party is reasonably likely to be  
126 found, as determined through resources reasonably available to





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127 the party seeking to secure service of process.

128 (5)(2) If any individual person on whom service of process  
129 is authorized under subsection (1) dies, service may be made in  
130 the same manner on his or her administrator, executor, curator,  
131 or personal representative in the same manner.

132 (9)(3) This section does not apply to persons on whom  
133 service is authorized under s. 48.151.

134 (6)(4) The Secretary of State public officer may designate  
135 an individual some other person in his or her office to accept  
136 service.

137 (7) Service of process is effectuated under this section on  
138 the date the service is received by the Department of State.

139 (8) The Department of State shall maintain a record of each  
140 process served pursuant to this section and record the time of  
141 and the action taken regarding the service.

142 Section 12. Section 48.181, Florida Statutes, is amended to  
143 read:

144 48.181 Substituted service on nonresidents and foreign  
145 business entities nonresident engaging in business in state or  
146 concealing their whereabouts.-

147 (1) As used in this section, the term "foreign business  
148 entity" means any corporation or other business entity that is  
149 incorporated, formed, or existing under the laws of any other  
150 state, territory, or commonwealth, or the laws of any foreign  
151 country.

152 (2) The acceptance by any individual person or persons,  
153 individually or associated together as a copartnership or any  
154 other form or type of association, who is a resident are  
155 residents of any other state, territory, or commonwealth, or of



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156 any foreign ~~or~~ country, or by any foreign business entity and  
157 all foreign corporations, and any person who is a resident of  
158 the state and who subsequently becomes a nonresident of the  
159 state or conceals his or her whereabouts, of the privilege  
160 extended by law to nonresidents and others to operate, conduct,  
161 engage in, or carry on a business or business venture in this  
162 the state, or to have an office or agency in this the state, is  
163 deemed to constitute ~~constitutes~~ an appointment by the  
164 individual or persons and foreign business entity corporations  
165 of the Secretary of State of this the state as its their agent  
166 on whom all process in any action or proceeding against the  
167 individual or foreign business entity them, or any combination  
168 thereof of them, arising out of any transaction or operation  
169 connected with or incidental to the business or business venture  
170 may be served as substituted service in accordance with this  
171 chapter. The acceptance of the privilege is signification of the  
172 agreement of the respective individual or persons and foreign  
173 business entity corporations that the process served against it  
174 in accordance with this chapter them which is so served is of  
175 the same validity as if served personally on the individual  
176 persons or foreign business entity corporations.

177 (3)(2) If a foreign business entity corporation has  
178 registered to do business a resident agent or officer in this  
179 the state and has maintained its registration in an active  
180 status or otherwise continued to have a registered agent,  
181 personal service of process must first shall be attempted served  
182 on the foreign business entity in the manner and order of  
183 priority described in this chapter as applicable to the foreign  
184 business entity. If, after due diligence, the party seeking to



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185 effectuate service of process is unable to effectuate service of  
186 process on the registered agent or other official as provided in  
187 this chapter, the party may use substituted service of process  
188 on the Secretary of State ~~resident agent or officer.~~

189 (4) Any individual or foreign business entity that conceals  
190 its whereabouts is deemed to have appointed the Secretary of  
191 State as its agent on whom all process may be served, in any  
192 action or proceeding against it, or any combination thereof,  
193 arising out of any transaction or operation connected with or  
194 incidental to any business or business venture carried on in  
195 this state by such individual or foreign business entity.

196 (5) ~~(3)~~ Any individual or foreign business entity that  
197 person, firm, or corporation which sells, consigns, or leases by  
198 any means whatsoever tangible or intangible personal property,  
199 through brokers, jobbers, wholesalers, or distributors to any  
200 individual person, firm, or corporation, or other business  
201 entity in this state is conclusively presumed to be both engaged  
202 in substantial and not isolated activities within this state and  
203 operating, conducting, engaging in, or carrying on a business or  
204 business venture in this state.

205 (6) Service pursuant to this section must be effectuated in  
206 the manner prescribed by s. 48.161.

207 Section 13. Section 48.184, Florida Statutes, is created to  
208 read:

209 48.184 Service of process for removal of unknown parties in  
210 possession.—

211 (1) This section applies only to actions governed by s.  
212 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent  
213 that such actions seek relief for the removal of unknown parties



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214 in possession of real property. The provisions of this section  
215 are cumulative to other provisions of law or rules of court  
216 about service of process, and all other such provisions are  
217 cumulative to this section.

218 (2) A summons must be issued in the name of "Unknown Party  
219 in Possession" when the name of an occupant of real property is  
220 not known to the plaintiff and the property occupied by the  
221 unknown party is identified in the complaint and summons. A  
222 separate summons must be issued for each such unknown occupant.

223 (3) The plaintiff shall attempt to serve the summons on any  
224 unknown occupant of the property described in the summons and  
225 complaint. If service on the unknown occupant is not effectuated  
226 on the first attempt, at least two additional attempts must be  
227 made. The three attempts to obtain service must be made once  
228 during business hours, once during nonbusiness hours, and once  
229 during a weekend. The process server shall make an inquiry as to  
230 the name of the unknown occupant at the time of service. The  
231 return of service must note the name of the occupant if obtained  
232 by the process server or state that the name of the occupant  
233 could not be obtained after inquiry. If the name of the occupant  
234 becomes known to the plaintiff through the return of service or  
235 otherwise, without notice or hearing thereon, all subsequent  
236 proceedings must be conducted under the true name of such  
237 occupant and all prior proceedings are deemed amended  
238 accordingly.

239 (4) Service of process must also be made on unknown  
240 occupants by both of the following means:

241 (a) By attaching the summons and complaint to a conspicuous  
242 location on the premises involved in the proceedings.



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243           (b) Upon issuance of the summons, by the plaintiff  
244 providing the clerk of the court with one additional copy of the  
245 summons and complaint for each unknown occupant and a prestamped  
246 envelope for each unknown occupant addressed to the unknown  
247 occupant at the address of the premises involved in the  
248 proceedings. The clerk of the court shall immediately mail a  
249 copy of the summons and complaint by first-class mail, note the  
250 fact of mailing in the docket, and file a certificate in the  
251 court file of the fact and date of mailing. The clerk of the  
252 court shall charge such fees for such services as provided by  
253 law.

254           (5) Service is effective on the unknown occupant in  
255 possession on the later of the date that personal service is  
256 made, the date of attaching the summons and complaint to a  
257 conspicuous location on the premises, or upon mailing by the  
258 clerk.

259           (6) The judgment and writ of possession must refer to any  
260 unknown occupant in possession by name if the name is shown on  
261 the return of service or is otherwise known to the plaintiff. If  
262 the name of any unknown occupant in possession is not shown on  
263 the return of service or otherwise known to the plaintiff and  
264 service has been effectuated as provided in this section, the  
265 judgment and writ of possession must refer to each such person  
266 as "Unknown Party in Possession," and the writ of possession  
267 must be executed by the sheriff by dispossessing the occupants  
268 and placing the plaintiff in possession of the property.

269           Section 14. Subsections (1) and (2) of section 48.194,  
270 Florida Statutes, are amended to read:

271           48.194 Personal service in another ~~outside~~ state,



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272 territory, or commonwealth of the United States.-

273 (1) Except as otherwise provided herein, service of process  
274 on a party in another persons outside of this state, territory,  
275 or commonwealth of the United States must shall be made in the  
276 same manner as service within this state by any person  
277 authorized to serve process in the state where service shall be  
278 made the person is served. No order of court is required. A  
279 ~~court may consider the~~ return-of-service form described in s.  
280 48.21, or any other competent evidence, must be filed with the  
281 court stating the time, manner, and place of service. The court  
282 may consider such evidence in determining whether service has  
283 been properly made. ~~Service of process on persons outside the~~  
284 ~~United States may be required to conform to the provisions of~~  
285 ~~the Hague Convention on the Service Abroad of Judicial and~~  
286 ~~Extrajudicial Documents in Civil or Commercial Matters.~~

287 (2) When where in rem or quasi in rem relief is sought in a  
288 foreclosure proceeding as defined by s. 702.09, and the address  
289 of the person to be served is known, service of process on a  
290 person in another state, territory, or commonwealth outside of  
291 the United States this state where the address of the person to  
292 ~~be served is known~~ may be made by registered mail as follows:

293 (a) The party's attorney or the party, if the party is not  
294 represented by an attorney, shall place a copy of the original  
295 process and the complaint, petition, or other initial pleading  
296 or paper and, if applicable, the order to show cause issued  
297 pursuant to s. 702.10 in a sealed envelope with adequate postage  
298 addressed to the person to be served.

299 (b) The envelope must shall be placed in the mail as  
300 registered mail.



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301           (c) Service under this subsection is deemed ~~shall be~~  
302 ~~considered~~ obtained upon the signing of the return receipt by  
303 the person allowed to be served by law.

304           Section 15. Section 48.197, Florida Statutes, is created to  
305 read:

306           48.197 Service in a foreign country.-

307           (1) Service of process may be effectuated in a foreign  
308 country upon a party, other than a minor or an incompetent  
309 person, as provided in any of the following:

310           (a) By any internationally agreed-upon means of service  
311 reasonably calculated to give actual notice of the proceedings,  
312 such as those authorized by the Hague Convention on the Service  
313 Abroad of Judicial and Extrajudicial Documents in Civil or  
314 Commercial Matters.

315           (b) If there is no internationally agreed-upon means of  
316 service, or if an international agreement allows but does not  
317 specify other means, by a method reasonably calculated to give  
318 actual notice of the proceedings:

319           1. As prescribed by the foreign country's law for service  
320 in that country in an action in its courts of general  
321 jurisdiction;

322           2. As the foreign authority directs in response to a letter  
323 rogatory or letter of request; or

324           3. Unless prohibited by the foreign country's law, by:

325           a. If serving an individual, delivering a copy of the  
326 summons and of the complaint to the individual personally; or

327           b. Using any form of mail that the clerk addresses and  
328 sends to the party and which requires a signed receipt.

329           (c) Pursuant to motion and order by the court, by other



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330 means, including electronically by e-mail or other technology,  
331 which the party seeking service shows is reasonably calculated  
332 to give actual notice of the proceedings and is not prohibited  
333 by international agreement, as the court orders.

334 (2) Service of process may be effectuated in a foreign  
335 country upon a minor or an incompetent person in the manner  
336 prescribed by subparagraph (1) (b)1., subparagraph (1) (b)2., or  
337 paragraph (1) (c).

338 Section 16. Subsection (15) of section 49.011, Florida  
339 Statutes, is amended to read:

340 49.011 Service of process by publication; cases in which  
341 allowed.—Service of process by publication may be made in any  
342 court on any party identified in s. 49.021 in any action or  
343 proceeding:

344 (15) To determine paternity, but only as to:

345 (a) The legal father in a paternity action in which another  
346 man is alleged to be the biological father, in which case it is  
347 necessary to serve process on the legal father in order to  
348 establish paternity with regard to the alleged biological  
349 father; or

350 (b) The legal mother when there is no legal father.

351 Section 17. Effective upon this act becoming a law,  
352 subsection (2), paragraph (a) of subsection (3), and subsection  
353 (4) of section 766.106, Florida Statutes, are amended to read:

354 766.106 Notice before filing action for medical negligence;  
355 presuit screening period; offers for admission of liability and  
356 for arbitration; informal discovery; review.—

357 (2) PRESUIT NOTICE.—

358 (a) After completion of presuit investigation pursuant to





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359 s. 766.203(2) and before ~~prior to~~ filing a complaint for medical  
360 negligence, a claimant shall notify each prospective defendant  
361 of intent to initiate litigation for medical negligence by at  
362 least one of the following verifiable means:

363 1. United States Postal Service certified mail, return  
364 receipt requested;

365 2. United States Postal Service mail with a tracking  
366 number;

367 3. An interstate commercial mail carrier or delivery  
368 service; or

369 4. Any person authorized by law to serve process.

370 (b)1. Proof of service made pursuant to this subsection and  
371 delivered to an address on file with the Department of Health,  
372 the Secretary of State, or the Agency for Health Care  
373 Administration creates a rebuttable presumption that service was  
374 received by the prospective defendant.

375 2. If service is challenged during subsequent litigation,  
376 the court must conduct an evidentiary hearing to determine  
377 whether the prospective defendant or a person legally related to  
378 the prospective defendant was provided notice pursuant to this  
379 subsection and, if so, the date of such service. If service is  
380 challenged under this subparagraph, it must be challenged in the  
381 first response to the complaint, and if:

382 a. The court determines that service was properly made at  
383 the prospective defendant's address as listed on the state  
384 licensing agency website or an address on file with the  
385 Secretary of State; and

386 b. The prospective defendant proves by the greater weight  
387 of the evidence that neither the prospective defendant nor a



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388 person legally related to the prospective defendant at the time  
389 of service knew or should have known of the service,  
390  
391 the court must stay the case for a presuit investigation period  
392 pursuant to s. 766.106, and the statute of limitations and  
393 statute of repose must be tolled from the time service was  
394 properly made at the prospective defendant's address as listed  
395 on the state licensing agency website or an address on file with  
396 the Secretary of State. The tolling shall end at the conclusion  
397 of the presuit investigation period provided for in this  
398 subsection, and the stay of litigation shall automatically end  
399 at the conclusion of the presuit investigation period by  
400 ~~certified mail, return receipt requested, of intent to initiate~~  
401 ~~litigation for medical negligence.~~

402       (c) Notice to each prospective defendant must include, if  
403 available, a list of all known health care providers seen by the  
404 claimant for the injuries complained of subsequent to the  
405 alleged act of negligence, all known health care providers  
406 during the 2-year period before ~~prior to~~ the alleged act of  
407 negligence who treated or evaluated the claimant, copies of all  
408 of the medical records relied upon by the expert in signing the  
409 affidavit, and the executed authorization form provided in s.  
410 766.1065.

411       (d)-(b) Following the initiation of a suit alleging medical  
412 negligence with a court of competent jurisdiction, and service  
413 of the complaint upon a prospective defendant, the claimant  
414 shall provide a copy of the complaint to the Department of  
415 Health and, if the complaint involves a facility licensed under  
416 chapter 395, the Agency for Health Care Administration. The



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417 requirement of providing the complaint to the Department of  
418 Health or the Agency for Health Care Administration does not  
419 impair the claimant's legal rights or ability to seek relief for  
420 his or her claim. The Department of Health or the Agency for  
421 Health Care Administration shall review each incident that is  
422 the subject of the complaint and determine whether it involved  
423 conduct by a licensee which is potentially subject to  
424 disciplinary action, in which case, for a licensed health care  
425 practitioner, ~~the provisions of s. 456.073 applies~~ apply and,  
426 for a licensed facility, ~~the provisions of part I of chapter 395~~  
427 applies ~~apply~~.

428 (3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

429 (a) A ~~ne~~ suit may not be filed for a period of 90 days  
430 after notice is delivered ~~mailed~~ to any prospective defendant.  
431 During the 90-day period, the prospective defendant or the  
432 prospective defendant's insurer or self-insurer shall conduct a  
433 review as provided in s. 766.203(3) to determine the liability  
434 of the prospective defendant. Each insurer or self-insurer shall  
435 have a procedure for the prompt investigation, review, and  
436 evaluation of claims during the 90-day period. This procedure  
437 must ~~shall~~ include one or more of the following:

- 438 1. Internal review by a duly qualified claims adjuster;
- 439 2. Creation of a panel comprised of an attorney  
440 knowledgeable in the prosecution or defense of medical  
441 negligence actions, a health care provider trained in the same  
442 or similar medical specialty as the prospective defendant, and a  
443 duly qualified claims adjuster;
- 444 3. A contractual agreement with a state or local  
445 professional society of health care providers, which maintains a



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446 medical review committee; or

447 4. Any other similar procedure which fairly and promptly  
448 evaluates the pending claim.

449

450 Each insurer or self-insurer shall investigate the claim in good  
451 faith, and both the claimant and prospective defendant shall  
452 cooperate with the insurer in good faith. If the insurer  
453 requires, a claimant must ~~shall~~ appear before a pretrial  
454 screening panel or before a medical review committee and shall  
455 submit to a physical examination, if required. Unreasonable  
456 failure of any party to comply with this section justifies  
457 dismissal of claims or defenses. There shall be no civil  
458 liability for participation in a pretrial screening procedure if  
459 done without intentional fraud.

460 (4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of  
461 intent to initiate litigation must ~~shall~~ be served within the  
462 time limits set forth in s. 95.11. However, upon mailing of the  
463 notice of intent to initiate litigation, as provided in  
464 subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph  
465 (2)(a)3., and during the 90-day period provided in subsection  
466 (3), the statute of limitations is tolled as to all prospective  
467 potential defendants. If the notice of intent to initiate  
468 litigation is served by a process server as provided in  
469 subparagraph (2)(a)4., the statute of limitations is tolled upon  
470 the process server's first attempt to serve the prospective  
471 defendant and continues during the 90-day period as to all  
472 prospective defendants. Upon stipulation by the parties, the 90-  
473 day period may be extended and the statute of limitations is  
474 tolled during any such extension. Upon receiving notice of



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475 termination of negotiations in an extended period, the claimant  
476 shall have 60 days or the remainder of the period of the statute  
477 of limitations, whichever is greater, within which to file suit.  
478 As used in this section, the terms "prospective" and "potential"  
479 are interchangeable.

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

481 And the title is amended as follows:

482 Delete lines 30 - 62

483 and insert:

484 certain circumstances; amending s. 48.111, F.S.;

485 revising provisions related to service on public

486 agencies and officers; authorizing service on

487 specified persons under certain circumstances;

488 amending s. 48.151, F.S.; revising the applicability

489 of provisions relating to service on statutory agents

490 for certain persons; amending s. 48.161, F.S.;

491 revising provisions relating to substituted service;

492 providing for substituted service on individuals or

493 corporations or other business entities; specifying

494 actions that may be considered due diligence in

495 effectuating service; specifying when service is

496 considered effectuated; requiring the Department of

497 State to maintain certain records; amending s. 48.181,

498 F.S.; defining the term "foreign business entity";

499 revising provisions relating to substituted service;

500 providing for substituted service on certain

501 nonresidents and foreign business entities and on

502 individuals and foreign business entities concealing

503 their whereabouts; creating s. 48.184, F.S.; providing



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504 for service of process for removal of unknown parties  
505 in possession of real property; amending s. 48.194,  
506 F.S.; revising provisions relating to service outside  
507 this state but within the United States; deleting  
508 provisions relating to service outside the United  
509 States; creating s. 48.197, F.S.; providing for  
510 service in a foreign country; amending s. 49.011,  
511 F.S.; providing for constructive service on the legal  
512 mother in certain situations; amending s. 766.106,  
513 F.S.; revising requirements for service of presuit  
514 notice before filing a medical negligence complaint;  
515 creating a rebuttable presumption that service was  
516 received by a prospective defendant in certain  
517 circumstances; providing court duties if service is  
518 challenged during subsequent litigation; revising  
519 provisions concerning tolling of the statute of  
520 limitations upon service of presuit notice by  
521 specified means; specifying that the terms  
522 "prospective" and "potential" are interchangeable;  
523 amending ss. 495.145, 605.0117,

By the Committee on Judiciary; and Senator Bradley

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1 A bill to be entitled  
 2 An act relating to service of process; amending s.  
 3 15.16, F.S.; authorizing the Department of State to  
 4 electronically receive service of process under ch.  
 5 48, F.S.; amending s. 48.061, F.S.; revising  
 6 procedures for service on partnerships, limited  
 7 liability partnerships, and limited partnerships;  
 8 amending s. 48.062, F.S.; defining the term  
 9 "registered foreign limited liability company";  
 10 revising procedures for service on a domestic limited  
 11 liability company or registered foreign limited  
 12 liability company; amending s. 48.071, F.S.; providing  
 13 for service on nonresidents doing business in this  
 14 state by use of a commercial firm regularly engaged in  
 15 the business of document or package delivery; amending  
 16 s. 48.081, F.S.; defining the term "registered foreign  
 17 corporation"; revising requirements for service on a  
 18 domestic corporation or registered foreign  
 19 corporation; amending s. 48.091, F.S.; defining terms;  
 20 requiring designation of registered agents and  
 21 registered offices by certain partnerships,  
 22 corporations, and companies; specifying duties of a  
 23 registered agent; authorizing a person serving process  
 24 to serve certain persons under specified conditions;  
 25 amending s. 48.101, F.S.; providing for service on  
 26 dissolved corporations, dissolved limited liability  
 27 companies, dissolved limited partnerships, and  
 28 dissolved limited liability partnerships; creating s.  
 29 48.102, F.S.; authorizing service by other means in

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30 certain circumstances; amending s. 48.151, F.S.;  
 31 revising the applicability of provisions relating to  
 32 service on statutory agents for certain persons;  
 33 amending s. 48.161, F.S.; revising provisions relating  
 34 to substituted service; providing for substituted  
 35 service on individuals or corporations or other  
 36 business entities; specifying actions that may be  
 37 considered due diligence in effectuating service;  
 38 specifying when service is considered effectuated;  
 39 requiring the Department of State to maintain certain  
 40 records; amending s. 48.181, F.S.; defining the term  
 41 "foreign business entity"; revising provisions  
 42 relating to substituted service; providing for  
 43 substituted service on certain nonresidents and  
 44 foreign business entities and on individuals and  
 45 foreign business entities concealing their  
 46 whereabouts; creating s. 48.184, F.S.; providing for  
 47 service of process for removal of unknown parties in  
 48 possession of real property; amending s. 48.194, F.S.;  
 49 revising provisions relating to service outside this  
 50 state but within the United States; deleting  
 51 provisions relating to service outside the United  
 52 States; creating s. 48.197, F.S.; providing for  
 53 service in a foreign country; amending s. 766.106,  
 54 F.S.; revising requirements for service of presuit  
 55 notice before filing a medical negligence complaint;  
 56 creating a rebuttable presumption that service was  
 57 received by a prospective defendant in certain  
 58 circumstances; providing court duties if service is

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59 challenged during subsequent litigation; revising  
60 provisions concerning tolling of the statute of  
61 limitations upon service of presuit notice by  
62 specified means; amending ss. 495.145, 605.0117,  
63 605.09091, 605.0910, 605.1045, 607.0504, 607.1423,  
64 607.15101, 607.1520, 617.0504, 617.1510, 617.1520,  
65 620.1117, 620.1907, 620.2105, 620.2109, 620.8915, and  
66 620.8919, F.S.; conforming cross-references and  
67 provisions to changes made by the act; providing  
68 effective dates.

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. Subsection (3) of section 15.16, Florida  
73 Statutes, is amended to read:

74 15.16 Reproduction of records; admissibility in evidence;  
75 electronic receipt and transmission of records; certification;  
76 acknowledgment.—

77 (3) The Department of State may cause to be received  
78 electronically any records that are required or authorized to be  
79 filed with it pursuant to chapter 48, chapter 55, chapter 117,  
80 chapter 118, chapter 495, chapter 605, chapter 606, chapter 607,  
81 chapter 610, chapter 617, chapter 620, chapter 621, chapter 679,  
82 chapter 713, or chapter 865, through facsimile or other  
83 electronic transfers, for the purpose of filing such records.  
84 The originals of all such electronically transmitted records  
85 must be executed in the manner provided in paragraph (5) (b). The  
86 receipt of such electronic transfer constitutes delivery to the  
87 department as required by law. The department may use electronic

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88 transmissions for purposes of notice in the administration of  
89 chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,  
90 621, 679, and 713 and s. 865.09. The Department of State may  
91 collect e-mail addresses for purposes of notice and  
92 communication in the performance of its duties and may require  
93 filers and registrants to furnish such e-mail addresses when  
94 presenting documents for filing.

95 Section 2. Section 48.061, Florida Statutes, is amended to  
96 read:

97 48.061 Service on partnerships, limited liability  
98 partnerships, and limited partnerships.—

99 (1) (a) Process against a partnership that is not a limited  
100 liability partnership or a limited partnership, including a  
101 limited liability limited partnership, must ~~shall~~ be served on  
102 any partner and is as valid for service on the partnership as if  
103 served on each individual partner.

104 1. If a partner is not available during regular business  
105 hours to accept service on behalf of the partnership, he or she  
106 may designate an employee or agent to accept such service.

107 2. After one attempt to serve a partner or designated  
108 employee or agent for service of process has been made, process  
109 may be served on a person in charge of the partnership during  
110 regular business hours.

111 (b) If the partnership designated an agent when registering  
112 as a general partnership with the Department of State, service  
113 on the agent is as valid for service on the partnership as if  
114 served on each individual partner; however, unless individual  
115 partners are served, the plaintiff may only proceed to judgment  
116 and execution against the assets of the partnership.

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117 (2) (a) Process against a domestic limited liability  
 118 partnership must first be served on the then-current registered  
 119 agent for service of process specified in its statement of  
 120 qualification, in its statement of qualification as amended or  
 121 restated, or as redesignated in its annual report or change of  
 122 agent filing and is as valid for service on the limited  
 123 liability partnership as if served on each individual partner.  
 124 If service cannot be made on the registered agent because the  
 125 domestic limited liability partnership ceases to have a  
 126 registered agent, or if the registered agent cannot otherwise be  
 127 served after one good faith attempt because of a failure to  
 128 comply with this chapter or chapter 620, the process may be  
 129 served on any partner.

130 1. If a partner is not available during regular business  
 131 hours to accept service on behalf of the partnership, he or she  
 132 may designate an employee to accept such service.

133 2. After one attempt to serve a partner or designated  
 134 employee has been made, process may be served on a person in  
 135 charge of the partnership during regular business hours.

136 (b) If, after due diligence, the process cannot be  
 137 completed under paragraph (a), the process may be served as  
 138 provided in s. 48.161 on the Secretary of State as an agent of  
 139 the domestic limited liability partnership or by order of the  
 140 court under s. 48.102.

141 (3) (a) 1. Process against a domestic limited partnership,  
 142 including a domestic limited liability limited partnership, must  
 143 first be served on the then-current agent for service of process  
 144 specified in its certificate of limited partnership, in its  
 145 certificate as amended or restated, or as redesignated in its

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146 annual report or change of agent filing and is as valid for  
 147 service on the domestic limited partnership as if served on each  
 148 individual general partner of the partnership.

149 2. If service cannot be made on the registered agent  
 150 because the domestic limited partnership or domestic limited  
 151 liability limited partnership ceases to have a registered agent,  
 152 or if the registered agent cannot otherwise be served following  
 153 one good faith attempt because of a failure to comply with this  
 154 chapter or chapter 620, the process may be served on any general  
 155 partner.

156 3. After service on a general partner or the registered  
 157 agent, the plaintiff may proceed to judgment and execution  
 158 against the assets of the domestic limited partnership or of  
 159 that general partner, unless the domestic limited partnership is  
 160 a limited liability limited partnership.

161 (b) If, after due diligence, the process cannot be  
 162 completed under paragraph (a), then process may be served as  
 163 provided in s. 48.161 on the Secretary of State as an agent of  
 164 the limited partnership or by order of the court under s.  
 165 48.102.

166 (4) (a) Process against a foreign limited liability  
 167 partnership that was required to comply with s. 620.9102 may be  
 168 served as prescribed under subsection (2).

169 (b) A foreign limited liability partnership engaging in  
 170 business in this state but not registered is considered, for  
 171 purposes of service of process, a nonresident engaging in  
 172 business in this state and may be served pursuant to s. 48.181  
 173 or by order of the court under s. 48.102.

174 (5) (a) Process against a foreign limited partnership that

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175 was required to comply with s. 620.1902 may be served as  
176 prescribed under subsection (3).

177 (b) A foreign limited partnership engaging in business in  
178 this state but not registered is considered, for purposes of  
179 service of process, a nonresident engaging in business in this  
180 state and may be served pursuant to s. 48.181 or by order of the  
181 court under s. 48.102. After one attempt to serve a partner or  
182 designated employee has been made, process may be served on the  
183 person in charge of the partnership during regular business  
184 hours. After service on any partner, plaintiff may proceed to  
185 judgment and execution against that partner and the assets of  
186 the partnership. After service on a designated employee or other  
187 person in charge, plaintiff may proceed to judgment and  
188 execution against the partnership assets but not against the  
189 individual assets of any partner.

190 ~~(2) Process against a domestic limited partnership may be~~  
191 ~~served on any general partner or on the agent for service of~~  
192 ~~process specified in its certificate of limited partnership or~~  
193 ~~in its certificate as amended or restated and is as valid as if~~  
194 ~~served on each individual member of the partnership. After~~  
195 ~~service on a general partner or the agent, the plaintiff may~~  
196 ~~proceed to judgment and execution against the limited~~  
197 ~~partnership and all of the general partners individually. If a~~  
198 ~~general partner cannot be found in this state and service cannot~~  
199 ~~be made on an agent because of failure to maintain such an agent~~  
200 ~~or because the agent cannot be found or served with the exercise~~  
201 ~~of reasonable diligence, service of process may be effected by~~  
202 ~~service upon the Secretary of State as agent of the limited~~  
203 ~~partnership as provided for in s. 48.181. Service of process may~~

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204 ~~be made under ss. 48.071 and 48.21 on limited partnerships.~~

205 ~~(3) Process against a foreign limited partnership may be~~  
206 ~~served on any general partner found in the state or on any agent~~  
207 ~~for service of process specified in its application for~~  
208 ~~registration and is as valid as if served on each individual~~  
209 ~~member of the partnership. If a general partner cannot be found~~  
210 ~~in this state and an agent for service of process has not been~~  
211 ~~appointed or, if appointed, the agent's authority has been~~  
212 ~~revoked or the agent cannot be found or served with the exercise~~  
213 ~~of reasonable diligence, service of process may be effected by~~  
214 ~~service upon the Secretary of State as agent of the limited~~  
215 ~~partnership as provided for in s. 48.181, or process may be~~  
216 ~~served as provided in ss. 48.071 and 48.21.~~

217 Section 3. Section 48.062, Florida Statutes, is amended to  
218 read:

219 48.062 Service on a domestic limited liability company or  
220 registered foreign limited liability company.-

221 (1) As used in this section, the term "registered foreign  
222 limited liability company" means a foreign limited liability  
223 company that has an active certificate of authority to transact  
224 business in this state pursuant to a record filed with the  
225 Department of State.

226 ~~(2) Process against A domestic limited liability company,~~  
227 ~~domestic or registered foreign limited liability company,~~ may be  
228 served with process required or authorized by law by service on  
229 its the registered agent designated by the domestic limited  
230 liability company or registered foreign limited liability  
231 company under chapter 605. ~~A person attempting to serve process~~  
232 ~~pursuant to this subsection may serve the process on any~~

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233 ~~employee of the registered agent during the first attempt at~~  
 234 ~~service even if the registered agent is a natural person and is~~  
 235 ~~temporarily absent from his or her office.~~

236 (3)(2) If service cannot be made on a registered agent of  
 237 the domestic limited liability company or registered foreign  
 238 limited liability company because the domestic limited liability  
 239 company or registered foreign limited liability company ceases  
 240 to have a registered agent, or if the registered agent of the  
 241 domestic limited liability company or registered foreign limited  
 242 liability company cannot otherwise be served after one good  
 243 faith attempt because of a failure to comply with this chapter  
 244 or chapter 605 or because the limited liability company does not  
 245 have a registered agent, or if its registered agent cannot with  
 246 reasonable diligence be served, process against the limited  
 247 liability company, domestic or foreign, the process may be  
 248 served on any of the following:

249 (a) Any manager of a manager-managed domestic limited  
 250 liability company or registered foreign limited liability  
 251 company. ~~On a member of a member-managed limited liability~~  
 252 ~~company.~~

253 (b) Any member of a member-managed domestic limited  
 254 liability company or registered foreign limited liability  
 255 company. ~~On a manager of a manager-managed limited liability~~  
 256 ~~company; or~~

257 (c) Any person listed publicly by the domestic limited  
 258 liability company or registered foreign limited liability  
 259 company on its latest annual report, as most recently amended ~~if~~  
 260 ~~a member or manager is not available during regular business~~  
 261 ~~hours to accept service on behalf of the limited liability~~

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262 ~~company, he, she, or it may designate an employee of the limited~~  
 263 ~~liability company to accept such service. After one attempt to~~  
 264 ~~serve a member, manager, or designated employee has been made,~~  
 265 ~~process may be served on the person in charge of the limited~~  
 266 ~~liability company during regular business hours.~~

267 (4)(3) If, after due reasonable diligence, the service of  
 268 process cannot be completed under subsection (2) and if either:

269 (a) The only person listed publicly by the domestic limited  
 270 liability company or registered foreign limited liability  
 271 company on its latest annual report, as most recently amended,  
 272 is also the registered agent on whom service was attempted under  
 273 subsection (2); or

274 (b) After due diligence, service was attempted on at least  
 275 one person listed publicly by the domestic limited liability  
 276 company or registered foreign limited liability company on its  
 277 latest annual report, as most recently amended, and cannot be  
 278 completed on such person under subsection (3) ~~(1) or subsection~~  
 279 ~~(2),~~

281 the service of process may be served as provided in s. 48.161 on  
 282 effected by service upon the Secretary of State as an agent of  
 283 the domestic limited liability company or the registered foreign  
 284 limited liability company or by order of the court under s.  
 285 48.102 ~~as provided for in s. 48.161.~~

286 (5)(4) If the address for the registered agent or any  
 287 person listed publicly by the domestic limited liability company  
 288 or registered foreign limited liability company on its latest  
 289 annual report, as most recently amended, ~~member, or manager~~ is a  
 290 residence, a private mailbox, a virtual office, or an executive

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291 office or mini suite, service on the domestic limited liability  
 292 company or registered foreign limited liability company may be  
 293 made by serving any of the following:

294 (a) The registered agent of the domestic limited liability  
 295 company or registered foreign limited liability company, in  
 296 accordance with s. 48.031.

297 (b) Any person listed publicly by the domestic limited  
 298 liability company or registered foreign limited liability  
 299 company on its latest annual report, as most recently amended,  
 300 in accordance with s. 48.031.

301 (c) Any~~7~~ member~~7~~ or manager of the domestic limited  
 302 liability company or registered foreign limited liability  
 303 company, in accordance with s. 48.031.

304 (6) A foreign limited liability company engaging in  
 305 business in this state which is not registered is considered,  
 306 for purposes of service of process, a nonresident engaging in  
 307 business in this state and may be served pursuant to s. 48.181  
 308 or by order of the court under s. 48.102.

309 (7)~~(5)~~ This section does not apply to service of process on  
 310 insurance companies.

311 Section 4. Section 48.071, Florida Statutes, is amended to  
 312 read:

313 48.071 Service on agents of nonresidents doing business in  
 314 the state.—When any natural person or partnership not residing  
 315 or having a principal place of business in this state engages in  
 316 business in this state, process may be served on the person who  
 317 is in charge of any business in which the defendant is engaged  
 318 within this state at the time of service, including agents  
 319 soliciting orders for goods, wares, merchandise, or services.

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320 Any process so served is as valid as if served personally on the  
 321 nonresident person or partnership engaging in business in this  
 322 state in any action against the person or partnership arising  
 323 out of such business. A copy of such process with a notice of  
 324 service on the person in charge of such business ~~must~~ shall be  
 325 sent forthwith to the nonresident person or partnership by  
 326 registered mail; ~~by~~ or certified mail, return receipt requested;  
 327 or by use of a commercial firm regularly engaged in the business  
 328 of document or package delivery. The party seeking to effectuate  
 329 service, or the attorney for such party, shall prepare ~~an~~  
 330 affidavit of compliance with this section which must ~~shall~~ be  
 331 filed before the return day or within such further time as the  
 332 court may allow.

333 Section 5. Section 48.081, Florida Statutes, is amended to  
 334 read:

335 48.081 Service on a domestic corporation or registered  
 336 foreign corporation.—

337 (1) As used in this section, the term "registered foreign  
 338 corporation" means a foreign corporation that has an active  
 339 certificate of authority to transact business in this state  
 340 pursuant to a record filed with the Department of State.

341 (2) A domestic corporation or a registered foreign  
 342 corporation may be served with process required or authorized by  
 343 law by service on its registered agent designated by the  
 344 corporation under chapter 607 or chapter 617, as applicable.

345 (3) If service cannot be made on a registered agent of the  
 346 domestic corporation or registered foreign corporation because  
 347 the domestic corporation or registered foreign corporation  
 348 ceases to have a registered agent, or if the registered agent of

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349 the domestic corporation or registered foreign corporation  
 350 cannot otherwise be served after one good faith attempt because  
 351 of a failure to comply with this chapter, chapter 607, or  
 352 chapter 617, as applicable, the process may be served on either  
 353 of the following ~~Process against any private corporation,~~  
 354 ~~domestic or foreign,~~ may be served:

355 (a) The chair of the board of directors, ~~Or~~ the president,  
 356 any ~~or~~ vice president, the secretary, or the treasurer ~~or other~~  
 357 head of the domestic corporation or registered foreign  
 358 corporation.†

359 (b) Any person listed publicly by the domestic corporation  
 360 or registered foreign corporation on its latest annual report,  
 361 as most recently amended ~~In the absence of any person described~~  
 362 in paragraph (a), on the cashier, treasurer, secretary, or  
 363 general manager;

364 ~~(c) In the absence of any person described in paragraph (a)~~  
 365 ~~or paragraph (b), on any director; or~~

366 ~~(d) In the absence of any person described in paragraph~~  
 367 ~~(a), paragraph (b), or paragraph (c), on any officer or business~~  
 368 ~~agent residing in the state.~~

369 (4) If, after due diligence, the process cannot be  
 370 completed under subsection (2) and if either:

371 (a) The only person listed publicly by the domestic  
 372 corporation or registered foreign corporation on its latest  
 373 annual report, as most recently amended, is also the registered  
 374 agent on whom service was attempted under subsection (2); or

375 (b) After due diligence, service was attempted on at least  
 376 one person listed publicly by the domestic corporation or  
 377 registered foreign corporation on its latest annual report, as

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378 most recently amended, and cannot be completed on such person  
 379 under subsection (3),

380  
 381 the process may be served as provided in s. 48.161 on the  
 382 Secretary of State as an agent of the domestic corporation or  
 383 registered foreign corporation or by order of the court under s.  
 384 48.102

385 ~~(2) If a foreign corporation has none of the foregoing~~  
 386 ~~officers or agents in this state, service may be made on any~~  
 387 ~~agent transacting business for it in this state.~~

388 ~~(3) (a) As an alternative to all of the foregoing, process~~  
 389 ~~may be served on the agent designated by the corporation under~~  
 390 ~~s. 48.091. However, if service cannot be made on a registered~~  
 391 ~~agent because of failure to comply with s. 48.091, service of~~  
 392 ~~process shall be permitted on any employee at the corporation's~~  
 393 ~~principal place of business or on any employee of the registered~~  
 394 ~~agent. A person attempting to serve process pursuant to this~~  
 395 ~~paragraph may serve the process on any employee of the~~  
 396 ~~registered agent during the first attempt at service even if the~~  
 397 ~~registered agent is temporarily absent from his or her office.~~

398 ~~(5) (b)~~ If the address for the registered agent or any  
 399 person listed publicly by the domestic corporation or registered  
 400 foreign corporation on its latest annual report, as most  
 401 recently amended, ~~officer, director, or principal place of~~  
 402 ~~business~~ is a residence, a private mailbox, a virtual office, or  
 403 an executive office or mini suite, service on the domestic  
 404 corporation or registered foreign corporation may be made by  
 405 serving any of the following:

406 (a) The registered agent of the domestic corporation or

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407 registered foreign corporation, ~~officer, or director~~ in  
 408 accordance with s. 48.031.

409 (b) Any person listed publicly by the domestic corporation  
 410 or registered foreign corporation on its latest annual report,  
 411 as most recently amended, in accordance with s. 48.031.

412 (c) Any person serving in one of the positions specified in  
 413 paragraph (3) (a), in accordance with s. 48.031.

414 (6) A foreign corporation engaging in business in this  
 415 state which is not registered is considered, for purposes of  
 416 service of process, a nonresident engaging in business in this  
 417 state and may be served pursuant to s. 48.181 or by order of the  
 418 court under s. 48.102.

419 (7) ~~(4)~~ This section does not apply to service of process on  
 420 insurance companies.

421 ~~(5) When a corporation engages in substantial and not~~  
 422 ~~isolated activities within this state, or has a business office~~  
 423 ~~within the state and is actually engaged in the transaction of~~  
 424 ~~business therefrom, service upon any officer or business agent~~  
 425 ~~while on corporate business within this state may personally be~~  
 426 ~~made, pursuant to this section, and it is not necessary in such~~  
 427 ~~case that the action, suit, or proceeding against the~~  
 428 ~~corporation shall have arisen out of any transaction or~~  
 429 ~~operation connected with or incidental to the business being~~  
 430 ~~transacted within the state.~~

431 Section 6. Section 48.091, Florida Statutes, is amended to  
 432 read:

433 48.091 Partnerships, corporations, and limited liability  
 434 companies; designation of registered agent and registered  
 435 office.-

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436 (1) As used in this section, the term:

437 (a) "Registered foreign corporation" and "registered  
 438 foreign limited liability company" have the same meanings as in  
 439 ss. 48.081 and 48.062, respectively.

440 (b) "Registered foreign limited liability partnership" or  
 441 "registered foreign limited partnership" means a foreign limited  
 442 liability partnership or foreign limited partnership that has an  
 443 active certificate of authority to transact business in this  
 444 state pursuant to a record filed with the Department of State.

445 (2) Every domestic limited liability partnership; domestic  
 446 limited partnership, including limited liability limited  
 447 partnerships; domestic corporation; domestic limited liability  
 448 company; registered foreign limited liability partnership;  
 449 registered foreign limited partnership, including limited  
 450 liability limited partnerships; registered foreign corporation;  
 451 and registered foreign limited liability company ~~Florida~~  
 452 ~~corporation and every foreign corporation now qualified or~~  
 453 ~~hereafter qualifying to transact business in this state shall~~  
 454 ~~designate a registered agent and registered office in accordance~~  
 455 ~~with chapter 605, part I of chapter 607, chapter 617, or chapter~~  
 456 ~~620, as applicable.~~

457 (3) ~~(2)~~ Every domestic limited liability partnership;  
 458 domestic limited partnership, including limited liability  
 459 limited partnerships; domestic corporation; domestic limited  
 460 liability company; registered foreign limited liability  
 461 partnership; registered foreign limited partnership, including  
 462 limited liability limited partnerships; registered foreign  
 463 corporation; registered foreign limited liability company; and  
 464 domestic or foreign general partnership that elects to designate

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465 a registered agent, shall cause the designated registered agent  
 466 to corporation shall keep the designated registered office open  
 467 from at least 10 a.m. to 12 noon each day except Saturdays,  
 468 Sundays, and legal holidays, and shall cause the designated  
 469 registered agent to keep one or more individuals who are, or are  
 470 representatives of, the designated registered agents on whom  
 471 process may be served at the office during these hours. The  
 472 corporation shall keep a sign posted in the office in some  
 473 conspicuous place designating the name of the corporation and  
 474 the name of its registered agent on whom process may be served  
 475 at the office during these hours.

476 (4) A person attempting to serve process pursuant to this  
 477 section on a registered agent that is other than a natural  
 478 person may serve the process on any employee of the registered  
 479 agent. A person attempting to serve process pursuant to this  
 480 section on a natural person, if the natural person is  
 481 temporarily absent from his or her office, may serve the process  
 482 during the first attempt at service on any employee of such  
 483 natural person.

484 (5) The registered agent shall promptly forward copies of  
 485 the process and any other papers received in connection with the  
 486 service to a responsible person in charge of the business  
 487 entity. Failure to comply with this subsection does not  
 488 invalidate the service of process.

489 Section 7. Section 48.101, Florida Statutes, is amended to  
 490 read:

491 48.101 Service on dissolved corporations, dissolved limited  
 492 liability companies, dissolved limited partnerships, and  
 493 dissolved limited liability partnerships.-

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494 (1) Process against the directors of any corporation that  
 495 ~~which~~ was dissolved before July 1, 1990, as trustees of the  
 496 dissolved corporation must ~~shall~~ be served on one or more of the  
 497 directors of the dissolved corporation as trustees thereof and  
 498 binds all of the directors of the dissolved corporation as  
 499 trustees thereof. ~~Process against any other dissolved~~  
 500 ~~corporation shall be served in accordance with s. 48.081.~~

501 (2) (a) Process against any other dissolved domestic  
 502 corporation must be served in accordance with s. 48.081.

503 (b) In addition, provided that service was first properly  
 504 attempted on the registered agent pursuant to s. 48.081(2), but  
 505 was not successful, service may then be attempted as required  
 506 under s. 48.081(3). In addition to the persons listed in s.  
 507 48.081(3), service may then be attempted on the person appointed  
 508 by the circuit court as the trustee, custodian, or receiver  
 509 under s. 607.1405(6).

510 (c) A party attempting to serve a dissolved domestic for-  
 511 profit corporation under this section may petition the court to  
 512 appoint one of the persons specified in s. 607.1405(6) to  
 513 receive service of process on behalf of the corporation.

514 (3) (a) Process against any dissolved domestic limited  
 515 liability company must be served in accordance with s. 48.062.

516 (b) In addition, provided that service was first properly  
 517 attempted on the registered agent pursuant to s. 48.062(2), but  
 518 was not successful, service may then be attempted as required  
 519 under s. 48.062(3). In addition to the persons listed in s.  
 520 48.062(3), service on a dissolved domestic limited liability  
 521 company may be made on the person appointed as the liquidator,  
 522 trustee, or receiver under s. 605.0709.

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523 (c) A party attempting to serve a dissolved domestic  
 524 limited liability company under this section may petition the  
 525 court to appoint one of the persons specified in s. 605.0709(5)  
 526 to receive service of process on behalf of the limited liability  
 527 company.

528 (4) Process against any dissolved domestic limited  
 529 partnership must be served in accordance with s. 48.061.

530 Section 8. Section 48.102, Florida Statutes, is created to  
 531 read:

532 48.102 Service by other means.-If, after due diligence, a  
 533 party seeking to effectuate service is unable to effectuate  
 534 personal service of process on a domestic or foreign  
 535 corporation; a domestic or foreign general partnership,  
 536 including a limited liability partnership; a domestic or foreign  
 537 limited partnership, including a limited liability limited  
 538 partnership; or a domestic or foreign limited liability company,  
 539 the court, upon motion and a showing of such inability, may  
 540 authorize service in any other manner that the party seeking to  
 541 effectuate service shows will be reasonably effective to give  
 542 the entity on which service is sought to be effectuated actual  
 543 notice of the suit. Such other manners of service may include  
 544 service electronically by e-mail or other technology.

545 Section 9. Subsection (2) of section 48.151, Florida  
 546 Statutes, is amended to read:

547 48.151 Service on statutory agents for certain persons.-

548 (2) This section does not apply to substituted service of  
 549 process under s. 48.161 or s. 48.181 ~~on nonresidents.~~

550 Section 10. Section 48.161, Florida Statutes, is amended to  
 551 read:

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552 48.161 Method of substituted service on nonresident.-

553 (1) When authorized by law, substituted service of process  
 554 on a nonresident individual or a corporation or other business  
 555 entity incorporated or formed under the laws of any other state,  
 556 territory, or commonwealth, or the laws of any foreign country,  
 557 ~~may or a person who conceals his or her whereabouts by serving a~~  
 558 ~~public officer designated by law shall~~ be made by sending  
 559 leaving a copy of the process to the office of the Secretary of  
 560 State by personal delivery; by registered mail; with a fee of  
 561 ~~the public officer or in his or her office or by~~  
 562 ~~mailing the copies~~ by certified mail, return receipt requested;  
 563 by use of a commercial firm regularly engaged in the business of  
 564 document or package delivery; or by electronic transmission to  
 565 the public officer with the fee. The service is sufficient  
 566 service on a party that ~~defendant who~~ has appointed or is deemed  
 567 to have appointed the Secretary of State a ~~public officer~~ as  
 568 such party's ~~his or her~~ agent for the service of process. The  
 569 Secretary of State shall keep a record of all process served on  
 570 the Secretary of State showing the day and hour of service.

571 (2) Notice of service and a copy of the process ~~must shall~~  
 572 be sent forthwith by the party effectuating service or by such  
 573 party's attorney by registered mail; by ~~registered or~~ certified  
 574 mail, return receipt requested; or by use of a commercial firm  
 575 regularly engaged in the business of document or package  
 576 delivery. In addition, if the parties have recently and  
 577 regularly used e-mail or other electronic means to communicate  
 578 between themselves, the notice of service and a copy of the  
 579 process must be sent by such electronic means or, if the party  
 580 is being served by substituted service, the notice of service



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581 and a copy of the process must be served at such party's last  
 582 known physical address and, if applicable, last known electronic  
 583 address. The party effectuating service shall file proof of  
 584 service or return receipts showing delivery to the other party  
 585 by mail or courier and by electronic means, if electronic means  
 586 were used, unless the party is actively refusing or rejecting  
 587 the delivery of the notice. An ~~by the plaintiff or his or her~~  
 588 attorney to the defendant, and the defendant's return receipt  
 589 and the affidavit of compliance of the party effectuating  
 590 service ~~plaintiff or such party's his or her attorney must of~~  
 591 compliance shall be filed within 40 days after ~~on or before the~~  
 592 date ~~return day~~ of service on the Secretary of State ~~process~~ or  
 593 within such additional time as the court allows. The affidavit  
 594 of compliance must set forth the facts that justify substituted  
 595 service under this section and that show due diligence was  
 596 exercised in attempting to locate and effectuate personal  
 597 service on the party before using substituted service under this  
 598 section. The party effectuating service does not need to allege  
 599 in its original or amended complaint the facts required to be  
 600 set forth in the affidavit of compliance.

601 (3) When an individual or a business entity conceals its  
 602 whereabouts, the party seeking to effectuate service, after  
 603 exercising due diligence to locate and effectuate personal  
 604 service, may use substituted service pursuant to subsection (1)  
 605 in connection with any action in which the court has  
 606 jurisdiction over such individual or business entity. The party  
 607 seeking to effectuate service must also comply with subsection  
 608 (2); however, a return receipt or other proof showing acceptance  
 609 of receipt of the notice of service and ~~a, or the notice and~~

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610 copy of the ~~shall be served on the defendant, if found within~~  
 611 the state, by an officer authorized to serve legal process ~~by~~  
 612 the concealed party need not be filed, ~~or if found without the~~  
 613 state, by a sheriff or a deputy sheriff of any county of this  
 614 state or any duly constituted public officer qualified to serve  
 615 like process in the state or jurisdiction where the defendant is  
 616 found. The officer's return showing service shall be filed ~~on or~~  
 617 before the return day of the process or within such time as the  
 618 court allows. The fee paid by the plaintiff to the public  
 619 officer shall be taxed as cost if he or she prevails in the  
 620 action. The public officer shall keep a record of all process  
 621 served on him or her showing the day and hour of service.

622 (4) (a) The party effectuating service is considered to have  
 623 used due diligence if that party:

624 1. Made diligent inquiry and exerted an honest and  
 625 conscientious effort appropriate to the circumstances to acquire  
 626 the information necessary to effectuate personal service;

627 2. In seeking to effectuate personal service, reasonably  
 628 employed the knowledge at the party's command, including  
 629 knowledge obtained pursuant to subparagraph 1.; and

630 3. Made an appropriate number of attempts to serve the  
 631 party, taking into account the particular circumstances.

632 (b) In connection with service of process on any party who  
 633 is a natural person, in making the determination as to whether  
 634 the party effectuating service used due diligence, there is a  
 635 rebuttable presumption that the serving party exercised due  
 636 diligence by making three good faith attempts to serve the other  
 637 party during such times when and where such party is reasonably  
 638 likely to be found, as determined through resources reasonably

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639 available to the party seeking to secure service of process.

640 (5)(2) If any individual person on whom service of process  
641 is authorized under subsection (1) dies, service may be made in  
642 the same manner on his or her administrator, executor, curator,  
643 or personal representative ~~in the same manner~~.

644 (9)(3) This section does not apply to persons on whom  
645 service is authorized under s. 48.151.

646 (6)(4) The Secretary of State ~~public officer~~ may designate  
647 an individual ~~some other person~~ in his or her office to accept  
648 service.

649 (7) Service of process is effectuated under this section on  
650 the date the service is received by the Department of State.

651 (8) The Department of State shall maintain a record of each  
652 process served pursuant to this section and record the time of  
653 and the action taken regarding the service.

654 Section 11. Section 48.181, Florida Statutes, is amended to  
655 read:

656 48.181 Substituted service on nonresidents and foreign  
657 business entities ~~nonresident~~ engaging in business in state or  
658 concealing their whereabouts.-

659 (1) As used in this section, the term "foreign business  
660 entity" means any corporation or other business entity that is  
661 incorporated, formed, or existing under the laws of any other  
662 state, territory, or commonwealth, or the laws of any foreign  
663 country.

664 (2) The acceptance by any individual person or persons,  
665 ~~individually or associated together as a copartnership or any~~  
666 ~~other form or type of association,~~ who is a resident ~~are~~  
667 ~~residents~~ of any other state, territory, or commonwealth, or of

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668 any foreign ~~or~~ country, or by any foreign business entity ~~and~~  
669 ~~all foreign corporations,~~ and any person who is a resident of  
670 the state and who subsequently becomes a nonresident of the  
671 state or ~~conceals his or her whereabouts,~~ of the privilege  
672 extended by law to nonresidents ~~and others~~ to operate, conduct,  
673 engage in, or carry on a business or business venture in this  
674 ~~the~~ state, or to have an office or agency in this ~~the~~ state, is  
675 deemed to constitute ~~constitutes~~ an appointment by the  
676 individual or persons ~~and~~ foreign business entity ~~corporations~~  
677 of the Secretary of State of this ~~the~~ state as its ~~their~~ agent  
678 on whom ~~all~~ process in any action or proceeding against the  
679 individual or business entity ~~them,~~ or any combination thereof  
680 ~~of them,~~ arising out of any transaction or operation connected  
681 with or incidental to the business or business venture may be  
682 served as substituted service in accordance with this chapter.  
683 The acceptance of the privilege is signification of the  
684 agreement of the respective individual or persons ~~and~~ foreign  
685 business entity ~~corporations~~ that the process served against it  
686 them in accordance with this chapter ~~which is so served~~ is of  
687 the same validity as if served personally on the individual  
688 ~~persons~~ or foreign business entity ~~corporations~~.

689 (3)(2) If a foreign business entity ~~corporation~~ has  
690 registered to do business ~~a resident agent or officer~~ in this  
691 ~~the~~ state and has maintained its registration in an active  
692 status or otherwise continued to have a registered agent,  
693 personal service of process must first ~~shall~~ be attempted ~~served~~  
694 on the foreign business entity in the manner and order of  
695 priority described in this chapter as applicable to the foreign  
696 business entity. If, after due diligence, the party seeking to

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697 effectuate service of process is unable to effectuate service of  
 698 process on the registered agent or other official as provided in  
 699 this chapter, the party may use substituted service of process  
 700 on the Secretary of State ~~resident agent or officer.~~

701 (4) Any individual or foreign business entity that conceals  
 702 its whereabouts is deemed to have appointed the Secretary of  
 703 State as its agent on whom all process may be served, in any  
 704 action or proceeding against it, or any combination thereof,  
 705 arising out of any transaction or operation connected with or  
 706 incidental to any business or business venture carried on in  
 707 this state by such individual or foreign business entity.

708 (5) ~~(3)~~ Any individual or foreign business entity that  
 709 person, firm, or corporation which sells, consigns, or leases by  
 710 any means whatsoever tangible or intangible personal property,  
 711 through brokers, jobbers, wholesalers, or distributors to any  
 712 individual person, firm, or corporation, or other business  
 713 entity in this state is conclusively presumed to be both engaged  
 714 in substantial and not isolated activities within this state and  
 715 operating, conducting, engaging in, or carrying on a business or  
 716 business venture in this state.

717 (6) Service pursuant to this section must be effectuated in  
 718 the manner prescribed by s. 48.161.

719 Section 12. Section 48.184, Florida Statutes, is created to  
 720 read:

721 48.184 Service of process for removal of unknown parties in  
 722 possession.—

723 (1) This section applies only to actions governed by s.  
 724 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent  
 725 that such actions seek relief for the removal of unknown parties

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726 in possession of real property. The provisions of this section  
 727 are cumulative to other provisions of law or rules of court  
 728 about service of process, and all other such provisions are  
 729 cumulative to this section.

730 (2) A summons must be issued in the name of "Unknown Party  
 731 in Possession" when the name of an occupant of real property is  
 732 not known to the plaintiff and the property occupied by the  
 733 unknown party is identified in the complaint and summons. A  
 734 separate summons must be issued for each such unknown occupant.

735 (3) The plaintiff shall attempt to serve the summons on any  
 736 unknown occupant of the property described in the summons and  
 737 complaint. If service on the unknown occupant is not effectuated  
 738 on the first attempt, at least two further attempts must be  
 739 made. The three attempts to obtain service must be made once  
 740 during business hours, once during nonbusiness hours, and once  
 741 on a weekend. The process server shall make an inquiry as to the  
 742 name of the unknown occupant at the time of service. The return  
 743 of service must note the name of the occupant if obtained by the  
 744 process server or state that the name of the occupant could not  
 745 be obtained after inquiry. If the name of the occupant becomes  
 746 known to the plaintiff through the return of service or  
 747 otherwise, without notice or hearing thereon, all subsequent  
 748 proceedings must be conducted under the true name of such  
 749 occupant and all prior proceedings are deemed amended  
 750 accordingly.

751 (4) Service of process must also be made on unknown parties  
 752 by both of the following means:

753 (a) By attaching the summons and complaint to a conspicuous  
 754 location on the premises involved in the proceedings.

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755 (b) Upon issuance of the summons, by the plaintiff  
 756 providing the clerk of the court with one additional copy of the  
 757 summons and complaint for each unknown occupant and a prestamped  
 758 envelope for each unknown occupant addressed to the unknown  
 759 occupant at the address of the premises involved in the  
 760 proceedings. The clerk of the court shall immediately mail a  
 761 copy of the summons and complaint by first-class mail, note the  
 762 fact of mailing in the docket, and file a certificate in the  
 763 court file of the fact and date of mailing. The clerk of the  
 764 court shall charge such fees for such services as provided by  
 765 law.

766 (5) Service is effective on the unknown party in possession  
 767 on the later of the date that personal service is made, the date  
 768 of attaching the summons and complaint to a conspicuous location  
 769 on the premises, or upon mailing by the clerk.

770 (6) The judgment and writ of possession must refer to any  
 771 unknown party in possession by name if the name is shown on the  
 772 return of service or is otherwise known to the plaintiff. If the  
 773 name of any unknown party in possession is not shown on the  
 774 return of service or otherwise known to the plaintiff and  
 775 service has been effectuated as provided in this section, the  
 776 judgment and writ of possession must refer to each such person  
 777 as "Unknown Party in Possession," and the writ of possession  
 778 must be executed by the sheriff by dispossessing the occupants  
 779 and placing the plaintiff in possession of the property.

780 Section 13. Subsections (1) and (2) of section 48.194,  
 781 Florida Statutes, are amended to read:

782 48.194 Personal service in another ~~outside~~ state,  
 783 territory, or commonwealth of the United States.-

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784 (1) Except as otherwise provided herein, service of process  
 785 on a party in another ~~persons outside of this state, territory,~~  
 786 or commonwealth of the United States must ~~shall~~ be made in the  
 787 same manner as service within this state by any ~~officer person~~  
 788 authorized to serve process in the state where service shall be  
 789 made the person is served. No order of court is required. An  
 790 affidavit of the officer must be filed, stating the time,  
 791 manner, and place of service. The ~~A~~ court may consider the  
 792 ~~affidavit return-of-service form described in s. 48.21,~~ or any  
 793 other competent evidence, in determining whether service has  
 794 been properly made. ~~Service of process on persons outside the~~  
 795 ~~United States may be required to conform to the provisions of~~  
 796 ~~the Hague Convention on the Service Abroad of Judicial and~~  
 797 ~~Extrajudicial Documents in Civil or Commercial Matters.~~

798 (2) When ~~where~~ in rem or quasi in rem relief is sought in a  
 799 foreclosure proceeding as defined by s. 702.09, and the address  
 800 of the person to be served is known, service of process on a  
 801 person in another state, territory, or commonwealth ~~outside of~~  
 802 the United States ~~this state where the address of the person to~~  
 803 ~~be served is known~~ may be made by registered mail as follows:

804 (a) The party's attorney or the party, if the party is not  
 805 represented by an attorney, shall place a copy of the original  
 806 process and the complaint, petition, or other initial pleading  
 807 or paper and, if applicable, the order to show cause issued  
 808 pursuant to s. 702.10 in a sealed envelope with adequate postage  
 809 addressed to the person to be served.

810 (b) The envelope must ~~shall~~ be placed in the mail as  
 811 registered mail.

812 (c) Service under this subsection is deemed ~~shall be~~

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813 ~~considered~~ obtained upon the signing of the return receipt by  
 814 the person allowed to be served by law.  
 815 Section 14. Section 48.197, Florida Statutes, is created to  
 816 read:  
 817 48.197 Service in a foreign country.-  
 818 (1) Service of process may be effectuated in a foreign  
 819 country upon a party, other than a minor or an incompetent  
 820 person, as provided in any of the following:  
 821 (a) By any internationally agreed-upon means of service  
 822 reasonably calculated to give actual notice of the proceedings,  
 823 such as those authorized by the Hague Convention on the Service  
 824 Abroad of Judicial and Extrajudicial Documents in Civil or  
 825 Commercial Matters.  
 826 (b) If there is no internationally agreed-upon means of  
 827 service, or if an international agreement allows but does not  
 828 specify other means, by a method reasonably calculated to give  
 829 actual notice of the proceedings:  
 830 1. As prescribed by the foreign country's law for service  
 831 in that country in an action in its courts of general  
 832 jurisdiction;  
 833 2. As the foreign authority directs in response to a letter  
 834 rogatory or letter of request; or  
 835 3. Unless prohibited by the foreign country's law, by:  
 836 a. If serving an individual, delivering a copy of the  
 837 summons and of the complaint to the individual personally; or  
 838 b. Using any form of mail which the clerk addresses and  
 839 sends to the party and which requires a signed receipt.  
 840 (c) Pursuant to motion and order by the court, by other  
 841 means, including electronically by e-mail or other technology,

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842 which the party seeking service shows is reasonably calculated  
 843 to give actual notice of the proceedings and is not prohibited  
 844 by international agreement, as the court orders.  
 845 (2) Service of process may be effectuated in a foreign  
 846 country upon a minor or an incompetent person in the manner  
 847 prescribed by subparagraph (1)(b)1., subparagraph (1)(b)2., or  
 848 paragraph (1)(c).  
 849 Section 15. Effective upon this act becoming a law,  
 850 subsection (2), paragraph (a) of subsection (3), and subsection  
 851 (4) of section 766.106, Florida Statutes, are amended to read:  
 852 766.106 Notice before filing action for medical negligence;  
 853 presuit screening period; offers for admission of liability and  
 854 for arbitration; informal discovery; review.-  
 855 (2) PRESUIT NOTICE.-  
 856 (a) After completion of presuit investigation pursuant to  
 857 s. 766.203(2) and ~~before~~ prior to filing a complaint for medical  
 858 negligence, a claimant shall notify each prospective defendant  
 859 of intent to initiate litigation for medical negligence by at  
 860 least one of the following verifiable means:  
 861 1. United States Postal Service certified mail, return  
 862 receipt requested;  
 863 2. United States Postal Service mail with a tracking  
 864 number;  
 865 3. An interstate commercial mail carrier or delivery  
 866 service; or  
 867 4. A certified process server as provided in s. 48.27  
 868 making service in accordance with chapter 48.  
 869 (b) Proof of service made pursuant to this subsection and  
 870 delivered to an address on file with the Department of Health,

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871 the Secretary of State, or the Agency for Health Care  
 872 Administration creates a rebuttable presumption that service was  
 873 received by the prospective defendant. If service is challenged  
 874 during subsequent litigation, an evidentiary hearing must be  
 875 held by the court to determine whether the prospective defendant  
 876 or a person legally related to the prospective defendant was  
 877 provided notice pursuant to this subsection and, if so, the date  
 878 of such service ~~by certified mail, return receipt requested, of~~  
 879 intent to initiate litigation for medical negligence.

880 (c) Notice to each prospective defendant must include, if  
 881 available, a list of all known health care providers seen by the  
 882 claimant for the injuries complained of subsequent to the  
 883 alleged act of negligence, all known health care providers  
 884 during the 2-year period before ~~prior to~~ the alleged act of  
 885 negligence who treated or evaluated the claimant, copies of all  
 886 of the medical records relied upon by the expert in signing the  
 887 affidavit, and the executed authorization form provided in s.  
 888 766.1065.

889 (d) ~~(b)~~ Following the initiation of a suit alleging medical  
 890 negligence with a court of competent jurisdiction, and service  
 891 of the complaint upon a prospective defendant, the claimant  
 892 shall provide a copy of the complaint to the Department of  
 893 Health and, if the complaint involves a facility licensed under  
 894 chapter 395, the Agency for Health Care Administration. The  
 895 requirement of providing the complaint to the Department of  
 896 Health or the Agency for Health Care Administration does not  
 897 impair the claimant's legal rights or ability to seek relief for  
 898 his or her claim. The Department of Health or the Agency for  
 899 Health Care Administration shall review each incident that is

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900 the subject of the complaint and determine whether it involved  
 901 conduct by a licensee which is potentially subject to  
 902 disciplinary action, in which case, for a licensed health care  
 903 practitioner, ~~the provisions of s. 456.073~~ applies ~~apply~~ and,  
 904 for a licensed facility, ~~the provisions of~~ part I of chapter 395  
 905 applies ~~apply~~.

906 (3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

907 (a) ~~A~~ A ~~no~~ suit may not be filed for a period of 90 days  
 908 after notice is delivered ~~mailed~~ to any prospective defendant.  
 909 During the 90-day period, the prospective defendant or the  
 910 prospective defendant's insurer or self-insurer shall conduct a  
 911 review as provided in s. 766.203(3) to determine the liability  
 912 of the prospective defendant. Each insurer or self-insurer shall  
 913 have a procedure for the prompt investigation, review, and  
 914 evaluation of claims during the 90-day period. This procedure  
 915 must ~~shall~~ include one or more of the following:

- 916 1. Internal review by a duly qualified claims adjuster;
- 917 2. Creation of a panel comprised of an attorney  
 918 knowledgeable in the prosecution or defense of medical  
 919 negligence actions, a health care provider trained in the same  
 920 or similar medical specialty as the prospective defendant, and a  
 921 duly qualified claims adjuster;
- 922 3. A contractual agreement with a state or local  
 923 professional society of health care providers, which maintains a  
 924 medical review committee; or
- 925 4. Any other similar procedure which fairly and promptly  
 926 evaluates the pending claim.

927  
 928 Each insurer or self-insurer shall investigate the claim in good

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929 faith, and both the claimant and prospective defendant shall  
 930 cooperate with the insurer in good faith. If the insurer  
 931 requires, a claimant ~~must shall~~ appear before a pretrial  
 932 screening panel or before a medical review committee and shall  
 933 submit to a physical examination, if required. Unreasonable  
 934 failure of any party to comply with this section justifies  
 935 dismissal of claims or defenses. There shall be no civil  
 936 liability for participation in a pretrial screening procedure if  
 937 done without intentional fraud.

938 (4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of  
 939 intent to initiate litigation ~~must shall~~ be served within the  
 940 time limits set forth in s. 95.11. However, upon mailing of the  
 941 notice of intent to initiate litigation, as provided in  
 942 subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph  
 943 (2)(a)3., and during the 90-day period provided in subsection  
 944 (3), the statute of limitations is tolled as to all prospective  
 945 potential defendants. If the notice of intent to initiate  
 946 litigation is served by a certified process server as provided  
 947 in subparagraph (2)(a)4., the statute of limitations is tolled  
 948 upon the certified process server's first attempt to serve the  
 949 prospective defendant and continues during the 90-day period as  
 950 to all prospective defendants. Upon stipulation by the parties,  
 951 the 90-day period may be extended and the statute of limitations  
 952 is tolled during any such extension. Upon receiving notice of  
 953 termination of negotiations in an extended period, the claimant  
 954 shall have 60 days or the remainder of the period of the statute  
 955 of limitations, whichever is greater, within which to file suit.

956 Section 16. Section 495.145, Florida Statutes, is amended  
 957 to read:

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958 495.145 Forum for actions regarding registration.—An action  
 959 seeking cancellation of a registration of a mark registered  
 960 under this chapter may be brought in any court of competent  
 961 jurisdiction in this state. Service of process on a nonresident  
 962 registrant may be made in accordance with ss. 48.161 and 48.181  
 963 ~~s. 48.181~~. The department ~~may shall~~ not be made a party to  
 964 cancellation proceedings.

965 Section 17. Section 605.0117, Florida Statutes, is amended  
 966 to read:

967 605.0117 Serving ~~Service of~~ process, giving notice, or  
 968 making a demand.—

969 (1) Process against a limited liability company or  
 970 registered foreign limited liability company may be served in  
 971 accordance with s. 48.062 and chapter 48 or chapter 49 ~~with~~  
 972 ~~process required or authorized by law by serving on its~~  
 973 ~~registered agent.~~

974 (2) ~~If a limited liability company or registered foreign~~  
 975 ~~limited liability company ceases to have a registered agent or~~  
 976 ~~if its registered agent cannot with reasonable diligence be~~  
 977 ~~served, the process required or permitted by law may instead be~~  
 978 ~~served:~~

979 ~~(a) On a member of a member managed limited liability~~  
 980 ~~company or registered foreign limited liability company; or~~

981 ~~(b) On a manager of a manager managed limited liability~~  
 982 ~~company or registered foreign limited liability company.~~

983 ~~(3) If the process cannot be served on a limited liability~~  
 984 ~~company or registered foreign limited liability company pursuant~~  
 985 ~~to subsection (1) or subsection (2), the process may be served~~  
 986 ~~on the secretary of state as an agent of the company.~~

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987 ~~(4) Service of process on the secretary of state may be~~  
 988 ~~made by delivering to and leaving with the department duplicate~~  
 989 ~~copies of the process.~~

990 ~~(5) Service is effectuated under subsection (3) on the date~~  
 991 ~~shown as received by the department.~~

992 ~~(6) The department shall keep a record of each process~~  
 993 ~~served pursuant to this section and record the time of and the~~  
 994 ~~action taken regarding the service.~~

995 ~~(7)~~ Any notice or demand on a limited liability company or  
 996 registered foreign limited liability company under this chapter  
 997 may be given or made to any member of a member-managed limited  
 998 liability company or registered foreign limited liability  
 999 company or to any manager of a manager-managed limited liability  
 1000 company or registered foreign limited liability company; to the  
 1001 registered agent of the limited liability company or registered  
 1002 foreign limited liability company at the registered office of  
 1003 the limited liability company or registered foreign limited  
 1004 liability company in this state; or to any other address in this  
 1005 state which that is in fact the principal office of the limited  
 1006 liability company or registered foreign limited liability  
 1007 company in this state.

1008 (3) A registered series of a foreign series limited  
 1009 liability company may be served in the same manner as a  
 1010 registered limited liability company.

1011 ~~(4)(8)~~ This section does not affect the right to serve  
 1012 process, give notice, or make a demand in any other manner  
 1013 provided by law.

1014 Section 18. Subsection (1) of section 605.09091, Florida  
 1015 Statutes, is amended to read:

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1016 605.09091 Judicial review of denial of reinstatement.-

1017 (1) If the department denies a foreign limited liability  
 1018 company's application for reinstatement after revocation of its  
 1019 certificate of authority, the department ~~must~~ shall serve the  
 1020 foreign limited liability company, pursuant to s. 605.0117(2) ~~or~~  
 1021 ~~605.0117(7)~~, with a written notice that explains the reason or  
 1022 reasons for the denial.

1023 Section 19. Paragraphs (f) and (g) of subsection (1) and  
 1024 subsection (2) of section 605.0910, Florida Statutes, are  
 1025 amended to read:

1026 605.0910 Withdrawal and cancellation of certificate of  
 1027 authority.-

1028 (1) To cancel its certificate of authority to transact  
 1029 business in this state, a foreign limited liability company must  
 1030 deliver to the department for filing a notice of withdrawal of  
 1031 certificate of authority. The certificate of authority is  
 1032 canceled when the notice becomes effective pursuant to s.  
 1033 605.0207. The notice of withdrawal of certificate of authority  
 1034 must be signed by an authorized representative and state the  
 1035 following:

1036 (f) A mailing address and an e-mail address to which a  
 1037 party seeking to effectuate service of process ~~the department~~  
 1038 ~~may send mail~~ a copy of any process served on the Secretary of  
 1039 State under paragraph (e).

1040 (g) A commitment to notify the department in the future of  
 1041 any change in its mailing address or e-mail address.

1042 (2) After the withdrawal of the foreign limited liability  
 1043 company is effective, service of process on the Secretary of  
 1044 State using the procedures set forth in s. 48.161 ~~under this~~

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1045 ~~ection~~ is service on the foreign limited liability company.  
 1046 ~~Upon receipt of the process, the department shall mail a copy of~~  
 1047 ~~the process to the foreign limited liability company at the~~  
 1048 ~~mailing address set forth under paragraph (1)(f).~~

1049 Section 20. Paragraph (f) of subsection (2) of section  
 1050 605.1045, Florida Statutes, is amended to read:

1051 605.1045 Articles of conversion.-

1052 (2) The articles of conversion must contain the following:

1053 (f) If the converted entity is a foreign entity that does  
 1054 not have a certificate of authority to transact business in this  
 1055 state, a mailing address and an e-mail address to which a party  
 1056 seeking to effectuate service of process ~~the department~~ may send  
 1057 any process served on the Secretary of State ~~department~~ pursuant  
 1058 to s. 605.0117 and chapter 48.

1059 Section 21. Section 607.0504, Florida Statutes, is amended  
 1060 to read:

1061 607.0504 Serving ~~Service of~~ process, giving notice, or  
 1062 making a demand on a corporation.-

1063 (1) A corporation may be served with process required or  
 1064 authorized by law in accordance with s. 48.081 and chapter 48 or  
 1065 chapter 49 by serving on its registered agent.

1066 (2) ~~If a corporation ceases to have a registered agent or~~  
 1067 ~~if its registered agent cannot with reasonable diligence be~~  
 1068 ~~served, the process required or permitted by law may instead be~~  
 1069 ~~served on the chair of the board, the president, any vice~~  
 1070 ~~president, the secretary, or the treasurer of the corporation at~~  
 1071 ~~the principal office of the corporation in this state.~~

1072 ~~(3) If the process cannot be served on a corporation~~  
 1073 ~~pursuant to subsection (1) or subsection (2), the process may be~~

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1074 ~~served on the secretary of state as an agent of the corporation.~~

1075 ~~(4) Service of process on the secretary of state shall be~~  
 1076 ~~made by delivering to and leaving with the department duplicate~~  
 1077 ~~copies of the process.~~

1078 ~~(5) Service is effectuated under subsection (3) on the date~~  
 1079 ~~shown as received by the department.~~

1080 ~~(6) The department shall keep a record of each process~~  
 1081 ~~served on the secretary of state pursuant to this subsection and~~  
 1082 ~~record the time of and the action taken regarding the service.~~

1083 ~~(7)~~ Any notice or demand on a corporation under this  
 1084 chapter may be given or made to the chair of the board, the  
 1085 president, any vice president, the secretary, or the treasurer  
 1086 of the corporation; to the registered agent of the corporation  
 1087 at the registered office of the corporation in this state; or to  
 1088 any other address in this state which ~~that~~ is in fact the  
 1089 principal office of the corporation in this state.

1090 (3) ~~(4)~~ This section does not affect the right to serve  
 1091 process, give notice, or make a demand in any other manner  
 1092 provided by law.

1093 Section 22. Subsection (1) of section 607.1423, Florida  
 1094 Statutes, is amended to read:

1095 607.1423 Judicial review of denial of reinstatement.-

1096 (1) If the department denies a corporation's application  
 1097 for reinstatement after administrative dissolution, the  
 1098 department must ~~shall~~ serve the corporation under either s.  
 1099 607.0504(1) ~~or (2)~~ with a written notice that explains the  
 1100 reason or reasons for denial.

1101 Section 23. Section 607.15101, Florida Statutes, is amended  
 1102 to read:

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1103 607.15101 Serving Service of process, giving notice, or  
 1104 making a demand on a foreign corporation.-  
 1105 (1) A foreign corporation may be served with process  
 1106 required or authorized by law in accordance with s. 48.081 and  
 1107 chapter 48 or chapter 49 by serving on its registered agent.  
 1108 (2) ~~If a foreign corporation ceases to have a registered~~  
 1109 ~~agent or if its registered agent cannot with reasonable~~  
 1110 ~~diligence be served, the process required or permitted by law~~  
 1111 ~~may instead be served on the chair of the board, the president,~~  
 1112 ~~any vice president, the secretary, or the treasurer of the~~  
 1113 ~~foreign corporation at the principal office of the foreign~~  
 1114 ~~corporation in this state.~~  
 1115 ~~(3) If the process cannot be served on a foreign~~  
 1116 ~~corporation pursuant to subsection (1) or subsection (2), the~~  
 1117 ~~process may be served on the secretary of state as an agent of~~  
 1118 ~~the foreign corporation.~~  
 1119 ~~(4) Service of process on the secretary of state may be~~  
 1120 ~~made by delivering to and leaving with the department duplicate~~  
 1121 ~~copies of the process.~~  
 1122 ~~(5) Service is effectuated under subsection (2) on the date~~  
 1123 ~~shown as received by the department.~~  
 1124 ~~(6) The department shall keep a record of each process~~  
 1125 ~~served on the secretary of state pursuant to this section and~~  
 1126 ~~record the time of and the action taken regarding the service.~~  
 1127 ~~(7) Any notice or demand on a foreign corporation under~~  
 1128 ~~this chapter may be given or made to the chair of the board,~~  
 1129 ~~the president, any vice president, the secretary, or the~~  
 1130 ~~treasurer of the foreign corporation; to the registered agent of~~  
 1131 ~~the foreign corporation at the registered office of the foreign~~

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1132 corporation in this state; or to any other address in this state  
 1133 which ~~that~~ is in fact the principal office of the foreign  
 1134 corporation in this state.  
 1135 ~~(3)(b)~~ This section does not affect the right to serve  
 1136 process, give notice, or make a demand in any other manner  
 1137 provided by law.  
 1138 Section 24. Paragraphs (f) and (g) of subsection (1) and  
 1139 subsection (2) of section 607.1520, Florida Statutes, are  
 1140 amended to read:  
 1141 607.1520 Withdrawal and cancellation of certificate of  
 1142 authority for foreign corporation.-  
 1143 (1) To cancel its certificate of authority to transact  
 1144 business in this state, a foreign corporation must deliver to  
 1145 the department for filing a notice of withdrawal of certificate  
 1146 of authority. The certificate of authority is canceled when the  
 1147 notice of withdrawal becomes effective pursuant to s. 607.0123.  
 1148 The notice of withdrawal of certificate of authority must be  
 1149 signed by an officer or director and state the following:  
 1150 (f) A mailing address and an e-mail address to which a  
 1151 party seeking to effectuate service of process ~~the secretary of~~  
 1152 ~~state~~ may send mail a copy of any process served on the  
 1153 Secretary of State under paragraph (e).  
 1154 (g) A commitment to notify the department in the future of  
 1155 any change in its mailing address or e-mail address.  
 1156 (2) After the withdrawal of the foreign corporation is  
 1157 effective, service of process on the Secretary of State using  
 1158 the procedures in s. 48.161 ~~under this section~~ is service on the  
 1159 foreign corporation. ~~Upon receipt of the process, the secretary~~  
 1160 ~~of state shall mail a copy of the process to the foreign~~

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1161 ~~corporation at the mailing address set forth under paragraph~~  
 1162 ~~(1)(f).~~

1163 Section 25. Subsections (1) and (3) of section 617.0504,  
 1164 Florida Statutes, are amended to read:

1165 617.0504 Serving Service of process, giving notice, or  
 1166 making a demand on a corporation.-

1167 (1) Process against any corporation may be served in  
 1168 accordance with s. 48.081 and chapter 48 or chapter 49.

1169 (3) This section does not prescribe the only means, or  
 1170 necessarily the required means, of serving process, giving  
 1171 notice, or making a demand on a corporation.

1172 Section 26. Section 617.1510, Florida Statutes, is amended  
 1173 to read:

1174 617.1510 Serving Service of process, giving notice, or  
 1175 making a demand on a foreign corporation.-

1176 (1) Process against a foreign corporation may be served in  
 1177 accordance with s. 48.081 and chapter 48 or chapter 49. ~~The~~  
 1178 registered agent of a foreign corporation authorized to conduct  
 1179 its affairs in this state is the corporation's agent for service  
 1180 of process, notice, or demand required or permitted by law to be  
 1181 served on the foreign corporation.

1182 (2) ~~A foreign corporation may be served by registered or~~  
 1183 ~~certified mail, return receipt requested, addressed to the~~  
 1184 ~~secretary of the foreign corporation at its principal office~~  
 1185 ~~shown in its application for a certificate of authority or in~~  
 1186 ~~its most recent annual report if the foreign corporation:~~

1187 ~~(a) Has no registered agent or its registered agent cannot~~  
 1188 ~~with reasonable diligence be served;~~

1189 ~~(b) Has withdrawn from conducting its affairs in this state~~

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1190 ~~under s. 617.1520, or~~

1191 ~~(c) Has had its certificate of authority revoked under s.~~  
 1192 ~~617.1531.~~

1193 ~~(3) Service is perfected under subsection (2) at the~~  
 1194 ~~earliest of:~~

1195 ~~(a) The date the foreign corporation receives the mail;~~

1196 ~~(b) The date shown on the return receipt, if signed on~~  
 1197 ~~behalf of the foreign corporation; or~~

1198 ~~(c) Five days after its deposit in the United States mail,~~  
 1199 ~~as evidenced by the postmark, if mailed postpaid and correctly~~  
 1200 ~~addressed.~~

1201 ~~(4) This section does not prescribe the only means, or~~  
 1202 ~~necessarily the required means, of serving a foreign~~  
 1203 ~~corporation. Process against any foreign corporation may also be~~  
 1204 ~~served in accordance with chapter 48 or chapter 49.~~

1205 ~~(5) Any notice to or demand on a foreign corporation made~~  
 1206 ~~pursuant to this act may be made in accordance with the~~  
 1207 ~~procedures for notice to or demand on domestic corporations~~  
 1208 ~~under s. 617.0504.~~

1209 Section 27. Subsections (2) and (3) of section 617.1520,  
 1210 Florida Statutes, are amended to read:

1211 617.1520 Withdrawal of foreign corporation.-

1212 (2) A foreign corporation authorized to conduct its affairs  
 1213 in this state may apply for a certificate of withdrawal by  
 1214 delivering an application to the Department of State for filing.  
 1215 The application must ~~shall~~ be made on forms prescribed and  
 1216 furnished by the Department of State and must ~~shall~~ set forth  
 1217 all of the following:

1218 (a) The name of the foreign corporation and the

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1219 jurisdiction under the law under ~~of~~ which it is incorporated.<sup>+</sup>

1220 (b) That it is not conducting its affairs in this state and  
1221 that it surrenders its authority to conduct its affairs in this  
1222 state.<sup>+</sup>

1223 (c) That it revokes the authority of its registered agent  
1224 to accept service on its behalf and appoints the Secretary of  
1225 State Department of State as its agent for service of process  
1226 based on a cause of action arising during the time it was  
1227 authorized to conduct its affairs in this state.<sup>+</sup>

1228 (d) A mailing address and an e-mail address to which a  
1229 party seeking to effectuate service of process ~~the Department of~~  
1230 ~~State may send mail~~ a copy of any process served on it under  
1231 paragraph (c).<sup>+</sup> ~~and~~

1232 (e) A commitment to notify the Department of State in the  
1233 future of any change in its mailing address or e-mail address.

1234 (3) After the withdrawal of the corporation is effective,  
1235 service of process in accordance with s. 48.161 ~~on the~~  
1236 ~~Department of State under this section~~ is service on the foreign  
1237 corporation. ~~Upon receipt of the process, the Department of~~  
1238 ~~State shall mail a copy of the process to the foreign~~  
1239 ~~corporation at the mailing address set forth under subsection~~  
1240 ~~(2).~~

1241 Section 28. Section 620.1117, Florida Statutes, is amended  
1242 to read:

1243 620.1117 Serving Service of process, giving notice, or  
1244 making a demand on a limited partnership or a foreign limited  
1245 partnership.-

1246 (1) Service of process on a limited partnership or foreign  
1247 limited partnership must be made in accordance with s. 48.061

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1248 ~~and chapter 48 or chapter 49 A registered agent appointed by a~~  
1249 ~~limited partnership or foreign limited partnership is an agent~~  
1250 ~~of the limited partnership or foreign limited partnership for~~  
1251 ~~service of any process, notice, or demand required or permitted~~  
1252 ~~by law to be served upon the limited partnership or foreign~~  
1253 ~~limited partnership.~~

1254 (2) Any notice or demand on a limited partnership or  
1255 foreign limited partnership under this chapter may be given or  
1256 made to any general partner of the limited partnership or  
1257 foreign limited partnership, to the registered agent of the  
1258 limited partnership or foreign limited partnership at the  
1259 registered office in this state, or to any other address in this  
1260 state which is in fact the principal office of the limited  
1261 partnership or foreign limited partnership in this state ~~If a~~  
1262 ~~limited partnership or foreign limited partnership does not~~  
1263 ~~appoint or maintain a registered agent in this state or the~~  
1264 ~~registered agent cannot with reasonable diligence be found at~~  
1265 ~~the address of the registered office, the Department of State~~  
1266 ~~shall be an agent of the limited partnership or foreign limited~~  
1267 ~~partnership upon whom process, notice, or demand may be served.~~

1268 (3) ~~Service of any process, notice, or demand on the~~  
1269 ~~Department of State may be made by delivering to and leaving~~  
1270 ~~with the Department of State duplicate copies of the process,~~  
1271 ~~notice, or demand.~~

1272 ~~(4) Service is effected under subsection (3) upon the date~~  
1273 ~~shown as having been received by the Department of State.~~

1274 ~~(5) The Department of State shall keep a record of each~~  
1275 ~~process, notice, and demand served pursuant to this section and~~  
1276 ~~record the time of, and the action taken regarding, the service.~~

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1277 ~~(6)~~ This section does not affect the right to serve  
 1278 process, give notice, or make a demand in any other manner  
 1279 provided by law.

1280 Section 29. Subsection (5) of section 620.1907, Florida  
 1281 Statutes, is amended to read:

1282 620.1907 Cancellation of certificate of authority; effect  
 1283 of failure to have certificate.—

1284 (5) If a foreign limited partnership transacts business in  
 1285 this state without a certificate of authority or cancels its  
 1286 certificate of authority, it may be served under s. 48.061(5)(b)  
 1287 ~~the foreign limited partnership shall appoint the Department of~~  
 1288 ~~State as its agent for service of process for rights of action~~  
 1289 ~~arising out of the transaction of business in this state.~~

1290 Section 30. Subsections (3) and (4) of section 620.2105,  
 1291 Florida Statutes, are amended to read:

1292 620.2105 Effect of conversion.—

1293 (3) A converted organization that is a foreign organization  
 1294 consents to the jurisdiction of the courts of this state to  
 1295 enforce any obligation owed by the converting limited  
 1296 partnership, if before the conversion the converting limited  
 1297 partnership was subject to suit in this state on the obligation.  
 1298 A converted organization that is a foreign organization and not  
 1299 authorized to transact business in this state appoints the  
 1300 Secretary of State ~~Department of State~~ as its agent for service  
 1301 of process for purposes of enforcing an obligation under this  
 1302 subsection and any appraisal rights of limited partners under  
 1303 ss. 620.2113-620.2124 to the extent applicable to the  
 1304 conversion. Service on the Secretary of State ~~Department of~~  
 1305 ~~State~~ under this subsection is made in the same manner and with

Page 45 of 47

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-01916-22

20221062c1

1306 the same consequences as in ss. 48.161 and 620.1117 ~~e.~~  
 1307 ~~620.1117(3) and (4).~~

1308 (4) A copy of the statement of conversion, certified by the  
 1309 Secretary of State ~~Department of State~~, may be filed in any  
 1310 county of this state in which the converting organization holds  
 1311 an interest in real property.

1312 Section 31. Subsection (2) of section 620.2109, Florida  
 1313 Statutes, is amended to read:

1314 620.2109 Effect of merger.—

1315 (2) A surviving organization that is a foreign organization  
 1316 consents to the jurisdiction of the courts of this state to  
 1317 enforce any obligation owed by a constituent organization, if  
 1318 before the merger the constituent organization was subject to  
 1319 suit in this state on the obligation. A surviving organization  
 1320 that is a foreign organization and not authorized to transact  
 1321 business in this state shall appoint the Secretary of State  
 1322 ~~Department of State~~ as its agent for service of process for the  
 1323 purposes of enforcing an obligation under this subsection and  
 1324 any appraisal rights of limited partners under ss. 620.2113-  
 1325 620.2124 to the extent applicable to the merger. Service on the  
 1326 Secretary of State ~~Department of State~~ under this subsection is  
 1327 made in the same manner and with the same consequences as in ss.  
 1328 48.161 and 620.1117 ~~e. 620.1117(3) and (4).~~

1329 Section 32. Subsections (3) and (4) of section 620.8915,  
 1330 Florida Statutes, are amended to read:

1331 620.8915 Effect of conversion.—

1332 (3) A converted organization that is a foreign organization  
 1333 consents to the jurisdiction of the courts of this state to  
 1334 enforce any obligation owed by the converting partnership, if

Page 46 of 47

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-01916-22

20221062c1

1335 before the conversion the converting partnership was subject to  
1336 suit in this state on the obligation. A converted organization  
1337 that is a foreign organization and not authorized to transact  
1338 business in this state shall appoint the Secretary of State  
1339 ~~Department of State~~ as its agent for service of process for  
1340 purposes of enforcing an obligation under this subsection.  
1341 Service on the Secretary of State ~~Department of State~~ under this  
1342 subsection ~~is shall be~~ made in the same manner and with the same  
1343 consequences as provided in s. 48.161 ~~s. 48.181~~.

1344 (4) A copy of the certificate of conversion, certified by  
1345 the Secretary of State ~~Department of State~~, may be filed in any  
1346 county of this state in which the converting organization holds  
1347 an interest in real property.

1348 Section 33. Subsection (2) of section 620.8919, Florida  
1349 Statutes, is amended to read:

1350 620.8919 Effect of merger.—

1351 (2) A surviving organization that is a foreign organization  
1352 consents to the jurisdiction of the courts of this state to  
1353 enforce any obligation owed by a constituent organization, if  
1354 before the merger the constituent organization was subject to  
1355 suit in this state on the obligation. A surviving organization  
1356 that is a foreign organization and not authorized to transact  
1357 business in this state shall appoint the Secretary of State  
1358 ~~Department of State~~ as its agent for service of process pursuant  
1359 to s. 48.161 ~~the provisions of s. 48.181~~.

1360 Section 34. Except as otherwise expressly provided in this  
1361 act and except for this section, which shall take effect upon  
1362 this act becoming a law, this act shall take effect January 2,  
1363 2023.

# APPEARANCE RECORD

SB 1474

January 31, 2022

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name Carlos Nathan Phone 850-617-7700

Address 400 S. Monroe Street PL 10 Capitol Email carlos.nathan@fdacs.gov

Street

Tallahassee FL 32399

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**FDACS**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

1/31/22

Meeting Date

1474

Bill Number or Topic

Commerce & Tourism

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Amanda Fraser

Phone 850 556 1401

Address 119 E Park Ave

Street

Email

Tallahassee

City

FL

State

32301

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: G4S SECURITY

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

31 Jan 22

Meeting Date

1474

Bill Number or Topic

Commerce

Committee

Amendment Barcode (if applicable)

Name Phil Noblin

Phone 561-376-3149

Address 3200 South Congress Ave #203

Email phoblin@icloud.com

Street

Boynton Beach

State

FL 33426

Zip

Speaking: [X] For [ ] Against [X] Information OR Waive Speaking: [X] In Support [ ] Against

wave unless questions

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



**SENATOR JENNIFER BRADLEY**  
5th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Community Affairs, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on Agriculture,  
Environment, and General Government  
Education  
Ethics and Elections  
Judiciary  
Reapportionment

**SELECT SUBCOMMITTEE:**  
Select Subcommittee on Congressional  
Reapportionment, *Chair*

**JOINT COMMITTEES:**  
Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

January 25, 2022

Senator Ed Hooper, Chairman  
Senate Committee on Commerce  
302 Senate Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Hooper:

I respectfully request that Senate Bill 1474 be placed on the committee's agenda at your earliest convenience. The bill relates to the online training of security officers. I would be happy to discuss the bill in greater detail if you have any questions.

Thank you for your consideration.

Sincerely,

Jennifer Bradley

REPLY TO:

- 1279 Kingsley Avenue, Kingsley Center, Suite 117, Orange Park, Florida 32073 (904) 278-2085
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 1474

INTRODUCER: Commerce and Tourism Committee and Senator Bradley

SUBJECT: Online Training for Private Security Officers

DATE: February 1, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Fav/CS
2.			AEG	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

The Department of Agriculture and Consumer Services regulates private security officers and their related licenses. CS/SB 1474 will allow Class “D” unarmed Security Officers and Class “G” Statewide Firearm applicants to obtain the training required as a licensing qualification through either in-person or online instruction. The online instruction must be provided through the secure website of a licensed school or training facility, or a Class “K” licensee that has a physical location in Florida. Additionally, the online training course must:

- Include security questions to ensure that the applicant is actively using the computer and is following along with the online training;
- Establish a minimum amount of time that each applicant must spend on each screen;
- Include randomized test questions; and
- Maintain a digital attendance log and keep other required records.

The bill requires the Department of Agriculture and Consumer Services to adopt rules, including those to establish the online courses’ content, web security protocols, and course completion reporting requirements.

The bill takes effect on July 1, 2022.

## II. Present Situation:

The Division of Licensing within the Florida Department of Agriculture and Consumer Services (Department) is responsible for investigating and issuing licenses to conduct private security services and related licenses, including Class “D” unarmed Security Officer and Class “G” Statewide Firearm licensees<sup>1</sup>.

### Class “D” Security Officer Licensees

A Class “D” security officer is an individual who advertises for, or performs: bodyguard services, personal or property protection; theft and loss prevention; armored car staffing; or transportation of prisoners.<sup>2</sup> A Class “D” licensee is not permitted to carry a firearm during the course of his or her duties unless he or she also has a supplemental Class “G” license.<sup>3</sup>

Law enforcement officers engaged in their official duties or off-duty security activities that have been approved by appropriate superiors are not considered security officers.<sup>4</sup> Additionally, unarmed security officers who are employed by, and perform their work entirely on the premises of either their employer’s business, a church or denominational organization, or a church cemetery are not required to be licensed as a security officer under ch. 493, F.S.<sup>5</sup>

As of December 31, 2021, there are 124,996 active Class “D” security officer licensees.<sup>6</sup>

A Class “D” applicant for licensure must complete 40 hours of professional training at a Class “DS” Security Officer School or Training Facility licensed by the Department.<sup>7</sup>

### Class “G” Statewide Firearm License

A Class “G” license is a supplemental license that permits specific licensees to carry a firearm during the course of their licensed, employment-related activity. A Class “G” license is available only to individuals who currently hold one of the following licenses: private investigator (Class “C”), private investigator intern (Class “CC”), security officer (Class “D”), private investigative or security agency manager (Class “M”), private investigative agency manager (Class “MA”), or security agency manager (Class “MB”).<sup>8</sup> The “Class G” license must be renewed every 2 years.

### *Application and Training Requirements for Class “G” Licensees*

An initial applicant for a Class “G” license must complete firearm training, which must include at least 28 hours of range and classroom training (range training must be limited to no more than

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<sup>1</sup> Chapter 493, F.S.

<sup>2</sup> Section 493.6101(19), F.S.; *see also*, Florida Department of Agriculture and Consumer Services, *Private Security Licenses*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses> (last visited Jan. 31, 2022).

<sup>3</sup> Section 493.6101(9), F.S.

<sup>4</sup> Section 493.6102(1), F.S.

<sup>5</sup> Section 493.6102(4), (13), F.S.

<sup>6</sup> Florida Department of Agriculture and Consumer Services (FDACS), Division of Licensing, *Number of Licensees by Type* (Dec. 31, 2021), [https://www.fdacs.gov/content/download/82618/file/Number\\_of\\_Licensees\\_By\\_Type.pdf](https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf) (last visited Jan. 31, 2022).

<sup>7</sup> Section 493.6303, F.S.

<sup>8</sup> Section 493.6115(2), F.S.

8 hours) that is administered by a Class “K” licensee.<sup>9</sup> An applicant who was discharged within the last 12 months from service as a military officer, and has completed specific military courses is deemed to have completed a substantially similar training, and is exempt from the 28 hours of range and classroom training required for a Class “G” initial license.

Class “G” licensees must annually complete 4 hours of firearms requalification training for each caliber of firearm that he or she carries in the course of his or her duties.<sup>10</sup>

### **Class “DS” Security Officer Schools and Training Facilities**

Schools and training facilities that provide required training services for Class “D” Security Officer license applicants must submit an application for licensure, which includes:<sup>11</sup>

- The name and address of the school or training facility;
- The street address of the place where training will be conducted; and
- A copy of the curriculum and final exam to be administered, in accordance with the requirements set forth by the Department.<sup>12</sup>

The Department establishes the general content and number of hours of each subject area to be taught by the licensed schools and training facilities.<sup>13</sup> Currently, administrative rule states that students shall “remain under the supervision of a licensed instructor during all classes and under constant supervision during examination.”<sup>14</sup>

A Class “DS” Security Officer School or training facility must maintain the following records for at least 2 years:<sup>15</sup>

- A schedule of the date, time, location, and instructor of each class session;
- A separate file for each course which establishes that the minimum course standards were met, the course materials used, and an original of each final exam;
- An attendance log for each class session;
- A copy of any certificate, diploma, or other record given to each student; and
- A separate file on each approved instructor, which includes his or her qualifications.

An individual who teaches or instructs at a class “DS” security officer school or training facility must have a Class “DI,” Security Officer School or Training Facility Instructor license.<sup>16</sup>

### **Class “K” Firearm Instructor Licensees**

Class “K” Firearm Instructor Licensees provide classroom or range instruction to applicants for a Class “G” license.<sup>17</sup> Class “K” instructors are not currently required to be affiliated with a school

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<sup>9</sup> Section 493.6105(5), F.S. *See also* Fla. Admin. Code R. 5N-1.132(1)(a).

<sup>10</sup> Section 493.6113(3)(b), F.S.

<sup>11</sup> Section 493.6304, F.S. and Fla. Admin. Code R. 5N-1.134.

<sup>12</sup> Fla. Admin. Code R. 5N-1.132(4)(c).

<sup>13</sup> Section 493.6303(4)(a), F.S.

<sup>14</sup> Fla. Admin. Code 5N-1.138(4).

<sup>15</sup> Fla. Admin. Code 5N-1.140(5).

<sup>16</sup> *See* Fla. Admin. Code 5N-1.138(1), for qualifications for Class “DI” license.

<sup>17</sup> Sections 493.6101(14) and 493.6115(7), F.S.

or training facility. Administrative rules currently state that firearms instructors may not rely solely on the use of audio/video material in his or her course, but may use such material as an instructional aide when teaching the classroom portion of the course.<sup>18</sup>

Class “K” Firearm Instructors must provide a standardized Certificate of Firearms Proficiency for Statewide Firearm License to each student who successfully completes the 28-hour firearms proficiency course.<sup>19</sup> The Class “K” licensee must retain a copy of each certificate he or she provides, and is subject to penalty for the falsification of any such certificate.<sup>20</sup>

### **COVID-19 Emergency Orders**

The Commissioner of Agriculture issued Emergency Order 2020-004 to “provide flexibility for workers” during the COVID-19 pandemic<sup>21</sup> by allowing Class “D” security guards to complete their initial 40 hours of training via live video conference.<sup>22</sup>

Emergency Order 2020-10, issued on April 24, 2020, suspends the provisions of s. 493.6105(5), F.S., and its related rules to allow Class “G” license applicants to conduct their class room training by live video conference.<sup>23</sup>

These emergency orders expired on June 26, 2021.<sup>24</sup>

### **III. Effect of Proposed Changes:**

The bill allows Class “G” statewide firearm licensees and Class “D” security officer licensees to obtain required training via online or in-person instruction.

#### **Class “G” Statewide Firearm Licenses**

**Section 1** amends s. 493.6105, F.S., to allow a Class “G” applicant to complete the 20-hour classroom training portion of the required firearm training either by in-person instruction, or via live instruction through a secure website. The training must be taught and administered by a Class “K” firearms instructor who verifies the identity and attendance of the applicant.

The bill requires Class “G” applicants to submit a training certificate to the Department upon completion of the training. Additionally, the Class “K” licensee who provided the training must

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<sup>18</sup> Fla. Admin. Code R. 5N-1.132(4)(c).

<sup>19</sup> Fla. Admin. Code R. 5N-1.132(4)(d).

<sup>20</sup> Fla. Admin. Code R. 5N-1.132(4)(d)-(e).

<sup>21</sup> Press Release, FDACS, *Commissioner Nikki Fried Issues Emergency Orders & Rules During COVID-19* (Mar. 31, 2020), <https://www.fdacs.gov/News-Events/Press-Releases/2020-Press-Releases/Commissioner-Nikki-Fried-Issues-Emergency-Orders-Rules-During-COVID-19> (last visited Jan. 31, 2022).

<sup>22</sup> Florida Commissioner of Agriculture, *Emergency Order 2020-004* (Mar. 20, 2020), <https://www.fdacs.gov/content/download/91595/file/2020-03-20-EmergencyOrder2020-004%28DOLCOVID-19%29.pdf> (last visited Jan. 31, 2022).

<sup>23</sup> Florida Commissioner of Agriculture, *Emergency Order 2020-010* (Apr. 24, 2020), [https://www.fdacs.gov/content/download/94238/file/2020-04-24-DOL-Class-G-Emergency-Order\\_2020-010.pdf](https://www.fdacs.gov/content/download/94238/file/2020-04-24-DOL-Class-G-Emergency-Order_2020-010.pdf) (last visited Jan. 31, 2022).

<sup>24</sup> FDACS, *Commissioner of Agriculture Emergency Orders Regarding COVID-19*, <https://www.fdacs.gov/Divisions-Offices/Licensing> (last visited Jan. 31, 2022).

submit results directly to the Department's Division of Licensing and provide a copy of the training results to the trainee.

The bill requires the Department to engage in rulemaking to establish the general content, number of hours of each subject area to be taught, the method of delivery and the security protocols for online training and testing, the reporting requirements for verification of successful completion of training, and regulation of Class "K" licensees in relation to their provision of in-person or online training .

### **Class "D" Security Officer Licenses**

**Section 3** amends s. 493.6303, F.S., to allow Class "D" applicants to complete their 40-hour training requirement either by in-person instruction, or through live, online instruction presented through a secure website of a licensed school or training facility.

The bill requires an applicant to submit his or her verification of successful completion of training to the Department, and requires the training facility or instructor to submit proof of completion of training for the applicant to the Department. Additionally, the training facility or instructor must provide an electronic copy of proof of training for each applicant to the Department, and must also provide a copy of the training results to the applicant.

The bill requires the Department to engage in rulemaking to establish the general content, number of hours of each subject area to be taught, the method of delivery and the security protocols for online training and testing, the reporting requirements for verification of successful completion of training, and any other rule necessary to regulate schools or training facilities that provide in-person or online training. The bill further allows the Department to adopt additional rules needed to regulate schools or training facilities that provide in-person or online training.

### **Class "DS" Security Officer Schools and Training Facilities**

**Section 2** creates s. 493.6132, F.S., to specify requirements for schools or training facilities and Class "K" licensees that provide online training courses allowed under the bill. Specifically, a licensed school or training facility and Class "K" licensee must maintain a physical location in Florida. The Class "K" licensee must conduct his or her live online training in Florida, but a licensed school or training facility may conduct the live online classes from any location. The providers of live online training must also maintain, and make available to the Department, records of:

- All training sessions;
- The name and license number of the instructor who is present online with the students while the students receive instruction; and
- Proof of compliance with all security protocols at the school, facility, or place of business.

The online training course must:

- Require its instructor to verify the applicant's identity, attendance, and successful completion of training;
- Include security questions to ensure that the applicant is actively using the computer or mobile device and is following along with the training;

- Establish a minimum amount of time that each applicant must spend on each screen before moving on to the next;
- Include randomized test questions;
- Include a digital record of the applicant's attendance log and any other components required by the Department;
- Allow instructing via recording where an applicant is absent during a portion of the live online class, as limited by Departmental rule; and
- Permit the Department to access each online course for the purpose of auditing, monitoring, and inspection.

The applicant may not use more than one device at a time to log into the online training course.

#### **Effective Date**

The bill takes effect July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.



C. **Government Sector Impact:**

This bill will require the Department to undergo rulemaking to revise Rule 5N-1.132 of the Florida Administrative Code and update related policies and procedures. It is unknown whether this will require the expenditure of additional funds.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends sections 493.6105 and 493.6303 of the Florida Statutes.

This bill creates section 493.6132 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on January 31, 2022:**

- Allows Class "G" applicants to complete training through a secure website that is not affiliated with or operated by a licensed school or training facility (but is administered by a Class "K" licensee), and requires the Department to adopt rules that regulate a Class "K" licensee's teaching of such an online course;
- Implements similar reporting requirements for Class "G" and Class "D" applicants who complete their training online, specifically requiring both the applicant and instructor to submit training results to the Department, and requiring the instructor to provide a hard copy of the certificate to the applicant;
- Requires an online training course to keep a record of the (1) applicant's attendance log, (2) instructor who taught each session; (3) compliance with security protocols; and (4) any other required documentation established by Departmental rule;
- Requires a person or entity that provides online training pursuant to the bill to provide live access to the Department for auditing or inspection purposes; and
- Replaces a reference to the Department of Business and Professional Regulation with a reference to the Department of Agriculture and Consumer Services.

B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2022	.	
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	.	
	.	

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The Committee on Commerce and Tourism (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (5) of section 493.6105, Florida  
Statutes, is amended to read:

493.6105 Initial application for license.—

(5) In addition to the requirements outlined in subsection  
(3), an applicant for a Class "G" license must satisfy minimum  
training criteria for firearms established by rule of the



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11 department, including which training criteria includes, but is  
12 not limited to, 28 hours of range and classroom training  
13 conducted by in-person instruction or live online instruction  
14 through a secure website, provided that the applicant's  
15 identity, attendance, and successful completion of training are  
16 verified by the instructor. As part of his or her application,  
17 the applicant must submit a training certificate to the  
18 department upon completion of the training. Training must be  
19 taught and administered by one or more a Class "K" licensees.  
20 licensee; however, No more than 20 hours of such training may be  
21 conducted in an online classroom, and 8 hours of such training  
22 shall consist of in-person range training. Consistent with s.  
23 493.6115, the department shall by rule establish the general  
24 content and the number of hours of each subject area to be  
25 taught, the method of delivery and the security protocols for  
26 online training and testing, the reporting requirements for  
27 verification of successful completion of training, and any other  
28 rules necessary for the regulation of Class "K" licensees  
29 providing in-person or online training. Upon completion of the  
30 training, the instructor must submit results directly to the  
31 Division of Licensing in a manner prescribed by the department.  
32 The instructor must also provide a copy of the training results  
33 to the applicant who completed the training. The department may  
34 waive the foregoing firearms training requirement if:

35 (a) The applicant provides proof that he or she is  
36 currently certified as a law enforcement officer or correctional  
37 officer pursuant to the requirements of the Criminal Justice  
38 Standards and Training Commission or has successfully completed  
39 the training required for certification within the last 12



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40 months.

41 (b) The applicant provides proof that he or she is  
42 currently certified as a federal law enforcement officer and has  
43 received law enforcement firearms training administered by a  
44 federal law enforcement agency.

45 (c) The applicant submits a valid firearm certificate  
46 listed among those specified in paragraph (6) (a).

47 Section 2. Section 493.6132, Florida Statutes, is created  
48 to read:

49 493.6132 Online training courses.-

50 (1) An online training course for a Class "D" license must  
51 be conducted live and by a licensed school or training facility  
52 that maintains a physical location in this state.

53 (2) A Class "K" licensed firearms instructor conducting an  
54 online training course must maintain a physical location in this  
55 state and must conduct online classes live at a location in this  
56 state.

57 (3) An applicant may only be logged into the online  
58 training course from one device at a time.

59 (4) The online training course must include, at a minimum,  
60 all of the following:

61 (a) Security questions to ensure that the applicant is  
62 actively using the computer or mobile device and is following  
63 along with the online training.

64 (b) A minimum amount of time that each applicant must spend  
65 on each screen before moving on to the next screen.

66 (c) Randomized test questions.

67 (d) A digital record of the applicant's attendance log  
68 along with any components required by department rule.



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69           (5) A licensed school or training facility, or a Class "K"  
70 licensee conducting an online course, must maintain records of  
71 all training sessions, including the name and license number of  
72 the instructor who is present online with the students while the  
73 students are receiving instruction, and proof of compliance with  
74 all security protocols at the school, facility, or place of  
75 business in this state. The records required under this  
76 subsection must be made accessible to the department's  
77 investigators upon request.

78           (6) A licensed school or training facility, or a Class "K"  
79 licensee conducting an online course must provide the Division  
80 of Licensing with live access to each course for the purposes of  
81 auditing, monitoring, or inspection as deemed necessary by the  
82 division.

83           (7) If an applicant is absent during a portion of a live  
84 online class, a licensed school or training facility, or a Class  
85 "K" licensee conducting an online course, may deliver  
86 instruction in part using recordings, as limited by department  
87 rule.

88           Section 3. Paragraph (a) of subsection (4) of section  
89 493.6303, Florida Statutes, is amended to read:

90           493.6303 License requirements.—In addition to the license  
91 requirements set forth elsewhere in this chapter, each  
92 individual or agency must comply with the following additional  
93 requirements:

94           (4) (a) An applicant for a Class "D" license must submit  
95 proof of successful completion of a minimum of 40 hours of  
96 professional training at a school or training facility licensed  
97 by the department. The training may be conducted by in-person



917980

98 instruction or online instruction presented live through a  
99 secure website of the licensed school or training facility,  
100 provided that the applicant's identity, attendance, and  
101 successful completion of training are verified by the  
102 instructor. As part of his or her application, the applicant  
103 must submit the completed training certificate to the department  
104 upon completion of the training. The department shall by rule  
105 and in accordance with s. 493.6103 establish the general content  
106 and number of hours of each subject area to be taught, the  
107 method of delivery and the security protocols for online  
108 training and testing, the reporting requirements for  
109 verification of successful completion of training, and any other  
110 rules necessary for the regulation of schools or training  
111 facilities providing in-person or online training. Upon  
112 completion of such training, the training facility or the  
113 instructor must submit proof of completion of training for each  
114 applicant to the department electronically in a manner  
115 prescribed by the department. The training facility or the  
116 instructor must also provide a copy of the training results to  
117 the applicant who completed the training.

118 Section 4. This act shall take effect July 1, 2022.

119  
120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete everything before the enacting clause  
123 and insert:

124 A bill to be entitled  
125 An act relating to online training for private  
126 security officers; amending ss. 493.6105 and 493.6303,



917980

127 F.S.; providing that certain required training  
128 criteria for Class "G" and Class "D" licenses,  
129 respectively, may be conducted online; providing  
130 requirements for such online training; requiring the  
131 Department of Agriculture and Consumer Services to  
132 establish certain criteria and rules for the  
133 regulation of certain entities that provide online  
134 training; providing reporting requirements upon  
135 completion of the training; creating s. 493.6132,  
136 F.S.; providing requirements for online training  
137 courses for a Class "D" license; requiring entities  
138 offering online training to provide the Division of  
139 Licensing with live access to each course; authorizing  
140 such entities to deliver online instruction using  
141 recordings under certain circumstances; providing an  
142 effective date.

By Senator Bradley

5-01188-22

20221474\_\_

A bill to be entitled

An act relating to online training for private security officers; amending ss. 493.6105 and 493.6303, F.S.; authorizing certain Class "G" and Class "D" license training to be conducted in person or online; requiring the Department of Agriculture and Consumer Services to adopt rules; providing reporting requirements relating to the completion of such training; creating s. 493.6132, F.S.; providing requirements for online training courses for Class "D" and Class "G" licenses; providing an effective date.

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

Section 1. Subsection (5) of section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

(5) In addition to the requirements outlined in subsection (3), an applicant for a Class "G" license must satisfy minimum training criteria for firearms established by rule of the department, which training criteria includes, but is not limited to, 28 hours of range and classroom training conducted by in-person instruction or online through a secure website of the licensed school or training facility if the applicant's identity, attendance, and successful completion of training are verified. The applicant must report the verification to the department upon completion of the training. Training must be taught and administered by a Class "K" licensee; however, no more than 21 hours may be conducted in an online classroom, and

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

5-01188-22

20221474\_\_

no more than 8 hours of such training shall consist of range training. The department shall, by rule and in accordance with s. 493.6115, establish the general content, the number of hours of each subject area to be taught, the method of delivery and the security protocols for online training and testing, and the reporting requirements for verification of successful completion of training and may adopt any additional rules necessary for the regulation of schools or training facilities providing in-person or online training. The department may waive the foregoing firearms training requirement if:

(a) The applicant provides proof that he or she is currently certified as a law enforcement officer or correctional officer pursuant to the requirements of the Criminal Justice Standards and Training Commission or has successfully completed the training required for certification within the last 12 months.

(b) The applicant provides proof that he or she is currently certified as a federal law enforcement officer and has received law enforcement firearms training administered by a federal law enforcement agency.

(c) The applicant submits a valid firearm certificate among those specified in paragraph (6) (a).

Section 2. Paragraph (a) of subsection (4) of section 493.6303, Florida Statutes, is amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency must comply with the following additional requirements:

(4) (a) An applicant for a Class "D" license must submit

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



5-01188-22 20221474\_\_

59 proof of successful completion of a minimum of 40 hours of  
 60 professional training at a school or training facility licensed  
 61 by the department. The training may be conducted by in-person  
 62 instruction or online through a secure website of the licensed  
 63 school or training facility if the applicant's identity,  
 64 attendance, and successful completion of training are verified.  
 65 The applicant must report the verification to the department  
 66 upon completion of the training. The department shall, by rule  
 67 and in accordance with s. 493.6103, establish the general  
 68 content and number of hours of each subject area to be taught,  
 69 the method of delivery and the security protocols for online  
 70 training and testing, and the reporting requirements for  
 71 verification of successful completion of training and may adopt  
 72 any additional rules necessary for the regulation of schools or  
 73 training facilities providing in-person or online training. Upon  
 74 completion of such training, the training facility or the  
 75 instructor must submit proof of completion of training for each  
 76 applicant to the department electronically in a manner  
 77 prescribed by the department. The training facility or the  
 78 instructor must also provide a copy of the training results to  
 79 the applicant who completed the training.

80 Section 3. Section 493.6132, Florida Statutes, is created  
 81 to read:

82 493.6132 Online training courses.—

83 (1) An online training course for a Class "D" or Class "G"  
 84 license must be affiliated with and conducted by a licensed  
 85 school or training facility that maintains a physical location.

86 (2) A firearms instructor conducting an online training  
 87 course must be employed by a licensed school or training

5-01188-22 20221474\_\_

88 facility or be employed by a business establishment that is  
 89 registered, permitted, or licensed by the Department of Business  
 90 and Professional Regulation and which has an insurance policy in  
 91 the minimum amount of \$1 million.

92 (3) An applicant may be logged into the online training  
 93 course from only one device at a time.

94 (4) The online training course must meet all of the  
 95 following requirements:

96 (a) Include security questions to ensure that the applicant  
 97 is actively using the computer or mobile device and is following  
 98 along with the online training.

99 (b) Establish a minimum amount of time that each applicant  
 100 must spend on each screen before moving on to the next screen.

101 (c) Include randomized test questions.

102 (5) Online training course certificates must be  
 103 sequentially numbered for tracking purposes.

104 Section 4. This act shall take effect July 1, 2022.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1.31.22

Meeting Date

1146

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lauren Whritenour

Phone 850 509 3410

Address 100 E. Jefferson St Suite A

Email Lauren.claire.henderson@gmail.com

Street

Tallahassee

State

FL

32301

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Florida Association of Licensed Investigators

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1.31.22

Meeting Date

1146

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Burt Hodge

Phone

850.561.3990

Address

842 E. Park Av

Email

burt842@gmail.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



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This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** January 5, 2022

---

I respectfully request that **Senate Bill #1146**, relating to Taxation of Investigative Services, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

---

Senator Ana Maria Rodriguez  
Florida Senate, District 39

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: CS/SB 1146

INTRODUCER: Commerce and Tourism Committee and Senator Rodriguez

SUBJECT: Taxation of Investigative Services

DATE: February 1, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Fav/CS
2.			FT	
3.			AP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1146 provides an exemption from the sales and use tax for investigative services provided by a small private investigative agency.

The Revenue Estimating Conference determined the bill will reduce General Revenue Fund receipts by \$300,000 in Fiscal Year 2022-2023 with a recurring impact of \$300,000. The bill will reduce local revenues by \$100,000 in Fiscal Year 2022-2023 with a recurring local impact of \$100,000.

The bill takes effect July 1, 2022.

**II. Present Situation:**

**Florida Sales and Use Tax**

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,<sup>1</sup> admissions,<sup>2</sup> transient rentals,<sup>3</sup> and a limited number of services. Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances.

---

<sup>1</sup> Section 212.05(1)(a)1.a, F.S.

<sup>2</sup> Section 212.04(b), F.S.

<sup>3</sup> Section 212.03(1)(a), F.S.

Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.<sup>4</sup>

Currently, charges for detective, burglar protection, and other protection services listed under the North American Industry Classification System (NAICS) National Numbers 561611 (investigative services), 561612 (security guards and patrol services), 561613 (armored car services), and 561621 (security systems services, except locksmiths) are subject to the 6 percent sales and use tax.<sup>5</sup>

### **Private Investigative Services**

The Division of Licensing within the Department of Agriculture and Consumer Services oversees the regulation of licensing of private investigative services.<sup>6</sup> As of December 31, 2021, the Division has issued 2,627 private investigative agency licenses and 6,992 private investigator licenses.<sup>7</sup>

A “private investigator” is defined as any individual who, for consideration, advertises as providing or performs private investigation.<sup>8</sup> A “private investigative agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing private investigations.<sup>9</sup> Private investigation is defined as an investigation to obtain information on any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.
- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation thereof.<sup>10</sup>

### **III. Effect of Proposed Changes:**

The bill exempts investigative services provided by a small private investigative agency from the sales and use tax.

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<sup>4</sup> See s. 212.07(2), F.S.

<sup>5</sup> Section 212.05(1)(i)1., F.S.

<sup>6</sup> Chapter 493, F.S.

<sup>7</sup> Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports* (as of December 31, 2021), available at <https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports> (last visited Jan. 28, 2022).

<sup>8</sup> Section 493.6101(16), F.S.

<sup>9</sup> Section 493.6101(15), F.S.

<sup>10</sup> Section 493.6101(17), F.S.

The bill defines a “small private investigative agency” as a private investigator licensed under s. 493.6201, F.S., which:

- Employs three or fewer full-time or part-time employees, including those performing services pursuant to an employment leasing arrangement as defined in s. 468.520(4), F.S.; and
- Received less than \$50,000 for each employee in taxable compensation during the previous calendar year for providing private investigation services for all its businesses related through common ownership.

The bill takes effect July 1, 2022.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>11, 12</sup> which is \$2.2 million or less for Fiscal Year 2021-2022.<sup>13</sup>

The Revenue Estimating Conference determined that the bill will reduce local revenues by \$100,000 in Fiscal Year 2022-2023. Therefore, it appears that the mandates provision does not apply because the impact is insignificant.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

---

<sup>11</sup> FLA. CONST. art. VII, s. 18(d).

<sup>12</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 28, 2022).

<sup>13</sup> Based on the Demographic Estimating Conference’s population adopted on March 3, 2021. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf> (last visited Jan. 28, 2022).

**D. State Tax or Fee Increases:**

Section 19 of Article VII, Florida Constitution requires increased taxes or fees to be passed in a separate bill and by two-thirds vote of the membership of each house of the Legislature. This bill does not increase any taxes or fees; therefore, the increased tax or fee requirements do not apply.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The Revenue Estimating Conference determined the bill will reduce General Revenue Fund receipts by \$300,000 in Fiscal Year 2022-2023 with a recurring impact of \$300,000. The bill will reduce local revenues by \$100,000 in Fiscal Year 2022-2023 with a recurring local impact of \$100,000.

**B. Private Sector Impact:**

Certain small private investigative agencies may incur savings due to the sales and use tax exemption on the sale of investigative services.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not grant emergency rulemaking authority to the Department of Revenue to enable the department to implement the provisions in the bill by the bill's effective date on July 1, 2022.

**VIII. Statutes Affected:**

This bill substantially amends section 212.08 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism January 31, 2022:**

- Modifies the definition of a “small private investigative agency” to provide that the agency must have received less than \$50,000 for each employee in taxable



compensation during the previous calendar year for providing private investigative services.

B. Amendments:

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---



475734

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2022	.	
	.	
	.	
	.	

---

The Committee on Commerce and Tourism (Rodriguez) recommended the following:

**Senate Amendment**

Delete lines 45 - 46

and insert:

b. Received less than \$50,000 for each employee in taxable compensation during the previous calendar year for providing private investigative

By Senator Rodriguez

39-01108-22

20221146\_\_

A bill to be entitled

An act relating to taxation of investigative services; amending s. 212.08, F.S.; defining the term "small private investigative agency"; providing an exemption from the state tax on sales, use, and other transactions for investigative services provided by a small private investigative agency; providing an effective date.

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

Section 1. Paragraph (ppp) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

39-01108-22

20221146\_\_

or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ppp) Small private investigative agencies.—

1. As used in this paragraph, the term "small private investigative agency" means a private investigator licensed under s. 493.6201 which:

a. Employs three or fewer full-time or part-time employees, including those performing services pursuant to an employee leasing arrangement as defined in s. 468.520(4), in total; and

b. Received less than \$50,000 in compensation during the previous calendar year for providing private investigation services as defined in s. 493.6101(17) for all its businesses related through common ownership.

2. The sale of investigative services by a small private investigative agency to a client is exempt from the tax imposed by this chapter.

Section 2. This act shall take effect July 1, 2022.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# APPEARANCE RECORD

SB 1536

1/31/22

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name Commissioner Russ Weigel Phone \_\_\_\_\_

Address 101 E Gaines St Email Russell.Weigel@flofr.gov

Street

Tallahassee FL 32399

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Office of Financial Regulation**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Banking and Insurance, *Chair*  
Agriculture  
Appropriations Subcommittee on Agriculture,  
Environment, and General Government  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Judiciary  
Rules

## JOINT COMMITTEE:

Joint Legislative Auditing Committee

**SENATOR JIM BOYD**

21st District

January 19, 2022

Senator Ed Hooper  
404 South Monroe Street  
310 Knott Building  
Tallahassee, FL 32399

Dear Chairman Hooper:

I respectfully request Senate Bill 1536: Money Services Businesses, be scheduled for a hearing in the Committee on Commerce and Tourism at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink that reads "Jim Boyd".

Jim Boyd

cc: Todd McKay  
Kathryn Vigrass

## REPLY TO:

- 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Banking and Insurance

---

BILL: CS/CS/SB 1536

INTRODUCER: Commerce and Tourism Committee, Banking and Insurance Committee, and Senator Boyd

SUBJECT: Money Services Businesses

DATE: February 1, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 1536 revises provisions and definitions regarding the persons in control of a money services business (MSB) and makes conforming changes. The purpose of these revisions is to more specifically define the persons subject to fingerprinting and background checks pursuant to an MSB application.

The effective date of the bill is October 1, 2022.

**II. Present Situation:**

**Licensing of Money Services Businesses**

The Office of Financial Regulation (OFR) is responsible for the regulatory oversight of Florida's financial services industry. As part the OFR's responsibilities, OFR oversees MSBs, which are regulated under three license categories created under ch. 560, F.S. The first category, money transmitters and persons selling or issuing payment instruments, is regulated under part II of ch. 560, F.S. The second category, check cashers and foreign currency exchangers, is regulated under part III of ch. 560, F.S.

To be licensed under ch. 560, F.S., an MSB applicant must:

- Demonstrate to the OFR the character and general fitness necessary to command the confidence of the public and warrant the belief that the MSB or deferred presentment provider shall be operated lawfully and fairly;
- Be legally authorized to do business in Florida;
- Be registered as a money services business with the Financial Crimes Enforcement Network as required by 31 C.F.R. s. 1022.380, if applicable;
- Have an anti-money laundering program in place which meets the requirements of 31 C.F.R. s. 1022.210; and
- Provide the OFR with all the information required under this chapter and related rules.<sup>1</sup>

To apply as a money services business under ch. 560, F.S., a person must submit:

- An application to OFR for an MSB license that must include, on a form prescribed by rule, all of the following:
  - The legal name and address of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business;
  - The date of the applicant's formation and the state where the applicant was formed, if applicable;
  - The name, social security number, alien identification or taxpayer identification number, business and residence addresses, and employment history for the past 5 years for each officer, director, responsible person, the compliance officer, each controlling shareholder, and any other person who has a controlling interest in the money services business as provided in s. 560.127, F.S.;
  - A description of the organizational structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded;
  - The applicant's history of operations in other states, if applicable, and a description of the money services business or deferred presentment provider activities the applicant proposes to conduct in Florida;
  - If the applicant or its parent is a publicly traded company, for the preceding year, copies of all filings made by the applicant with the United States Securities and Exchange Commission (SEC); or, if publicly traded in a country other than the United States, such filings with that country's regulator similar to the SEC;
  - The location at which the applicant proposes to establish its principal place of business and any other location, including branch offices and authorized vendors operating within Florida. For each branch office and each location of an authorized vendor, the applicant must include the nonrefundable fee required by s. 560.143, F.S.;
  - The name and address of the clearing financial institution or financial institutions through which the applicant's payment instruments are drawn or through which the payment instruments are payable;
  - The history of the applicant's material litigation, criminal convictions, pleas of nolo contendere, and cases of adjudication withheld;
  - The history of material litigation, arrests, criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each executive officer, director, controlling shareholder, and responsible person;

---

<sup>1</sup> Section 560.1401, F.S.

- The name of the registered agent in this state for service of process unless the applicant is a sole proprietor; and
- Any other information specified in ch. 560, F.S. or by rule.<sup>2</sup>
- A nonrefundable application fee, as specified in s. 560.143, F.S.<sup>3</sup>
- Fingerprints, for live-scan processing in accordance with rules adopted by the Financial Services Commission (Commission), for each officer, director, responsible person, the compliance officer, each controlling shareholder, and any other person who has a controlling interest in the money services business as provided in s. 560.127, F.S. Regarding such fingerprints:
  - They may be submitted through a third-party vendor authorized by the Florida Department of Law Enforcement (FDLE) to provide live-scan fingerprinting. The FDLE must also conduct the state criminal history background check, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation. The OFR must review the results of this background check
  - The cost of processing and retaining the fingerprints are borne by the person subject to the background checks to determine license eligibility.
  - Fingerprints are not required from publicly traded corporations.<sup>4</sup>
- A copy of the applicant's written anti-money laundering program required under 31 C.F.R. s. 1022.210.<sup>5</sup>
- Within the time allotted by rule, any information needed to resolve any deficiencies found in the application.<sup>6</sup>

Licenses issued to MSBs cannot be for more than 2 years,<sup>7</sup> after which, the MSB must reapply for licensure pursuant to s. 560.142, F.S.

### **Federal Bureau of Investigation Determination Regarding Access to Criminal History Record Information**

As stated above, MSB applicant fingerprints must be submitted to FDLE for a state and federal criminal history background check. The federal check is conducted through the FBI, which manages a criminal history record information (CHRI) system, through which this information can be obtained. The purpose the CHRI system is to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.<sup>8</sup> Federal Public Law 92-544 authorizes the exchange of CHRI with officials of state and local governmental agencies for licensing and employment purposes. However, this access can only be authorized by a state statute which has been subsequently approved by the Attorney General of the United States. Section 560.141, F.S. (the statute authorizing background

<sup>2</sup> Section 560.141(1)(a), F.S.

<sup>3</sup> Section 560.141(1)(b), F.S.

<sup>4</sup> Section 560.141(1)(c), F.S.

<sup>5</sup> Section 560.141(1)(d), F.S.

<sup>6</sup> Section 560.141(1)(e), F.S.

<sup>7</sup> Section 560.141(2), F.S.

<sup>8</sup> 28 C.F.R. s. 20.1.



checks for MSB applicants), had been previously approved for access to CHRI; however, the situation has recently changed.

In an effort to obtain CHRI for applicants to a recently created (in 2020) Financial Technology Sandbox under s. 559.952, F.S., the FDLE sent correspondence to the FBI's Criminal Justice Information Law Unit (CJILU) to obtain an Originating Agency Identifier (ORI). The ORI validates legal authorization to access criminal justice information and identifies the specific agency requesting the information. CJILU reviewed s. 559.952, F.S., which derives its fingerprinting authority from s. 560.141, F.S. CJILU responded to this request stating that s. 560.141, F.S. did not qualify for CHRI because the terms "responsible person" and "control of a money services business" as used in section 560.141, F.S., were overly broad and, thus, did not sufficiently define the categories of people subject to the background check.<sup>9</sup> The CJILU did express that since it had previously approved s. 560.141, F.S., it would continue to honor fingerprints submitted for MSB applicants during a grace period in order to allow Florida to amend 560.141, F.S., but it would not extend this grace period to other types of applicants.

### III. Effect of Proposed Changes:

**Section 1** amends s. 560.103, F.S., to revise certain definitions relating to MSBs in order to better define the persons subject to fingerprinting under the chapter. The section creates an extensive definition of a "control person" for an MSB. Such person is defined as a person who possesses the power, directly or indirectly, to direct the management or policies of an MSB, whether through ownership of securities, by contract, or through other means, and regardless of whether such person has an official title or receives a salary or other compensation. The definition also provides that the following persons are presumed to be control persons:

- The president, chief executive officer, chief financial officer, chief operations officer, chief legal officer, and chief compliance officer;
- A person holding any of the officer positions named in the money services business's governing documents;
- A person holding any position named by the money services business's liability insurance coverage for directors and officers, if the business has such coverage; and
- A director of the money services business's board of directors.

The definition also provides that for certain specified entities, additional persons are control persons. These are:

- For corporations that are not publicly traded: Any shareholder that owns 25 percent or more or that has the power to vote 25 percent or more of a class of voting securities is a control person.
- For partnerships: All general partners and limited or special partners that have contributed 25 percent or more, or that have the right to receive, upon dissolution, 25 percent or more of the partnership's capital.
- For trusts: Each trustee.

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<sup>9</sup> Office of Financial Regulation, Senate Bill 1536 Analysis (January 12, 2022) (on file with the Senate Committee on Banking and Insurance), and Letter from Heather R. Postletwait, Paralegal Specialist for the FBI CJILU, to Nathan Pate, Florida Dept. of Law Enforcement, (Mar. 22, 2022) (on file with the Senate Committee on Banking and Insurance).

- For limited liability companies: All managers and those members that have contributed 25 percent or more or that have the right to receive, upon dissolution, 25 percent or more of the limited liability company's capital.

The section also simplifies the definition of "affiliated party" to be a control person, employee, or foreign affiliate of an MSB. Finally, the section deletes the definitions of "officer" and "responsible person."

The intent of the revisions in this section is to more specifically define the persons subject to fingerprinting and background checks pursuant to an MSB application and to make this definition less broad. The purpose of which is to address the specificity concerns of the CJILU and, thereby, maintain the OFR's access to the FBI's CHRI.

**Sections 2, 3, 4, and 6** revise s. 560.118, F.S. (relating to the filing of quarterly reports by MSBs), s. 560.123, F.S. (the Florida Control of Money Laundering in Money Services Business Act), s. 560.126, F.S., (required noticing by MSBs), and s. 560.141, F.S. (relating to MSB license applications), respectively, to conform to the revisions made in **Section 1**. **Section 4** also deletes provisions requiring persons proposing to acquire a controlling interest in an MSB to file a new application with the OFR, and deletes a rulemaking authorization regarding waivers of this application requirement. **Section 6** also deletes an obsolete provision relating to fingerprinting for money services business licenses approved prior to October 1, 2013.

**Section 5** repeals s. 560.127, F.S., to delete a provision that establishes when a person controls an MSB, as this section is no longer necessary with the revisions in **Section 1**.

**Section 7** revises s. 560.143, F.S., to delete a cross-reference to conform to the changes in **Section 1** and to make a conforming change deleting a provision regarding license application fees relating to a change in control of a money services business.

**Section 8** re-enacts s. 559.952(4)(a), F.S., relating to the Financial Technology Sandbox, to incorporate the changes made to ss. 560.118 and 560.141, F.S.

**Section 9** re-enacts s. 560.114(2)(c), F.S., relating to disciplinary actions and penalties, to incorporate the changes made to s. 560.114, F.S.

**Section 10** provides an effective date of October 1, 2022.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 560.103, 560.118, 560.123, 560.126, 560.141, and 560.143.

This bill repeals section 560.127 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes. 559.952 and 560.114.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Banking and Insurance on January 18, 2022:**

The committee substitute deletes from SB 1536 the following provisions:

- Creation of rulemaking authority to establish disqualifying periods for where a money services business is prohibited from licensure for specified violations.

- Authorization for the OFR to bar a person from licensure, or from acting as a control person of an MSB, for that person's violation of ch. 560, F.S., agency rules or orders, or written agreement with the OFR; and
- Authorization for OFR to suspend the license of an MSB if its control person is arrested for certain offenses.

**CS by Commerce and Tourism on January 31, 2022:**

The committee substitute makes the following changes:

- Makes technical changes.
- Deletes an obsolete provision in s. 560.141(1)(c)7., F.S., relating to fingerprinting for money services business licenses approved prior to October 1, 2013.
- Makes a conforming change deleting a provision in s. 560.143(1)(g), F.S., regarding license application fees relating to a change in control of a money services business.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2022	.	
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The Committee on Commerce and Tourism (Boyd) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 560.103, Florida Statutes, is amended to  
read:

560.103 Definitions.—As used in this chapter, the term:

(1) "Affiliated party" means a control ~~director, officer,~~  
~~responsible~~ person, employee, or foreign affiliate of a money  
services business, ~~or a person who has a controlling interest in~~



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11 ~~a money services business as provided in s. 560.127.~~

12 (2) "Appropriate regulator" means a state, federal, or  
13 foreign agency that has been granted authority to enforce state,  
14 federal, or foreign laws related to a money services business or  
15 deferred presentment provider.

16 (3) "Authorized vendor" means a person designated by a  
17 money services business licensed under part II of this chapter  
18 to act on behalf of the licensee at locations in this state  
19 pursuant to a written contract with the licensee.

20 (4) "Branch office" means the physical location, other than  
21 the principal place of business, of a money services business  
22 operated by a licensee under this chapter.

23 (5) "Cashing" means providing currency for payment  
24 instruments except for travelers checks.

25 (6) "Check casher" means a person who sells currency in  
26 exchange for payment instruments received, except travelers  
27 checks.

28 (7) "Commission" means the Financial Services Commission.

29 (8) "Compliance officer" means the individual in charge of  
30 overseeing, managing, and ensuring that a money services  
31 business is in compliance with all state and federal laws and  
32 rules relating to money services businesses, as applicable,  
33 including all money laundering laws and rules.

34 (9) "Conductor" means a natural person who presents himself  
35 or herself to a licensee for purposes of cashing a payment  
36 instrument.

37 (10) "Control person" means:

38 (a) A person that possesses the power, directly or  
39 indirectly, to direct the management or policies of a money



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40 services business, whether through ownership of securities, by  
41 contract, or through other means, and regardless of whether such  
42 person has an official title or receives a salary or other  
43 compensation. The following persons are each presumed to be a  
44 control person:

45 1. The president, chief executive officer, chief financial  
46 officer, chief operations officer, chief legal officer, and  
47 compliance officer.

48 2. A person holding any of the officer positions named in  
49 the money services business's governing documents.

50 3. A person holding any position named by the money  
51 services business's liability insurance coverage for directors  
52 and officers, if the business has such coverage.

53 4. A director of the money services business's board of  
54 directors.

55 (b) For a corporation that is not publicly traded, all  
56 shareholders that, directly or indirectly, own 25 percent or  
57 more or that have the power to vote 25 percent or more of a  
58 class of voting securities.

59 (c) For a partnership, all general partners and those  
60 limited or special partners that have contributed 25 percent or  
61 more or that have the right to receive upon dissolution 25  
62 percent or more of the partnership's capital.

63 (d) For a trust, all trustees.

64 (e) For a limited liability company, all managers and those  
65 members that have contributed 25 percent or more or that have  
66 the right to receive upon dissolution 25 percent or more of the  
67 limited liability company's capital.

68 (11)-(10) "Corporate payment instrument" means a payment



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69 instrument on which the payee named on the instrument's face is  
70 other than a natural person.

71 (12)~~(11)~~ "Currency" means the coin and paper money of the  
72 United States or of any other country which is designated as  
73 legal tender and which circulates and is customarily used and  
74 accepted as a medium of exchange in the country of issuance.  
75 Currency includes United States silver certificates, United  
76 States notes, and Federal Reserve notes. Currency also includes  
77 official foreign bank notes that are customarily used and  
78 accepted as a medium of exchange in a foreign country.

79 (13)~~(12)~~ "Deferred presentment provider" means a person who  
80 is licensed under part II or part III of this chapter and has  
81 filed a declaration of intent with the office to engage in  
82 deferred presentment transactions as provided under part IV of  
83 this chapter.

84 (14)~~(13)~~ "Department" means the Department of Financial  
85 Services.

86 (15)~~(14)~~ "Electronic instrument" means a card, tangible  
87 object, or other form of electronic payment for the transmission  
88 or payment of money or the exchange of monetary value, including  
89 a stored value card or device that contains a microprocessor  
90 chip, magnetic stripe, or other means for storing information;  
91 that is prefunded; and for which the value is decremented upon  
92 each use.

93 (16)~~(15)~~ "Financial audit report" means a report prepared  
94 in connection with a financial audit that is conducted in  
95 accordance with generally accepted auditing standards prescribed  
96 by the American Institute of Certified Public Accountants by a  
97 certified public accountant licensed to do business in the





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98 United States, and which must include:

99 (a) Financial statements, including notes related to the  
100 financial statements and required supplementary information,  
101 prepared in conformity with accounting principles generally  
102 accepted in the United States. The notes must, at a minimum,  
103 include detailed disclosures regarding receivables that are  
104 greater than 90 days, if the total amount of such receivables  
105 represents more than 2 percent of the licensee's total assets.

106 (b) An expression of opinion regarding whether the  
107 financial statements are presented in conformity with accounting  
108 principles generally accepted in the United States, or an  
109 assertion to the effect that such an opinion cannot be expressed  
110 and the reasons.

111 ~~(17)-(16)~~ "Foreign affiliate" means a person located outside  
112 this state who has been designated by a licensee to make  
113 payments on behalf of the licensee to persons who reside outside  
114 this state. The term also includes a person located outside of  
115 this state for whom the licensee has been designated to make  
116 payments in this state.

117 ~~(18)-(17)~~ "Foreign currency exchanger" means a person who  
118 exchanges, for compensation, currency of the United States or a  
119 foreign government to currency of another government.

120 ~~(19)-(18)~~ "Fraudulent identification paraphernalia" means  
121 all equipment, products, or materials of any kind that are used,  
122 intended for use, or designed for use in the misrepresentation  
123 of a customer's identity. The term includes, but is not limited  
124 to:

125 (a) A signature stamp, thumbprint stamp, or other tool or  
126 device used to forge a customer's personal identification



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127 information.

128 (b) An original of any type of personal identification  
129 listed in s. 560.310(2)(b) which is blank, stolen, or unlawfully  
130 issued.

131 (c) A blank, forged, fictitious, or counterfeit instrument  
132 in the similitude of any type of personal identification listed  
133 in s. 560.310(2)(b) which would in context lead a reasonably  
134 prudent person to believe that such instrument is an authentic  
135 original of such personal identification.

136 (d) Counterfeit, fictitious, or fabricated information in  
137 the similitude of a customer's personal identification  
138 information that, although not authentic, would in context lead  
139 a reasonably prudent person to credit its authenticity.

140 ~~(20)~~~~(19)~~ "Licensee" means a person licensed under this  
141 chapter.

142 ~~(21)~~~~(20)~~ "Location" means a branch office, mobile location,  
143 or location of an authorized vendor whose business activity is  
144 regulated under this chapter.

145 ~~(22)~~~~(21)~~ "Monetary value" means a medium of exchange,  
146 whether or not redeemable in currency.

147 ~~(23)~~~~(22)~~ "Money services business" means any person located  
148 in or doing business in this state, from this state, or into  
149 this state from locations outside this state or country who acts  
150 as a payment instrument seller, foreign currency exchanger,  
151 check casher, or money transmitter.

152 ~~(24)~~~~(23)~~ "Money transmitter" means a corporation, limited  
153 liability company, limited liability partnership, or foreign  
154 entity qualified to do business in this state which receives  
155 currency, monetary value, or payment instruments for the purpose



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156 of transmitting the same by any means, including transmission by  
157 wire, facsimile, electronic transfer, courier, the Internet, or  
158 through bill payment services or other businesses that  
159 facilitate such transfer within this country, or to or from this  
160 country.

161 ~~(25)~~<sup>(24)</sup> "Net worth" means assets minus liabilities,  
162 determined in accordance with United States generally accepted  
163 accounting principles.

164 ~~(26)~~<sup>(25)</sup> "Office" means the Office of Financial Regulation  
165 of the commission.

166 ~~(26)~~ "Officer" means an individual, other than a director,  
167 who participates in, or has authority to participate in, the  
168 major policymaking functions of a money services business,  
169 regardless of whether the individual has an official title or  
170 receives a salary or other compensation.

171 (27) "Outstanding money transmission" means a money  
172 transmission to a designated recipient or a refund to a sender  
173 that has not been completed.

174 (28) "Outstanding payment instrument" means an unpaid  
175 payment instrument whose sale has been reported to a licensee.

176 (29) "Payment instrument" means a check, draft, warrant,  
177 money order, travelers check, electronic instrument, or other  
178 instrument, payment of money, or monetary value whether or not  
179 negotiable. The term does not include an instrument that is  
180 redeemable by the issuer in merchandise or service, a credit  
181 card voucher, or a letter of credit.

182 (30) "Payment instrument seller" means a corporation,  
183 limited liability company, limited liability partnership, or  
184 foreign entity qualified to do business in this state which



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185 sells a payment instrument.

186 (31) "Person" means an individual, partnership,  
187 association, trust, corporation, limited liability company, or  
188 other group, however organized, but does not include a public  
189 agency or instrumentality thereof.

190 (32) "Personal identification information" means a  
191 customer's name that, alone or together with any of the  
192 following information, may be used to identify that specific  
193 customer:

194 (a) Customer's signature.

195 (b) Photograph, digital image, or other likeness of the  
196 customer.

197 (c) Unique biometric data, such as the customer's  
198 thumbprint or fingerprint, voice print, retina or iris image, or  
199 other unique physical representation of the customer.

200 ~~(33) "Responsible person" means an individual who is~~  
201 ~~employed by or affiliated with a money services business and who~~  
202 ~~has principal active management authority over the business~~  
203 ~~decisions, actions, and activities of the money services~~  
204 ~~business in this state.~~

205 (33) "Publicly traded" means a stock is currently traded on  
206 a national securities exchange registered with the Securities  
207 and Exchange Commission, or traded on an exchange in a country  
208 other than the United States regulated by a regulator equivalent  
209 to the Securities and Exchange Commission and the disclosure and  
210 reporting requirements of such regulator are substantially  
211 similar to those of the Securities and Exchange Commission.

212 (34) "Sells" means to sell, issue, provide, or deliver.

213 (35) "Stored value" means funds or monetary value



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214 represented in digital electronic format, whether or not  
215 specially encrypted, and stored or capable of storage on  
216 electronic media in such a way as to be retrievable and  
217 transferred electronically.

218 Section 2. Subsection (2) of section 560.118, Florida  
219 Statutes, is amended to read:

220 560.118 Reports.—

221 (2) Each licensee must submit quarterly reports to the  
222 office in a format and include information as specified by rule.  
223 The rule may require the report to contain a declaration by a  
224 control ~~an officer, or any other responsible~~ person authorized  
225 to make such declaration, that the report is true and correct to  
226 the best of her or his knowledge and belief.

227 Section 3. Paragraph (d) of subsection (3) of section  
228 560.123, Florida Statutes, is amended to read:

229 560.123 Florida Control of Money Laundering in Money  
230 Services Business Act.—

231 (3) A money services business shall keep a record of each  
232 financial transaction occurring in this state which it knows to  
233 involve currency or other payment instrument, as prescribed by  
234 the commission, having a value greater than \$10,000; to involve  
235 the proceeds of specified unlawful activity; or to be designed  
236 to evade the reporting requirements of this section or chapter  
237 896. The money services business must maintain appropriate  
238 procedures to ensure compliance with this section and chapter  
239 896.

240 (d) A money services business, or control person ~~officer,~~  
241 employee, or agent thereof, that files a report in good faith  
242 pursuant to this section is not liable to any person for loss or



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243 damage caused in whole or in part by the making, filing, or  
244 governmental use of the report, or any information contained  
245 therein.

246 Section 4. Subsection (3) of section 560.126, Florida  
247 Statutes, is amended to read:

248 560.126 Required notice by licensee.-

249 (3) Each licensee must report any change in the control  
250 ~~partners, officers, members, joint venturers, directors,~~  
251 ~~controlling shareholders, or responsible~~ persons of the licensee  
252 or changes in the form of business organization by written  
253 amendment in such form and at such time as specified by rule.

254 ~~(a) If any person, directly or indirectly or acting by or~~  
255 ~~through one or more persons, proposes to purchase or acquire a~~  
256 ~~controlling interest in a licensee, such person or group must~~  
257 ~~submit an application for licensure as a money services business~~  
258 ~~or deferred presentment provider before such purchase or~~  
259 ~~acquisition at such time and in such form as prescribed by rule.~~  
260 ~~As used in this subsection, the term "controlling interest"~~  
261 ~~means the same as described in s. 560.127.~~

262 ~~(b) The addition of a control person partner, officer,~~  
263 ~~member, joint venturer, director, controlling shareholder, or~~  
264 ~~responsible person of the applicant who does not have a~~  
265 ~~controlling interest and who has not previously complied with~~  
266 the applicable provisions of ss. 560.1401 and 560.141 is subject  
267 to such provisions. If the office determines that the licensee  
268 does not continue to meet the licensure requirements, the office  
269 may bring an administrative action in accordance with s. 560.114  
270 to enforce the provisions of this chapter.

271 ~~(c) The commission shall adopt rules providing for the~~



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272 ~~waiver of the license application required by this subsection if~~  
273 ~~the person or group of persons proposing to purchase or acquire~~  
274 ~~a controlling interest in a licensee has previously complied~~  
275 ~~with the applicable provisions of ss. 560.1401 and 560.141 under~~  
276 ~~the same legal entity or is currently licensed under this~~  
277 ~~chapter.~~

278 Section 5. Section 560.127, Florida Statutes, is repealed.

279 Section 6. Paragraphs (a) and (c) of subsection (1) of  
280 section 560.141, Florida Statutes, are amended to read:

281 560.141 License application.—

282 (1) To apply for a license as a money services business  
283 under this chapter, the applicant must submit:

284 (a) An application to the office on forms prescribed by  
285 rule which includes the following information:

286 1. The legal name and address of the applicant, including  
287 any fictitious or trade names used by the applicant in the  
288 conduct of its business.

289 2. The date of the applicant's formation and the state in  
290 which the applicant was formed, if applicable.

291 3. The name, social security number, alien identification  
292 or taxpayer identification number, business and residence  
293 addresses, and employment history for the past 5 years for each  
294 control person ~~officer, director, responsible person, the~~  
295 ~~compliance officer, each controlling shareholder, and any other~~  
296 ~~person who has a controlling interest in the money services~~  
297 ~~business as provided in s. 560.127.~~

298 4. A description of the organizational structure of the  
299 applicant, including the identity of any parent or subsidiary of  
300 the applicant, and the disclosure of whether any parent or



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301 subsidiary is publicly traded.

302 5. The applicant's history of operations in other states if  
303 applicable and a description of the money services business or  
304 deferred presentment provider activities proposed to be  
305 conducted by the applicant in this state.

306 6. If the applicant or its parent is a publicly traded  
307 company, copies of all filings made by the applicant with the  
308 United States Securities and Exchange Commission, or with a  
309 similar regulator in a country other than the United States,  
310 within the preceding year.

311 7. The location at which the applicant proposes to  
312 establish its principal place of business and any other  
313 location, including branch offices and authorized vendors  
314 operating in this state. For each branch office and each  
315 location of an authorized vendor, the applicant shall include  
316 the nonrefundable fee required by s. 560.143.

317 8. The name and address of the clearing financial  
318 institution or financial institutions through which the  
319 applicant's payment instruments are drawn or through which the  
320 payment instruments are payable.

321 9. The history of the applicant's material litigation,  
322 criminal convictions, pleas of nolo contendere, and cases of  
323 adjudication withheld.

324 10. The history of material litigation, arrests, criminal  
325 convictions, pleas of nolo contendere, and cases of adjudication  
326 withheld for each control ~~executive officer, director,~~  
327 ~~controlling shareholder, and responsible person.~~

328 11. The name of the registered agent in this state for  
329 service of process unless the applicant is a sole proprietor.





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330           12. Any other information specified in this chapter or by  
331 rule.

332           (c) Fingerprints for each person listed in subparagraph  
333 (a)3. for live-scan processing in accordance with rules adopted  
334 by the commission.

335           1. The fingerprints may be submitted through a third-party  
336 vendor authorized by the Department of Law Enforcement to  
337 provide live-scan fingerprinting.

338           2. The Department of Law Enforcement must conduct the state  
339 criminal history background check, and a federal criminal  
340 history background check must be conducted through the Federal  
341 Bureau of Investigation.

342           3. All fingerprints submitted to the Department of Law  
343 Enforcement must be submitted electronically and entered into  
344 the statewide automated fingerprint identification system  
345 established in s. 943.05(2)(b) and available for use in  
346 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
347 annual fee to the Department of Law Enforcement to participate  
348 in the system and shall inform the Department of Law Enforcement  
349 of any person whose fingerprints no longer must be retained.

350           4. The costs of fingerprint processing, including the cost  
351 of retaining the fingerprints, shall be borne by the person  
352 subject to the background check.

353           5. The office shall review the results of the state and  
354 federal criminal history background checks and determine whether  
355 the applicant meets licensure requirements.

356           6. For purposes of this paragraph, fingerprints are not  
357 required to be submitted if the applicant is a publicly traded  
358 corporation or is exempted from this chapter under s.



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359 ~~560.104(1). The term "publicly traded" means a stock is~~  
360 ~~currently traded on a national securities exchange registered~~  
361 ~~with the federal Securities and Exchange Commission or traded on~~  
362 ~~an exchange in a country other than the United States regulated~~  
363 ~~by a regulator equivalent to the Securities and Exchange~~  
364 ~~Commission and the disclosure and reporting requirements of such~~  
365 ~~regulator are substantially similar to those of the commission.~~

366 ~~7. Licensees initially approved before October 1, 2013, who~~  
367 ~~are seeking renewal must submit fingerprints for each person~~  
368 ~~listed in subparagraph (a)3. for live-scan processing pursuant~~  
369 ~~to this paragraph. Such fingerprints must be submitted before~~  
370 ~~renewing a license that is scheduled to expire between April 30,~~  
371 ~~2014, and December 31, 2015.~~

372 Section 7. Subsection (1) of section 560.143, Florida  
373 Statutes, is amended to read:

374 560.143 Fees.-

375 (1) LICENSE APPLICATION FEES.-The applicable non-refundable  
376 fees must accompany an application for licensure:

377 (a) Part II.....\$375.

378 (b) Part III.....\$188.

379 (c) Per branch office.....\$38.

380 (d) For each location of an authorized  
381 vendor.....\$38.

382 (e) Declaration as a deferred presentment  
383 provider.....\$1,000.

384 (f) Fingerprint retention fees as prescribed by rule.

385 ~~(g) License application fees for branch offices and~~  
386 ~~authorized vendors are limited to \$20,000 when such fees are~~  
387 ~~assessed as a result of a change in controlling interest as~~



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388 ~~defined in s. 560.127.~~

389       Section 8. For the purpose of incorporating the amendments  
390 made by this act to sections 560.118 and 560.141, Florida  
391 Statutes, in references thereto, paragraph (a) of subsection (4)  
392 of section 559.952, Florida Statutes, is reenacted to read:

393       559.952 Financial Technology Sandbox.—

394       (4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE  
395 REQUIREMENTS.—

396       (a) Notwithstanding any other law, upon approval of a  
397 Financial Technology Sandbox application, the following  
398 provisions and corresponding rule requirements are not  
399 applicable to the licensee during the sandbox period:

400       1. Section 516.03(1), except for the application fee, the  
401 investigation fee, the requirement to provide the social  
402 security numbers of control persons, evidence of liquid assets  
403 of at least \$25,000, and the office's authority to investigate  
404 the applicant's background. The office may prorate the license  
405 renewal fee for an extension granted under subsection (7).

406       2. Section 516.05(1) and (2), except that the office shall  
407 investigate the applicant's background.

408       3. Section 560.109, only to the extent that the section  
409 requires the office to examine a licensee at least once every 5  
410 years.

411       4. Section 560.118(2).

412       5. Section 560.125(1), only to the extent that the  
413 subsection would prohibit a licensee from engaging in the  
414 business of a money transmitter or payment instrument seller  
415 during the sandbox period.

416       6. Section 560.125(2), only to the extent that the



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417 subsection would prohibit a licensee from appointing an  
418 authorized vendor during the sandbox period. Any authorized  
419 vendor of such a licensee during the sandbox period remains  
420 liable to the holder or remitter.

421 7. Section 560.128.

422 8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-  
423 10. and (b), (c), and (d).

424 9. Section 560.142(1) and (2), except that the office may  
425 prorate, but may not entirely eliminate, the license renewal  
426 fees in s. 560.143 for an extension granted under subsection  
427 (7).

428 10. Section 560.143(2), only to the extent necessary for  
429 proration of the renewal fee under subparagraph 9.

430 11. Section 560.204(1), only to the extent that the  
431 subsection would prohibit a licensee from engaging in, or  
432 advertising that it engages in, the selling or issuing of  
433 payment instruments or in the activity of a money transmitter  
434 during the sandbox period.

435 12. Section 560.205(2).

436 13. Section 560.208(2).

437 14. Section 560.209, only to the extent that the office may  
438 modify, but may not entirely eliminate, the net worth, corporate  
439 surety bond, and collateral deposit amounts required under that  
440 section. The modified amounts must be in such lower amounts that  
441 the office determines to be commensurate with the factors under  
442 paragraph (5)(c) and the maximum number of consumers authorized  
443 to receive the financial product or service under this section.

444 Section 9. For the purpose of incorporating the amendment  
445 made by this act to section 560.141, Florida Statutes, in a



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446 reference thereto, paragraph (c) of subsection (2) of section  
447 560.114, Florida Statutes, is reenacted to read:

448 560.114 Disciplinary actions; penalties.—

449 (2) Pursuant to s. 120.60(6), the office may summarily  
450 suspend the license of a money services business if the office  
451 finds that a licensee poses an immediate, serious danger to the  
452 public health, safety, and welfare. A proceeding in which the  
453 office seeks the issuance of a final order for the summary  
454 suspension of a licensee shall be conducted by the commissioner  
455 of the office, or his or her designee, who shall issue such  
456 order. The following acts are deemed to constitute an immediate  
457 and serious danger to the public health, safety, and welfare,  
458 and the office may immediately suspend the license of a money  
459 services business if:

460 (c) A natural person required to be listed on the license  
461 application for a money services business pursuant to s.  
462 560.141(1)(a)3. is criminally charged with, or arrested for, a  
463 crime described in paragraph (1)(o), paragraph (1)(p), or  
464 paragraph(1)(q).

465 Section 10. This act shall take effect October 1, 2022.

466

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

468 And the title is amended as follows:

469 Delete everything before the enacting clause  
470 and insert:

471 A bill to be entitled  
472 An act relating to money services businesses; amending  
473 s. 560.103, F.S.; defining the terms "control person"  
474 and "publicly traded"; revising and deleting



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475 definitions; amending s. 560.118, F.S.; providing that  
476 a rule may require certain reports to the Office of  
477 Financial Regulation to contain declarations by  
478 control persons, rather than officers or other  
479 responsible persons; amending s. 560.123, F.S.;  
480 providing that control persons, rather than officers,  
481 are not liable for loss or damages under certain  
482 circumstances; amending s. 560.126, F.S.; requiring  
483 licensees to report changes in control persons, rather  
484 than certain other entities or persons; deleting a  
485 requirement for certain persons to submit a licensure  
486 application under certain circumstances; deleting the  
487 definition of the term "controlling interest";  
488 providing that the addition of a control person,  
489 rather than certain other entities or persons, is  
490 subject to certain requirements; deleting a  
491 requirement for the Financial Services Commission to  
492 adopt rules; repealing s. 560.127, F.S., relating to  
493 control of a money services business; amending s.  
494 560.141, F.S.; revising requirements for applications  
495 for licensure as a money services business; deleting  
496 the definition of the term "publicly traded"; deleting  
497 obsolete language; amending s. 560.143, F.S.; removing  
498 a limitation on specified license application fees  
499 under certain circumstances; reenacting s.  
500 559.952(4)(a), F.S., relating to the Financial  
501 Technology Sandbox, to incorporate the amendments made  
502 to ss. 560.118 and 560.141, F.S., in references  
503 thereto; reenacting s. 560.114(2)(c), F.S., relating



504 to disciplinary actions and penalties, to incorporate  
505 the amendment made to s. 560.141, F.S., in a reference  
506 thereto; providing an effective date.

By the Committee on Banking and Insurance; and Senator Boyd

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1 A bill to be entitled  
 2 An act relating to money services businesses; amending  
 3 s. 560.103, F.S.; defining the terms "control person"  
 4 and "publicly traded"; revising and deleting  
 5 definitions; amending s. 560.118, F.S.; providing that  
 6 a rule may require reports to contain declarations by  
 7 control persons, rather than officers or other  
 8 responsible persons; amending s. 560.123, F.S.;  
 9 providing that control persons, rather than officers,  
 10 are not liable for loss or damages under certain  
 11 circumstances; amending s. 560.126, F.S.; requiring  
 12 licensees to report changes in control persons, rather  
 13 than certain other entities or persons; deleting a  
 14 requirement for certain persons to submit a licensure  
 15 application under certain circumstances; deleting the  
 16 definition of the term "controlling interest";  
 17 providing that the addition of a control person,  
 18 rather than certain other entities or persons, is  
 19 subject to certain requirements; deleting a  
 20 requirement for the commission to adopt rules;  
 21 repealing s. 560.127, F.S., relating to control of a  
 22 money services business; amending s. 560.141, F.S.;  
 23 revising requirements for applications for licensure  
 24 as a money services business; amending s. 560.143,  
 25 F.S.; revising a limitation for certain fees to apply  
 26 to a change in control, rather than in a controlling  
 27 interest; reenacting s. 559.952(4)(a), F.S., relating  
 28 to the Financial Technology Sandbox, to incorporate  
 29 the amendments made to ss. 560.118 and 560.141, F.S.,

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30 in references thereto; reenacting s. 560.114(2)(c),  
 31 F.S., relating to license applications for money  
 32 services businesses, to incorporate the amendments  
 33 made to s. 560.141, F.S., in a reference thereto;  
 34 providing an effective date.  
 35

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

37  
 38 Section 1. Section 560.103, Florida Statutes, is amended to  
 39 read:

40 560.103 Definitions.—As used in this chapter, the term:

41 (1) "Affiliated party" means a control ~~director, officer,~~  
 42 ~~responsible person, employee, or foreign affiliate of a money~~  
 43 ~~services business, or a person who has a controlling interest in~~  
 44 ~~a money services business as provided in s. 560.127.~~

45 (2) "Appropriate regulator" means a state, federal, or  
 46 foreign agency that has been granted authority to enforce state,  
 47 federal, or foreign laws related to a money services business or  
 48 deferred presentment provider.

49 (3) "Authorized vendor" means a person designated by a  
 50 money services business licensed under part II of this chapter  
 51 to act on behalf of the licensee at locations in this state  
 52 pursuant to a written contract with the licensee.

53 (4) "Branch office" means the physical location, other than  
 54 the principal place of business, of a money services business  
 55 operated by a licensee under this chapter.

56 (5) "Cashing" means providing currency for payment  
 57 instruments except for travelers checks.

58 (6) "Check casher" means a person who sells currency in

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59 exchange for payment instruments received, except travelers  
60 checks.

61 (7) "Commission" means the Financial Services Commission.

62 (8) "Compliance officer" means the individual in charge of  
63 overseeing, managing, and ensuring that a money services  
64 business is in compliance with all state and federal laws and  
65 rules relating to money services businesses, as applicable,  
66 including all money laundering laws and rules.

67 (9) "Conductor" means a natural person who presents himself  
68 or herself to a licensee for purposes of cashing a payment  
69 instrument.

70 (10) "Control person" means:

71 (a) A person who possesses the power, directly or  
72 indirectly, to direct the management or policies of a money  
73 services business, whether through ownership of securities, by  
74 contract, or through other means, and regardless of whether such  
75 person has an official title or receives a salary or other  
76 compensation. The following persons are each presumed to be a  
77 control person:

78 1. The president, chief executive officer, chief financial  
79 officer, chief operations officer, chief legal officer, and  
80 chief compliance officer.

81 2. A person holding any of the officer positions named by  
82 the money services business's governing documents.

83 3. A person holding any position named by the money  
84 services business's directors and officers liability insurance  
85 coverage, if the business has such coverage; and

86 4. A director of the money services business's board of  
87 directors.

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88 (b) For a corporation not publicly traded, each shareholder  
89 that, directly or indirectly, owns 25 percent or more or that  
90 has the power to vote 25 percent or more of a class of voting  
91 securities. For purposes of this paragraph, the term "publicly  
92 traded" means a stock currently traded on a national securities  
93 exchange registered with the Securities and Exchange Commission  
94 or traded on an exchange in a country other than the United  
95 States regulated by a regulator equivalent to the Securities and  
96 Exchange Commission and the disclosure and reporting  
97 requirements of such regulator are substantially similar to  
98 those of the commission.

99 (c) For a partnership, all general partners and limited or  
100 special partners that have contributed 25 percent or more or  
101 that have the right to receive, upon dissolution, 25 percent or  
102 more of the partnership's capital.

103 (d) For a trust, each trustee.

104 (e) For a limited liability company, all managers and those  
105 members that have contributed 25 percent or more or that have  
106 the right to receive, upon dissolution, 25 percent or more of  
107 the limited liability company's capital account.

108 (11)~~(10)~~ "Corporate payment instrument" means a payment  
109 instrument on which the payee named on the instrument's face is  
110 other than a natural person.

111 (12)~~(11)~~ "Currency" means the coin and paper money of the  
112 United States or of any other country which is designated as  
113 legal tender and which circulates and is customarily used and  
114 accepted as a medium of exchange in the country of issuance.  
115 Currency includes United States silver certificates, United  
116 States notes, and Federal Reserve notes. Currency also includes

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117 official foreign bank notes that are customarily used and  
 118 accepted as a medium of exchange in a foreign country.

119 (13)~~(12)~~ "Deferred presentment provider" means a person who  
 120 is licensed under part II or part III of this chapter and has  
 121 filed a declaration of intent with the office to engage in  
 122 deferred presentment transactions as provided under part IV of  
 123 this chapter.

124 (14)~~(13)~~ "Department" means the Department of Financial  
 125 Services.

126 (15)~~(14)~~ "Electronic instrument" means a card, tangible  
 127 object, or other form of electronic payment for the transmission  
 128 or payment of money or the exchange of monetary value, including  
 129 a stored value card or device that contains a microprocessor  
 130 chip, magnetic stripe, or other means for storing information;  
 131 that is prefunded; and for which the value is decremented upon  
 132 each use.

133 (16)~~(15)~~ "Financial audit report" means a report prepared  
 134 in connection with a financial audit that is conducted in  
 135 accordance with generally accepted auditing standards prescribed  
 136 by the American Institute of Certified Public Accountants by a  
 137 certified public accountant licensed to do business in the  
 138 United States, and which must include:

139 (a) Financial statements, including notes related to the  
 140 financial statements and required supplementary information,  
 141 prepared in conformity with accounting principles generally  
 142 accepted in the United States. The notes must, at a minimum,  
 143 include detailed disclosures regarding receivables that are  
 144 greater than 90 days, if the total amount of such receivables  
 145 represents more than 2 percent of the licensee's total assets.

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146 (b) An expression of opinion regarding whether the  
 147 financial statements are presented in conformity with accounting  
 148 principles generally accepted in the United States, or an  
 149 assertion to the effect that such an opinion cannot be expressed  
 150 and the reasons.

151 (17)~~(16)~~ "Foreign affiliate" means a person located outside  
 152 this state who has been designated by a licensee to make  
 153 payments on behalf of the licensee to persons who reside outside  
 154 this state. The term also includes a person located outside of  
 155 this state for whom the licensee has been designated to make  
 156 payments in this state.

157 (18)~~(17)~~ "Foreign currency exchanger" means a person who  
 158 exchanges, for compensation, currency of the United States or a  
 159 foreign government to currency of another government.

160 (19)~~(18)~~ "Fraudulent identification paraphernalia" means  
 161 all equipment, products, or materials of any kind that are used,  
 162 intended for use, or designed for use in the misrepresentation  
 163 of a customer's identity. The term includes, but is not limited  
 164 to:

165 (a) A signature stamp, thumbprint stamp, or other tool or  
 166 device used to forge a customer's personal identification  
 167 information.

168 (b) An original of any type of personal identification  
 169 listed in s. 560.310(2)(b) which is blank, stolen, or unlawfully  
 170 issued.

171 (c) A blank, forged, fictitious, or counterfeit instrument  
 172 in the similitude of any type of personal identification listed  
 173 in s. 560.310(2)(b) which would in context lead a reasonably  
 174 prudent person to believe that such instrument is an authentic

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175 original of such personal identification.

176 (d) Counterfeit, fictitious, or fabricated information in  
177 the similitude of a customer's personal identification  
178 information that, although not authentic, would in context lead  
179 a reasonably prudent person to credit its authenticity.

180 (20)~~(19)~~ "Licensee" means a person licensed under this  
181 chapter.

182 (21)~~(20)~~ "Location" means a branch office, mobile location,  
183 or location of an authorized vendor whose business activity is  
184 regulated under this chapter.

185 (22)~~(21)~~ "Monetary value" means a medium of exchange,  
186 whether or not redeemable in currency.

187 (23)~~(22)~~ "Money services business" means any person located  
188 in or doing business in this state, from this state, or into  
189 this state from locations outside this state or country who acts  
190 as a payment instrument seller, foreign currency exchanger,  
191 check casher, or money transmitter.

192 (24)~~(23)~~ "Money transmitter" means a corporation, limited  
193 liability company, limited liability partnership, or foreign  
194 entity qualified to do business in this state which receives  
195 currency, monetary value, or payment instruments for the purpose  
196 of transmitting the same by any means, including transmission by  
197 wire, facsimile, electronic transfer, courier, the Internet, or  
198 through bill payment services or other businesses that  
199 facilitate such transfer within this country, or to or from this  
200 country.

201 (25)~~(24)~~ "Net worth" means assets minus liabilities,  
202 determined in accordance with United States generally accepted  
203 accounting principles.

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204 (26)~~(25)~~ "Office" means the Office of Financial Regulation  
205 of the commission.

206 ~~(26) "Officer" means an individual, other than a director,  
207 who participates in, or has authority to participate in, the  
208 major policymaking functions of a money services business,  
209 regardless of whether the individual has an official title or  
210 receives a salary or other compensation.~~

211 (27) "Outstanding money transmission" means a money  
212 transmission to a designated recipient or a refund to a sender  
213 that has not been completed.

214 (28) "Outstanding payment instrument" means an unpaid  
215 payment instrument whose sale has been reported to a licensee.

216 (29) "Payment instrument" means a check, draft, warrant,  
217 money order, travelers check, electronic instrument, or other  
218 instrument, payment of money, or monetary value whether or not  
219 negotiable. The term does not include an instrument that is  
220 redeemable by the issuer in merchandise or service, a credit  
221 card voucher, or a letter of credit.

222 (30) "Payment instrument seller" means a corporation,  
223 limited liability company, limited liability partnership, or  
224 foreign entity qualified to do business in this state which  
225 sells a payment instrument.

226 (31) "Person" means an individual, partnership,  
227 association, trust, corporation, limited liability company, or  
228 other group, however organized, but does not include a public  
229 agency or instrumentality thereof.

230 (32) "Personal identification information" means a  
231 customer's name that, alone or together with any of the  
232 following information, may be used to identify that specific

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233 customer:

234 (a) Customer's signature.

235 (b) Photograph, digital image, or other likeness of the  
236 customer.237 (c) Unique biometric data, such as the customer's  
238 thumbprint or fingerprint, voice print, retina or iris image, or  
239 other unique physical representation of the customer.240 ~~(33) "Responsible person" means an individual who is~~  
241 ~~employed by or affiliated with a money services business and who~~  
242 ~~has principal active management authority over the business~~  
243 ~~decisions, actions, and activities of the money services~~  
244 ~~business in this state.~~245 (33)(34) "Sells" means to sell, issue, provide, or deliver.246 (34)(35) "Stored value" means funds or monetary value  
247 represented in digital electronic format, whether or not  
248 specially encrypted, and stored or capable of storage on  
249 electronic media in such a way as to be retrievable and  
250 transferred electronically.251 Section 2. Subsection (2) of section 560.118, Florida  
252 Statutes, is amended to read:

253 560.118 Reports.—

254 (2) Each licensee must submit quarterly reports to the  
255 office in a format and include information as specified by rule.  
256 The rule may require the report to contain a declaration by a  
257 control ~~an officer, or any other responsible~~ person authorized  
258 to make such declaration, that the report is true and correct to  
259 the best of her or his knowledge and belief.260 Section 3. Paragraph (d) of subsection (3) of section  
261 560.123, Florida Statutes, is amended to read:

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262 560.123 Florida Control of Money Laundering in Money  
263 Services Business Act.—264 (3) A money services business shall keep a record of each  
265 financial transaction occurring in this state which it knows to  
266 involve currency or other payment instrument, as prescribed by  
267 the commission, having a value greater than \$10,000; to involve  
268 the proceeds of specified unlawful activity; or to be designed  
269 to evade the reporting requirements of this section or chapter  
270 896. The money services business must maintain appropriate  
271 procedures to ensure compliance with this section and chapter  
272 896.273 (d) A money services business, or control person officer,  
274 employee, or agent thereof, that files a report in good faith  
275 pursuant to this section is not liable to any person for loss or  
276 damage caused in whole or in part by the making, filing, or  
277 governmental use of the report, or any information contained  
278 therein.279 Section 4. Subsection (3) of section 560.126, Florida  
280 Statutes, is amended to read:

281 560.126 Required notice by licensee.—

282 (3) Each licensee must report any change in the control  
283 ~~partners, officers, members, joint venturers, directors,~~  
284 ~~controlling shareholders, or responsible~~ persons of the licensee  
285 or changes in the form of business organization by written  
286 amendment in such form and at such time as specified by rule.287 ~~(a) If any person, directly or indirectly or acting by or~~  
288 ~~through one or more persons, proposes to purchase or acquire a~~  
289 ~~controlling interest in a licensee, such person or group must~~  
290 ~~submit an application for licensure as a money services business~~

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291 ~~or deferred presentment provider before such purchase or~~  
 292 ~~acquisition at such time and in such form as prescribed by rule.~~  
 293 ~~As used in this subsection, the term "controlling interest"~~  
 294 ~~means the same as described in s. 560.127.~~

295 ~~(b) The addition of a control person partner, officer,~~  
 296 ~~member, joint venturer, director, controlling shareholder, or~~  
 297 ~~responsible person of the applicant who does not have a~~  
 298 ~~controlling interest and who has not previously complied with~~  
 299 the applicable provisions of ss. 560.1401 and 560.141 is subject  
 300 to such provisions. If the office determines that the licensee  
 301 does not continue to meet the licensure requirements, the office  
 302 may bring an administrative action in accordance with s. 560.114  
 303 to enforce the provisions of this chapter.

304 ~~(c) The commission shall adopt rules providing for the~~  
 305 ~~waiver of the license application required by this subsection if~~  
 306 ~~the person or group of persons proposing to purchase or acquire~~  
 307 ~~a controlling interest in a licensee has previously complied~~  
 308 ~~with the applicable provisions of ss. 560.1401 and 560.141 under~~  
 309 ~~the same legal entity or is currently licensed under this~~  
 310 ~~chapter.~~

311 Section 5. Section 560.127, Florida Statutes, is repealed.

312 Section 6. Paragraph (a) of subsection (1) of section  
 313 560.141, Florida Statutes, is amended to read:

314 560.141 License application.—

315 (1) To apply for a license as a money services business  
 316 under this chapter, the applicant must submit:

317 (a) An application to the office on forms prescribed by  
 318 rule which includes the following information:

319 1. The legal name and address of the applicant, including

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320 any fictitious or trade names used by the applicant in the  
 321 conduct of its business.

322 2. The date of the applicant's formation and the state in  
 323 which the applicant was formed, if applicable.

324 3. The name, social security number, alien identification  
 325 or taxpayer identification number, business and residence  
 326 addresses, and employment history for the past 5 years for each  
 327 control person officer, director, responsible person, the  
 328 ~~compliance officer, each controlling shareholder, and any other~~  
 329 ~~person who has a controlling interest in the money services~~  
 330 ~~business as provided in s. 560.127.~~

331 4. A description of the organizational structure of the  
 332 applicant, including the identity of any parent or subsidiary of  
 333 the applicant, and the disclosure of whether any parent or  
 334 subsidiary is publicly traded.

335 5. The applicant's history of operations in other states if  
 336 applicable and a description of the money services business or  
 337 deferred presentment provider activities proposed to be  
 338 conducted by the applicant in this state.

339 6. If the applicant or its parent is a publicly traded  
 340 company, copies of all filings made by the applicant with the  
 341 United States Securities and Exchange Commission, or with a  
 342 similar regulator in a country other than the United States,  
 343 within the preceding year.

344 7. The location at which the applicant proposes to  
 345 establish its principal place of business and any other  
 346 location, including branch offices and authorized vendors  
 347 operating in this state. For each branch office and each  
 348 location of an authorized vendor, the applicant shall include

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349 the nonrefundable fee required by s. 560.143.

350 8. The name and address of the clearing financial

351 institution or financial institutions through which the

352 applicant's payment instruments are drawn or through which the

353 payment instruments are payable.

354 9. The history of the applicant's material litigation,

355 criminal convictions, pleas of nolo contendere, and cases of

356 adjudication withheld.

357 10. The history of material litigation, arrests, criminal

358 convictions, pleas of nolo contendere, and cases of adjudication

359 withheld for each control ~~executive officer, director,~~

360 ~~controlling shareholder, and responsible person.~~

361 11. The name of the registered agent in this state for

362 service of process unless the applicant is a sole proprietor.

363 12. Any other information specified in this chapter or by

364 rule.

365 Section 7. Subsection (1) of section 560.143, Florida

366 Statutes, is amended to read:

367 560.143 Fees.—

368 (1) LICENSE APPLICATION FEES.—The applicable non-refundable

369 fees must accompany an application for licensure:

370 (a) Part II.....\$375.

371 (b) Part III.....\$188.

372 (c) Per branch office.....\$38.

373 (d) For each location of an authorized

374 vendor.....\$38.

375 (e) Declaration as a deferred presentment

376 provider.....\$1,000.

377 (f) Fingerprint retention fees as prescribed by rule.

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378 (g) License application fees for branch offices and

379 authorized vendors are limited to \$20,000 when such fees are

380 assessed as a result of a change in control ~~controlling interest~~

381 ~~as defined in s. 560.127.~~

382 Section 8. For the purpose of incorporating the amendment

383 made by this act to sections 560.118 and 560.141, Florida

384 Statutes, in references thereto, paragraph (a) of subsection (4)

385 of section 559.952, Florida Statutes, is reenacted to read:

386 559.952 Financial Technology Sandbox.—

387 (4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE

388 REQUIREMENTS.—

389 (a) Notwithstanding any other law, upon approval of a

390 Financial Technology Sandbox application, the following

391 provisions and corresponding rule requirements are not

392 applicable to the licensee during the sandbox period:

393 1. Section 516.03(1), except for the application fee, the

394 investigation fee, the requirement to provide the social

395 security numbers of control persons, evidence of liquid assets

396 of at least \$25,000, and the office's authority to investigate

397 the applicant's background. The office may prorate the license

398 renewal fee for an extension granted under subsection (7).

399 2. Section 516.05(1) and (2), except that the office shall

400 investigate the applicant's background.

401 3. Section 560.109, only to the extent that the section

402 requires the office to examine a licensee at least once every 5

403 years.

404 4. Section 560.118(2).

405 5. Section 560.125(1), only to the extent that the

406 subsection would prohibit a licensee from engaging in the

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407 business of a money transmitter or payment instrument seller  
408 during the sandbox period.

409 6. Section 560.125(2), only to the extent that the  
410 subsection would prohibit a licensee from appointing an  
411 authorized vendor during the sandbox period. Any authorized  
412 vendor of such a licensee during the sandbox period remains  
413 liable to the holder or remitter.

414 7. Section 560.128.

415 8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-  
416 10. and (b), (c), and (d).

417 9. Section 560.142(1) and (2), except that the office may  
418 prorate, but may not entirely eliminate, the license renewal  
419 fees in s. 560.143 for an extension granted under subsection  
420 (7).

421 10. Section 560.143(2), only to the extent necessary for  
422 proration of the renewal fee under subparagraph 9.

423 11. Section 560.204(1), only to the extent that the  
424 subsection would prohibit a licensee from engaging in, or  
425 advertising that it engages in, the selling or issuing of  
426 payment instruments or in the activity of a money transmitter  
427 during the sandbox period.

428 12. Section 560.205(2).

429 13. Section 560.208(2).

430 14. Section 560.209, only to the extent that the office may  
431 modify, but may not entirely eliminate, the net worth, corporate  
432 surety bond, and collateral deposit amounts required under that  
433 section. The modified amounts must be in such lower amounts that  
434 the office determines to be commensurate with the factors under  
435 paragraph (5)(c) and the maximum number of consumers authorized

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436 to receive the financial product or service under this section.

437 Section 9. For the purpose of incorporating the amendment  
438 made by this act to section 560.141, Florida Statutes, in a  
439 reference thereto, paragraph (c) of subsection (2) of section  
440 560.114, Florida Statutes, is reenacted, to read:

441 560.114 Disciplinary actions; penalties.—

442 (2) Pursuant to s. 120.60(6), the office may summarily  
443 suspend the license of a money services business if the office  
444 finds that a licensee poses an immediate, serious danger to the  
445 public health, safety, and welfare. A proceeding in which the  
446 office seeks the issuance of a final order for the summary  
447 suspension of a licensee shall be conducted by the commissioner  
448 of the office, or his or her designee, who shall issue such  
449 order. The following acts are deemed to constitute an immediate  
450 and serious danger to the public health, safety, and welfare,  
451 and the office may immediately suspend the license of a money  
452 services business if:

453 (c) A natural person required to be listed on the license  
454 application for a money services business pursuant to s.  
455 560.141(1)(a)3. is criminally charged with, or arrested for, a  
456 crime described in paragraph (1)(o), paragraph (1)(p), or  
457 paragraph(1)(q).

458 Section 10. This act shall take effect October 1, 2022.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 1928

INTRODUCER: Senator Hooper

SUBJECT: Household Moving Services

DATE: January 28, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	<b>Favorable</b>
2.			CJ	
3.			RC	

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**I. Summary:**

SB 1928 broadens protections for consumers who use intrastate moving services by:

- Providing for a required insurance protection plan for shippers' moved goods;
- Requiring a binding estimate of the cost of services to be provided by the mover; and
- Clarifying what payment a mover can demand prior to returning the moved goods to the shipper.

The bill provides an effective date of July 1, 2022.

**II. Present Situation:**

**Moving Scams**

The Better Business Bureau has seen a marked increase in complaints and negative reviews about movers in recent years, as shown in the table below.<sup>1</sup>

Year	Complaints	Reviews	Total
2017	8,274	2,523	10,797
2018	11,600	3,296	14,896
2019	10,132	3,193	13,424

One frequent moving scam involves an initial low-ball estimate (usually provided without an in-person visit to review the belongings that need to be moved) that turns into a demand for a much

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<sup>1</sup> Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Jan. 28, 2022).



higher price once all of the household belongings are on the moving truck and awaiting delivery. The truck driver can simply drive away if the consumer refuses to pay the higher price.<sup>2,3</sup>

Another scam requires the shipper to sign a blank or incomplete estimate or contract, which results in a higher than expected price demanded at the time of delivery.<sup>4</sup>

### **Florida (Intrastate) Mover Regulations**

Chapter 507, F.S., governs the loading, transportation, shipment, unloading, and affiliated storage of household goods as part of intrastate household moves. The chapter applies to any mover or moving broker engaged in intrastate transportation or shipment of household goods that originates and terminates in Florida.<sup>5</sup> These regulations co-exist with federal law, which governs interstate moving of household goods.<sup>6</sup>

A “mover” is a person who, for compensation, contracts for or engages in the loading, transportation, shipment, or unloading of household goods as part of a household move.<sup>7</sup> A “moving broker” arranges for another person to load, transport, ship, or unload household goods as part of a household move or who refers a shipper to a mover by telephone, postal, or electronic mail, website, or other means.<sup>8</sup>

Movers and moving brokers who do business in Florida must register annually with the Department of Agriculture and Consumer Services (Department).<sup>9</sup> As of January 28, 2022, there were 1,398 movers and 35 moving brokers with active Florida registrations.<sup>10</sup> In order to obtain a registration certificate, the mover or moving broker must file an application, pay a \$300 annual registration fee, and meet certain statutory qualifications, including proof of insurance coverage.<sup>11</sup>

### **Insurance Coverage and Liability Limitations**

Movers and moving brokers must maintain liability and motor vehicle insurance. A mover who operates more than two vehicles is required to maintain liability insurance of at least \$10,000 per shipment, and not less than 60 cents per pound, per article.<sup>12</sup> Movers who operate fewer than two

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<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., Jackie Callaway, *Record Number of People File Complaints About Florida Movers in 2021; BBB rates 1,300 Companies 'F'*, (Dec. 2, 2021), <https://www.abcactionnews.com/money/consumer/taking-action-for-you/record-number-of-people-file-complaints-about-florida-movers-in-2021-bbb-rates-1-300-companies-f> (last visited Jan. 28, 2022).

<sup>4</sup> Florida Attorney General’s Office, *Scams at a Glance: On the Move*, [http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLOQL/\\$file/Movers\\_Scams+at+a+Glance\\_English.pdf](http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLOQL/$file/Movers_Scams+at+a+Glance_English.pdf) (last visited Jan. 28, 2022).

<sup>5</sup> Section 507.02, F.S.

<sup>6</sup> Interstate movers in the U.S. must be licensed by the Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA).

<sup>7</sup> Section 507.01(9), F.S.

<sup>8</sup> Section 507.01(10), F.S.

<sup>9</sup> Florida Department of Agriculture and Consumer Services (FDACS), *Moving Companies: Who has to Register?*, <https://www.fdacs.gov/Business-Services/Moving-Companies> (last visited Jan. 28, 2022).

<sup>10</sup> FDACS, *License/Complaint Lookup*, <https://csapp.fdacs.gov/cspublicapp/businesssearch/businesssearch.aspx> (last visited Jan. 28, 2022). Search by “program.”

<sup>11</sup> Section 507.03, F.S.

<sup>12</sup> Section 507.04(1)(a)1. and 507.04(4), F.S.

vehicles are required only to carry either a \$25,000 performance bond or a \$25,000 certificate of deposit in lieu of liability insurance.<sup>13</sup>

Any contractual limitation to a mover's liability for loss incurred to a shipper's goods must be disclosed in writing to the shipper, along with the valuation rate, but a mover's attempt to limit its liability beyond the minimum 60 cents per pound, per article rate is void under s. 507.04(4), F.S. If the mover offers valuation insurance, it must inform the shipper of the opportunity to purchase valuation coverage to compensate the shipper for household goods that are lost or damaged during a household move prior to execution of the contract for moving services.<sup>14</sup>

### **Violations and Penalties**

Section 507.05, F.S., requires an intrastate mover to provide an estimate and contract to the shipper before commencing the move. Should a dispute arise over payment or costs, s. 507.06, F.S., provides that the mover may place the shipper's goods in a storage unit until payment is tendered. Because of ambiguity regarding what payment may legally be demanded, some shippers have been taken advantage of by deceptive or fraudulent moving practices. Often, moving fraud manifests as an increased fee assessed by the mover, who then refuses to relinquish the shipper's goods until the inflated price has been paid in full.

While administrative, civil, and criminal penalties exist in ch. 507, F.S., for such fraudulent moving practices and other violations, the aggrieved shipper is not guaranteed the return of his or her goods until after such remedies have been finalized.

In March of 2021, the Florida Consumer Protection Division within the Office of the Attorney General secured four judgments against moving companies that used deceptive advertising, failed to provide proper estimates, failed to relinquish household goods, and failed to provide timely pick-up or delivery of goods in accordance with service contracts.<sup>15</sup>

### **Local Ordinances and Regulations**

Chapter 507, F.S., preempts local ordinances or regulations that relate to household moving, unless the local regulation was adopted prior to January 1, 2011.<sup>16</sup> Broward,<sup>17</sup> Miami-Dade,<sup>18</sup>

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<sup>13</sup> Section 507.04(1)(b), F.S.

<sup>14</sup> Section 507.04(5), F.S.

<sup>15</sup> Office of the Attorney General, *Attorney General Moody Shuts Down Moving Scams and Recovers Millions for Consumers Duped by Malicious Movers* (Mar. 2, 2021), <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/0BFF0224649D124D8525868C005A765F?Open&> (last visited Jan. 28, 2022).

<sup>16</sup> Section 507.13, F.S.

<sup>17</sup> Broward County Government, *Movers*, <https://www.broward.org/Consumer/ConsumerProtection/Movers/Pages/default.aspx> (last visited Jan. 28, 2022).

<sup>18</sup> Miami-Dade County, *Moving Companies—Laws & Tips*, <https://www.miamidade.gov/global/economy/consumer-protection/moving-companies.page#:~:text=Movers%20must%20insure%20your%20property,the%20value%20of%20your%20property.&text=The%20amount%20of%20added%20value%20you%20purchase%20is%20up%20to%20you>. (last visited Jan. 28, 2022).

Palm Beach,<sup>19</sup> and Pinellas<sup>20</sup> counties currently have such ordinances. Movers or moving brokers whose principal place of business is located in a county or municipality with such an ordinance are required to register under local and state laws. State law also allows for local taxes, fees, and bonding related to movers and moving brokers, so long as any local registration fees are reasonable and do not exceed the cost of administering the ordinance or regulation.<sup>21</sup>

### III. Effect of Proposed Changes:

#### Definitions and Legislative Intent

**Section 1** defines terms used in the bill, and deletes the definition of “estimate” (but provides for a binding estimate in later sections). Additionally, “personal laborers” who assist shippers exclusively with the loading or unloading of their household goods are excluded from the definition of “mover.”

**Section 2** provides that the bill is intended to provide consistency and transparency in moving practices and to create a presumption that movers will educate uninformed shippers.

#### Mover Registration

**Section 3** amends s. 507.03, F.S., to explicitly state the criminal convictions (or pending criminal, administrative, or enforcement proceedings) upon which the Department may deny, refuse to renew, or revoke a mover or moving broker’s registration. These criminal actions include crimes that involve fraud, theft, larceny embezzlement, or fraudulent conversion or misappropriation of property, or crimes that arise from conduct during a movement of household goods.

#### Insurance Requirement

**Section 4** amends the insurance requirements in s. 507.04, F.S. The bill requires movers to maintain current and valid *cargo* liability insurance coverage. The bill also removes the 60 cents per pound, per article minimum liability insurance requirement for the loss or damage of household goods, but adds a requirement that a mover place valuation coverage<sup>22</sup> equal to the cost of repair or replacement of the shipper’s goods, unless the shipper waives such coverage by signed or electronic acknowledgement in the moving contract. Valuation coverage can be more valuable to shippers than liability insurance in instances of loss of relatively light items, e.g., electronics, are lost or damaged during the move because they will be insured based on their value rather than their weight.

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<sup>19</sup> Palm Beach County, *Moving*, <https://discover.pbcgov.org/publicsafety/consumeraffairs/pages/moving.aspx> (last visited Jan. 28, 2022).

<sup>20</sup> Pinellas County, *Moving*, <https://www.pinellascounty.org/consumer/moving.htm> (last visited Jan. 28, 2022).

<sup>21</sup> Section 507.13, F.S.

<sup>22</sup> Valuation coverage will only cover loss caused by the mover’s fault, whereas moving coverage, available through an insurance agent, will cover loss caused by “acts of God.” Federal Motor Carrier Safety Administration, *Your Rights and Responsibilities When You Move*, 6-8 (2013), <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Rights-and-Responsibilities-2013.pdf> (last visited Jan. 28, 2022).

## **Before the Move**

**Section 7** creates s. 507.055, F.S., which requires a mover to provide a prospective shipper with an informational publication (see section 6) and a binding estimate (see section 5) prior to entering into any contract for moving services. Specifically, the mover must provide a copy of the binding estimate to the shipper at the time that the shipper acknowledges the binding estimate with his or her electronic or written signature. Additionally, the mover must keep a copy of the binding estimate, and any addenda thereto, for at least 1 year after each move.

### ***Department Publication***

**Section 6** creates s. 507.054, F.S., which mandates that the Department prepare a publication entitled “Your Rights and Responsibilities When You Move. Furnished by Your Mover, as Required by Florida Law.” This booklet, distributed by movers, must:

- Describe the shipper’s and mover’s rights and responsibilities, applicable civil and criminal penalties, and remedies available to a shipper;
- Include a warning of the risks of shipping sentimental or family heirlooms; and
- Measure at least 36 square inches.

The Department must make the publication available on its website. The mover must give an electronic or hard copy of the publication to shippers at the physical survey of their household goods, or before contracting for the household move. The shipper must acknowledge receipt of this publication by electronic or signed acknowledgement in the contract.

### ***Binding Estimate***

The binding estimate, described in **section 5** of the bill, must be based on the mover’s physical survey of the household goods to be moved. In addition, it must:

- Be provided to the shipper before the execution of a contract for services, and at least 48 hours before the move. However, this 48-hour period may be waived if the shipper’s initial contact with the mover is within the 48-hours prior to the requested move;
- Include at least an itemized total cost for the loading, transport or shipment, and unloading of household goods and accessorial services;
- Provide a table of measures used by the mover in preparing the estimate;
- Evince the date the estimate was prepared and the proposed date of the move;
- State that the estimate is binding on the mover and shipper;
- Identify accepted forms of payment; and
- Bear the signature, in either written or electronic format, of both parties.

### ***Amendment of the Binding Estimate***

A binding estimate can only be amended if:

- The shipper tenders additional household goods, requests additional services, or requires services that are not specifically included in the original binding estimate;
- The mover advises the shipper in advance of performance of the contract that impracticable operations are required to perform the move; or
- The mover and shipper mutually agree.

The shipper and mover must formalize in writing any amendment to the binding estimate that results either from additional services requested by the shipper, or impracticable operations. In both instances, the mover must provide a description of the additional services required as a result of the shipper's request or impracticable operations and afford the shipper at least 1 hour to consider the addendum before being required to sign. The mover must maintain any such addenda for at least 1 year after the document was prepared as an attachment to the contract for service.

The mover can require the shipper to pay these additional costs agreed to as a result of the shipper's additional requests at the destination. If the shipper refuses to execute the addendum, the mover may refuse to perform the additional services.

If the mover and shipper agreed to an addendum as a result of impracticable operations, the mover must bill the shipper for the additional costs within 15 days of the delivery. If the shipper does not agree to pay the additional charges associated with the impracticable operations, the mover must perform the services and bill the shipper; it is the mover's burden to show that these impracticable operations were required to properly perform the move.

If the mover begins to load the household goods onto the moving truck, it cannot execute a new binding estimate and must abide by the terms of the original binding estimate.

#### *Waiver of the Binding Estimate*

A shipper may waive the binding estimate only if he or she does so by electronic or signed acknowledgement outside of the 48-hour period before his or her household goods are loaded by the mover. A waiver of the binding estimate is considered an addendum to the moving contract, and must include a provision in text that is larger than the remaining text of the waiver that warns the shipper that he or she may lose specific rights by executing the waiver. One such right that a shipper loses when he or she waives the binding estimate is the presumption that the mover cannot collect more than the binding estimate for the services provided.

A shipper may also waive the 48-hour "cooling off" period if his or her initial contact with the mover occurs within 48 hours of the proposed move.

#### ***Contract for Moving Services***

A mover and shipper must enter into a contract for services prior to the performance of any services, and the shipper must sign or electronically acknowledge and date the contract. In accordance with **section 5** of the bill, the contract must include:

- Contact information of both parties;
- Date contract was prepared and date of the move;
- Where the goods will be stored, including in the case of a contract dispute;
- A copy of the binding estimate;
- Total cost to shipper that may be collected by the mover at delivery, and terms of the payment; and
- Acceptable forms of payment.

The mover must retain a copy of the binding estimate and the contract for one year after its execution and keep a copy with him or her during the entire move, should a dispute over cost or payment arise.

### **Payment and Delivery of Goods**

**Section 8** amends s. 507.06, F.S., to require a mover to relinquish a shipper's goods inside the location directed by the shipper during the agreed upon timeframe, if the shipper paid the exact amount of the binding estimate, paid any additional charges properly agreed to by both parties in writing, if applicable, and paid any charges related to impracticable operations, if applicable. Additionally, the bill requires the mover to notify the shipper if it is unable to perform pickup or delivery of the household goods on the date agreed upon in the contract for services, and to establish an amended date or timeframe for performance of the contract.

**Section 9** creates s. 507.065, F.S., to provide that a mover may require payment in excess of the binding estimate prior to his or her relinquishment of the household goods, if:

- The shipper waived the binding estimate at least more than 48 hours before the move was begun;
- Prior to beginning the move, the parties negotiate a revised binding estimate to reflect extra services requested by the shipper.
- The shipper, after at least a one-hour cool off period, consents by written contract addendum to the mover's performance of (and charging for) additional services that the mover has advised are essential to the move as a result of impracticable operations.
- After execution of the contract, the shipper requests additional services and the mover informs the shipper of associated charges in writing.
- Impracticable operations require additional services to be performed by the mover.

The mover cannot demand payment of any additional charges assessed under ch. 507, F.S., prior to relinquishing the shipper's household goods, but may collect payment by billing the shipper within 15 days after delivery of the goods. A mover can assess a late fee for any charges that are not paid by the shipper within 30 days of his or her receipt of the bill.

### **Violations and Penalties**

**Section 10** prohibits increasing the contracted cost of the move, if not in accordance with the law, improperly withholding a shipper's goods, seeking a waiver that is not expressly authorized, and otherwise failing to comply with chapter 507.

**Section 11** permits the Department to take immediate action to suspend a registration or the processing of an application if the registrant, applicant, or an officer or director is formally charged with a crime that involves fraud, theft, larceny, embezzlement, or fraudulent conversion or misappropriation of property, or a crime arising from conduct during movement of household goods. The Department can lift the suspension upon final disposition of the case, or removal or resignation of the officer or director.

**Sections 12 and 13** make conforming changes to ss. 507.10 and 507.11, F.S., accordingly, to incorporate amendments made elsewhere in the bill.

**Rulemaking Authority**

**Section 14** transfers rulemaking authority from s. 507.07, F.S., to permit a more general grant of rulemaking authority to the Department to administer the provisions of ch. 507, F.S.

**Effective Date**

**Section 15** creates an effective date of July 1, 2022.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The public may see a faster resolution to moving disputes that arise due to the provisions in the bill

**C. Government Sector Impact:**

The bill requires the Department to prepare a publication that includes a summary of the rights and responsibilities of, and remedies available to, movers and shippers.

The Department may be required to engage in rulemaking to amend Florida Administrative Code Rule 5J-15 to incorporate changes made by the bill

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 507.01, 507.02, 507.03, 507.04, 507.05, 507.06, 507.07, 507.09, 507.10, and 507.11.

The bill creates the following sections of the Florida Statutes: 507.054, 507.055, 507.065, and 507.14.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



By Senator Hooper

16-01422-22

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1 A bill to be entitled  
 2 An act relating to household moving services; amending  
 3 s. 507.01, F.S.; defining and redefining terms;  
 4 amending s. 507.02, F.S.; clarifying intent; amending  
 5 s. 507.03, F.S.; revising the conditions under which  
 6 the Department of Agriculture and Consumer Services is  
 7 authorized to deny, refuse to renew, or revoke the  
 8 registration of any mover or moving broker; amending  
 9 s. 507.04, F.S.; removing a prohibition that precludes  
 10 a mover from limiting its liability for the loss or  
 11 damage of household goods to a specified valuation  
 12 rate; removing a requirement that a mover disclose a  
 13 liability limitation when the mover limits its  
 14 liability for a shipper's goods; requiring a mover to  
 15 indemnify a shipper for the loss of or damage to the  
 16 shipper's household goods caused by the mover during a  
 17 household move; requiring the mover to indemnify the  
 18 shipper for at least the cost of repair or replacement  
 19 of goods unless waived or amended by the shipper;  
 20 authorizing the shipper to waive or amend the  
 21 indemnification for loss of or damage to the shipper's  
 22 household goods; requiring that the waiver be made in  
 23 a signed or electronic acknowledgment in the contract;  
 24 revising the time at which the mover must disclose the  
 25 terms of the coverage, including any deductibles, to  
 26 the shipper in writing; revising the information that  
 27 the disclosure must provide to the shipper; amending  
 28 s. 507.05, F.S.; requiring a mover to conduct a  
 29 physical survey and provide a binding estimate in

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30 certain circumstances unless waived by the shipper;  
 31 requiring specified content for the binding estimate;  
 32 authorizing a shipper to waive the binding estimate in  
 33 certain circumstances; requiring the mover and shipper  
 34 to sign or electronically acknowledge the estimate;  
 35 requiring the mover to provide the shipper with a copy  
 36 of the estimate at the time of signature or electronic  
 37 acknowledgment; providing that a binding estimate may  
 38 be amended only under certain circumstances;  
 39 authorizing a mover to charge more than the binding  
 40 estimate in certain circumstances; requiring a mover  
 41 to allow a shipper at least 1 hour to determine  
 42 whether to authorize impracticable operations;  
 43 requiring a mover to retain a copy of the binding  
 44 estimate for a specified period; requiring a mover to  
 45 provide a contract for service to the shipper before  
 46 providing moving or accessorial services; requiring a  
 47 driver to have possession of the contract before  
 48 leaving the point of origin; requiring a mover to  
 49 retain a contract of service for a specified period;  
 50 creating s. 507.054, F.S.; requiring the department to  
 51 prepare a publication that summarizes the rights and  
 52 responsibilities of, and remedies available to, movers  
 53 and shippers; requiring the department to make the  
 54 publication available to the public on the  
 55 department's website; requiring the mover to provide  
 56 an electronic or hard copy of the department's  
 57 publication to shippers at specified times; requiring  
 58 the publication to meet certain specifications;

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59 requiring the shipper to acknowledge receipt of the  
 60 copy of the publication by signed or electronic  
 61 acknowledgment; creating s. 507.055, F.S.; requiring a  
 62 mover to provide certain disclosures to a prospective  
 63 shipper; amending s. 507.06, F.S.; requiring a mover  
 64 to tender household goods for delivery on the agreed  
 65 upon delivery date or within a specified period unless  
 66 waived by the shipper; requiring a mover to notify and  
 67 provide certain information to a shipper if the mover  
 68 is unable to perform delivery on the agreed upon date  
 69 or during the specified period; creating s. 507.065,  
 70 F.S.; providing a maximum amount that a mover may  
 71 charge a shipper unless waived by the shipper;  
 72 requiring a mover to bill a shipper for specified  
 73 charges in certain circumstances; authorizing a mover  
 74 to assess a late fee for any uncollected charges in  
 75 certain circumstances; amending s. 507.07, F.S.;  
 76 providing that it is a violation of ch. 507, F.S., to  
 77 fail to comply with specified provisions; providing  
 78 that it is a violation of ch. 507, F.S., to increase  
 79 the contracted cost for moving services in certain  
 80 circumstances; conforming provisions to changes made  
 81 by the act; amending s. 507.09, F.S.; requiring the  
 82 department, upon verification by certain entities, to  
 83 immediately suspend a registration or the processing  
 84 of an application for a registration in certain  
 85 circumstances; amending s. 507.10, F.S.; conforming a  
 86 provision to changes made by the act; amending s.  
 87 507.11, F.S.; providing criminal penalties; creating

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88 s. 507.14, F.S.; requiring the department to adopt  
 89 rules; providing an effective date.

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

93 Section 1. Section 507.01, Florida Statutes, is reordered  
 94 and amended to read:

95 507.01 Definitions.—As used in this chapter, the term:  
 96 (1) "Accessorial services" means any service performed by a  
 97 mover which results in a charge to the shipper and is incidental  
 98 to the transportation or shipment of household goods, including,  
 99 but not limited to, valuation coverage; preparation of written  
 100 inventory; equipment, including dollies, hand trucks, pads,  
 101 blankets, and straps; storage, packing, unpacking, or crating of  
 102 articles; hoisting or lowering; waiting time; carrying articles  
 103 excessive distances to or from the mover's vehicle, which may be  
 104 cited as "long carry"; overtime loading and unloading;  
 105 reweighing; disassembly or reassembly; elevator or stair  
 106 carrying; boxing or servicing of appliances; and furnishing of  
 107 packing or crating materials. The term includes services not  
 108 performed by the mover but performed by a third party at the  
 109 request of the shipper or mover, if the charges for these  
 110 services are to be paid to the mover by the shipper at or before  
 111 the time of delivery.

112 (2) "Additional services" means any additional  
 113 transportation of household goods which is performed by a mover,  
 114 is not specifically included in a binding estimate or contract,  
 115 and results in a charge to the shipper.

116 (3) "Advertise" means to advise, announce, give notice of,

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117 publish, or call attention by use of oral, written, or graphic  
 118 statement made in a newspaper or other publication or on radio  
 119 or television, any electronic medium, or contained in any  
 120 notice, handbill, sign, including signage on vehicle, flyer,  
 121 catalog or letter, or printed on or contained in any tag or  
 122 label attached to or accompanying any good.

123 (4) "Binding estimate" means a written or electronic  
 124 document that specifies the total cost of a move, including, but  
 125 not limited to, the loading, transportation or shipment, and  
 126 unloading of household goods and any accessorial services the  
 127 shipper must pay for the complete move of his or her household  
 128 goods.

129 ~~(5)(3)~~ "Compensation" means money, fee, emolument, quid pro  
 130 quo, barter, remuneration, pay, reward, indemnification, or  
 131 satisfaction.

132 ~~(6)(4)~~ "Contract for service" or "bill of lading" means a  
 133 written document approved by the shipper in writing before the  
 134 performance of any service which authorizes services from the  
 135 named mover and lists the services and all costs associated with  
 136 the household move and accessorial services to be performed.

137 ~~(7)(5)~~ "Department" means the Department of Agriculture and  
 138 Consumer Services.

139 ~~(6) "Estimate" means a written document that sets forth the~~  
 140 ~~total costs and describes the basis of those costs, relating to~~  
 141 ~~a shipper's household move, including, but not limited to, the~~  
 142 ~~loading, transportation or shipment, and unloading of household~~  
 143 ~~goods and accessorial services.~~

144 ~~(8)(7)~~ "Household goods" or "goods" means personal effects  
 145 or other personal property commonly found in a home, personal

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146 residence, or other dwelling, including, but not limited to,  
 147 household furniture. The term does not include freight or  
 148 personal property moving to or from a factory, store, or other  
 149 place of business.

150 ~~(9)(8)~~ "Household move" or "move" means the loading of  
 151 household goods into a vehicle, moving container, or other mode  
 152 of transportation or shipment; the transportation or shipment of  
 153 those household goods; and the unloading of those household  
 154 goods, when the transportation or shipment originates and  
 155 terminates at one of the following ultimate locations,  
 156 regardless of whether the mover temporarily stores the goods  
 157 while en route between the originating and terminating  
 158 locations:

159 (a) From one dwelling to another dwelling;

160 (b) From a dwelling to a storehouse or warehouse that is  
 161 owned or rented by the shipper or the shipper's agent; or

162 (c) From a storehouse or warehouse that is owned or rented  
 163 by the shipper or the shipper's agent to a dwelling.

164 (10) "Impracticable operations" means operations of the  
 165 mover which are necessary to complete the move due to  
 166 substantial and unforeseen conditions arising after execution of  
 167 a contract for household services. Such conditions must make it  
 168 impractical for a mover to perform pickup or delivery services  
 169 for a household move as originally provided in the contract.

170 ~~(11)(9)~~ "Mover" means a person who, for compensation,  
 171 contracts for or engages in the loading, transportation or  
 172 shipment, or unloading of household goods as part of a household  
 173 move. The term does not include a postal, courier, envelope, or  
 174 package service that, or a personal laborer who, does not

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175 advertise ~~itself~~ as a mover or moving service.  
 176 (12)~~(10)~~ "Moving broker" or "broker" means a person who,  
 177 for compensation, arranges for another person to load, transport  
 178 or ship, or unload household goods as part of a household move  
 179 or who, for compensation, refers a shipper to a mover by  
 180 telephone, postal or electronic mail, Internet website, or other  
 181 means.  
 182 (13)~~(11)~~ "Moving container" means a receptacle holding at  
 183 least 200 cubic feet of volume which is used to transport or  
 184 ship household goods as part of a household move.  
 185 (14) "Personal laborer" means an individual hired directly  
 186 by the shipper to assist in the loading and unloading of the  
 187 shipper's own household goods. The term does not include any  
 188 individual who has contracted with or is compensated by a third-  
 189 party or whose services are brokered as part of a household  
 190 move.  
 191 (15)~~(12)~~ "Shipper" means a person who uses the services of  
 192 a mover to transport or ship household goods as part of a  
 193 household move.  
 194 (16)~~(13)~~ "Storage" means the temporary warehousing of a  
 195 shipper's goods while under the care, custody, and control of  
 196 the mover.  
 197 Section 2. Subsection (3) of section 507.02, Florida  
 198 Statutes, is amended to read:  
 199 507.02 Construction; intent; application.-  
 200 (3) This chapter is intended to provide consistency and  
 201 transparency in moving practices and to create the presumption  
 202 that movers of household goods will make necessary disclosures  
 203 and educate uninformed shippers in order to secure the

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204 satisfaction and confidence of shippers and members of the  
 205 public when using a mover.  
 206 Section 3. Subsection (8) of section 507.03, Florida  
 207 Statutes, is amended to read:  
 208 507.03 Registration.-  
 209 (8) The department may deny, refuse to renew, or revoke the  
 210 registration of any mover or moving broker based upon a  
 211 determination that the mover or moving broker, or any of the  
 212 mover's or moving broker's directors, officers, owners, or  
 213 general partners:  
 214 (a) Has failed to meet the requirements for registration as  
 215 provided in this chapter;  
 216 (b) Has been convicted of a crime involving fraud, theft,  
 217 larceny, embezzlement, or fraudulent conversion or  
 218 misappropriation of property or a crime arising from conduct  
 219 during a movement of household goods ~~dishonest dealing, or any~~  
 220 ~~other act of moral turpitude;~~  
 221 (c) Has not satisfied a civil fine or penalty arising out  
 222 of any administrative or enforcement action brought by any  
 223 governmental agency or private person based upon conduct  
 224 involving fraud, theft, dishonest dealing, or any violation of  
 225 this chapter;  
 226 (d) Has pending against him or her any criminal,  
 227 administrative, or enforcement proceedings in any jurisdiction,  
 228 based upon conduct involving fraud, theft, larceny,  
 229 embezzlement, or fraudulent conversion or misappropriation of  
 230 property or a crime arising from conduct during a movement of  
 231 household goods ~~dishonest dealing, or any other act of moral~~  
 232 ~~turpitude;~~ or

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233 (e) Has had a judgment entered against him or her in any  
 234 action brought by the department or the Department of Legal  
 235 Affairs under this chapter or ss. 501.201-501.213, the Florida  
 236 Deceptive and Unfair Trade Practices Act.

237 Section 4. Subsections (1), (3), (4), and (5) of section  
 238 507.04, Florida Statutes, are amended to read:

239 507.04 Required insurance coverages; liability limitations;  
 240 valuation coverage.—

241 (1) CARGO LIABILITY INSURANCE.—

242 (a)1. Except as provided in paragraph (b), each mover  
 243 operating in this state must maintain current and valid cargo  
 244 liability insurance coverage of at least \$10,000 per shipment  
 245 for the loss or damage of household goods resulting from the  
 246 negligence of the mover or its employees or agents.

247 2. The mover must provide the department with evidence of  
 248 liability insurance coverage before the mover is registered with  
 249 the department under s. 507.03. All insurance coverage  
 250 maintained by a mover must remain in effect throughout the  
 251 mover's registration period. ~~A mover's failure to maintain~~  
 252 ~~insurance coverage in accordance with this paragraph constitutes~~  
 253 ~~an immediate threat to the public health, safety, and welfare.~~

254 (b) A mover that operates two or fewer vehicles, in lieu of  
 255 maintaining the cargo liability insurance coverage required  
 256 under paragraph (a), may, and each moving broker must, maintain  
 257 one of the following alternative coverages:

258 1. A performance bond in the amount of \$25,000, for which  
 259 the surety of the bond must be a surety company authorized to  
 260 conduct business in this state; or

261 2. A certificate of deposit in a Florida banking

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262 institution in the amount of \$25,000.

263

264 The original bond or certificate of deposit must be filed with  
 265 the department and must designate the department as the sole  
 266 beneficiary. The department must use the bond or certificate of  
 267 deposit exclusively for the payment of claims to consumers who  
 268 are injured by the fraud, misrepresentation, breach of contract,  
 269 misfeasance, malfeasance, or financial failure of the mover or  
 270 moving broker or by a violation of this chapter by the mover or  
 271 broker. Liability for these injuries may be determined in an  
 272 administrative proceeding of the department or through a civil  
 273 action in a court of competent jurisdiction. However, claims  
 274 against the bond or certificate of deposit must only be paid, in  
 275 amounts not to exceed the determined liability for these  
 276 injuries, by order of the department in an administrative  
 277 proceeding. The bond or certificate of deposit is subject to  
 278 successive claims, but the aggregate amount of these claims may  
 279 not exceed the amount of the bond or certificate of deposit.

280 (3) INSURANCE COVERAGES.—The insurance coverages required  
 281 under paragraph (1)(a) and subsection (2) must be issued by an  
 282 insurance company or carrier licensed to transact business in  
 283 this state under the Florida Insurance Code as designated in s.  
 284 624.01. The department shall require a mover to present a  
 285 certificate of insurance of the required coverages before  
 286 issuance or renewal of a registration certificate under s.  
 287 507.03. The department shall be named as a certificateholder in  
 288 the certificate and must be notified at least 10 days before  
 289 cancellation of insurance coverage. A mover's failure to  
 290 maintain insurance coverage constitutes an immediate threat to

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291 the public health, safety, and welfare. If a mover fails to  
 292 maintain insurance coverage, the department may immediately  
 293 suspend the mover's registration or eligibility for  
 294 registration, and the mover must immediately cease operating as  
 295 a mover in this state. In addition, and notwithstanding the  
 296 availability of any administrative relief pursuant to chapter  
 297 120, the department may seek from the appropriate circuit court  
 298 an immediate injunction prohibiting the mover from operating in  
 299 this state until the mover complies with this section, a civil  
 300 penalty not to exceed \$5,000, and court costs.

301 (4) INDEMNIFICATION LIABILITY LIMITATIONS; VALUATION  
 302 RATES. A mover may not limit its liability for the loss or  
 303 damage of household goods to a valuation rate that is less than  
 304 60 cents per pound per article. A provision of a contract for  
 305 moving services is void if the provision limits a mover's  
 306 liability to a valuation rate that is less than the minimum rate  
 307 under this subsection. If a mover limits its liability for a  
 308 shipper's goods, the mover must disclose the limitation,  
 309 including the valuation rate, to the shipper in writing at the  
 310 time that the estimate and contract for services are executed  
 311 and before any moving or accessorial services are provided. The  
 312 disclosure must also inform the shipper of the opportunity to  
 313 purchase valuation coverage if the mover offers that coverage  
 314 under subsection (5).

315 (5) VALUATION COVERAGE.-A mover shall indemnify ~~may offer~~  
 316 ~~valuation coverage to compensate~~ a shipper for the full  
 317 replacement value loss or damage of the shipper's household  
 318 goods that are lost or damaged by the mover during a household  
 319 move. The shipper may waive or amend the indemnification, and

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320 the waiver must be made by a signed or electronic acknowledgment  
 321 in the contract ~~If a mover offers valuation coverage, the~~  
 322 ~~coverage must indemnify the shipper for at least the minimum~~  
 323 ~~valuation rate required under subsection (4).~~ The mover must  
 324 disclose the terms of the indemnification coverage to the  
 325 shipper in writing in at the time that the binding estimate and  
 326 again when the contract for services is are executed and before  
 327 any moving or accessorial services are provided. ~~The disclosure~~  
 328 ~~must inform the shipper of the cost of the valuation coverage,~~  
 329 ~~the valuation rate of the coverage, and the opportunity to~~  
 330 ~~reject the coverage. If valuation coverage compensates a shipper~~  
 331 ~~for at least the minimum valuation rate required under~~  
 332 ~~subsection (4), the coverage satisfies the mover's liability for~~  
 333 ~~the minimum valuation rate.~~

334 Section 5. Section 507.05, Florida Statutes, is amended to  
 335 read:

336 507.05 Physical surveys, binding estimates, and contracts  
 337 for service. ~~Before providing any moving or accessorial~~  
 338 ~~services, a contract and estimate must be provided to a~~  
 339 ~~prospective shipper in writing, must be signed and dated by the~~  
 340 ~~shipper and the mover, and must include:~~

341 (1) PHYSICAL SURVEY.-A mover must conduct a physical survey  
 342 of the household goods to be moved and provide the prospective  
 343 shipper with a binding estimate of the cost of the move.

344 (2) WAIVER OF SURVEY.-A shipper may elect to waive the  
 345 physical survey. Such waiver must be in writing and signed or  
 346 electronically acknowledged by the shipper before provision or  
 347 waiver of the binding estimate by the shipper. The mover shall  
 348 retain a copy of the waiver as an addendum to the contract for

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349 service.

350 (3) BINDING ESTIMATE.—Before executing a contract for  
 351 service for a household move, and at least 48 hours before the  
 352 scheduled time and date of a shipment of household goods, a  
 353 mover must provide a binding estimate. The binding estimate must  
 354 be based on a physical survey conducted under subsection (1),  
 355 unless waived pursuant to subsection (2).

356 (a) The shipper may waive the binding estimate if the  
 357 waiver is made by signed or electronic acknowledgment before the  
 358 commencement of the 48-hour period before the household goods  
 359 are loaded. The mover shall retain a copy of the waiver as an  
 360 addendum to the contract for services. To be enforceable, a  
 361 waiver executed under this paragraph must, at a minimum, include  
 362 a statement in uppercase type at least 5 points larger than, and  
 363 clearly distinguishable from, the rest of the text of the waiver  
 364 or release containing the statement. The exact statement to be  
 365 included in a waiver of a binding estimate to be used by all  
 366 movers must be determined by the department in rulemaking and  
 367 must include a delineation of the specific rights that a shipper  
 368 may lose by waiving the binding estimate.

369 (b) The shipper may also waive the 48-hour period if the  
 370 moving services requested commence within 48 hours after the  
 371 shipper's initial contact with the mover contracted to perform  
 372 the moving services.

373 (c) At a minimum, the binding estimate must include all of  
 374 the following:

375 1. The table of measures or hourly quotation used by the  
 376 mover or the mover's agent in preparing the binding estimate.

377 2. The date the binding estimate was prepared and the

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378 proposed date of the move, if any.

379 3. An itemized breakdown and description of services, and  
 380 the total cost to the shipper of loading, transporting or  
 381 shipping, unloading, and accessorial services.

382 4. A statement that the estimate is binding on the mover  
 383 and the shipper and that the charges shown apply only to those  
 384 services specifically identified in the estimate.

385 5. Identification of acceptable forms of payment.

386 (d) The binding estimate must be signed or electronically  
 387 acknowledged by the mover and the shipper, and a copy must be  
 388 provided to the shipper by the mover at the time that the  
 389 binding estimate is signed or electronically acknowledged.

390 (e) A binding estimate may be amended by the mover only  
 391 before the scheduled loading of household goods for shipment  
 392 when the shipper has requested additional services of the mover  
 393 not previously disclosed in the original binding estimate, or  
 394 upon mutual agreement of the mover and the shipper. Once a mover  
 395 begins to load the household goods for a move, failure to  
 396 execute a new binding estimate signifies that the mover has  
 397 reaffirmed the original binding estimate.

398 (f) A mover may not collect more than the amount of the  
 399 binding estimate unless:

400 1. The shipper waives receipt of a binding estimate under  
 401 this subsection.

402 2. The shipper tenders additional household goods, requests  
 403 additional services, or requires services that are not  
 404 specifically included in the binding estimate, in which case the  
 405 mover may execute an addendum to the binding estimate describing  
 406 the additional household goods or need for additional services

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 407 and the associated charges in writing. The mover must allow the  
 408 shipper at least 1 hour to determine whether to execute the  
 409 addendum. The mover may require full payment at the destination  
 410 for the costs associated with the additional requested services  
 411 as provided in the addendum to the binding estimate. If the  
 412 shipper refuses to execute the addendum, the mover may refuse to  
 413 ship the additional goods or perform the additional services  
 414 requested.

415 3. The mover advises the shipper, in advance of  
 416 performance, that impracticable operations are essential to  
 417 properly perform the move. The mover must allow the shipper at  
 418 least 1 hour to determine whether to authorize the additional  
 419 services.

420 a. If the shipper agrees to pay for the impracticable  
 421 operations, the mover must execute a written addendum to the  
 422 contract for services, which must be signed or electronically  
 423 acknowledged by the shipper. The addendum may be delivered to  
 424 the shipper by personal delivery, facsimile, e-mail, overnight  
 425 courier, or certified mail, with return receipt requested. The  
 426 mover must bill the shipper for the agreed upon additional  
 427 services within 15 days after the delivery of those additional  
 428 services pursuant to s. 507.065.

429 b. If the shipper does not agree to pay for the additional  
 430 services, the mover may perform and, pursuant to s. 507.06, bill  
 431 the shipper for those additional services necessary to complete  
 432 the delivery. It is the mover's burden to show that the  
 433 impracticable operations were necessary to properly perform the  
 434 move.

435 (g) A mover shall retain a copy of the binding estimate and

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 436 any addendums thereto for each move performed for at least 1  
 437 year after its preparation date as an attachment to the contract  
 438 for service.

439 (4) CONTRACT FOR SERVICE.—Before providing any moving or  
 440 accessorial services, a mover must provide a contract for  
 441 service to the shipper, which the shipper must sign or  
 442 electronically acknowledge and date.

443 (a) At a minimum, the contract for service must include:  
 444 1. The name, telephone number, and physical address where  
 445 the mover's employees are available during normal business  
 446 hours.

447 2. ~~(2)~~ The date the contract was ~~or estimate is~~ prepared and  
 448 the ~~any~~ proposed date of the move, if any.

449 3. ~~(3)~~ The name and address of the shipper, the addresses  
 450 where the articles are to be picked up and delivered, and a  
 451 telephone number where the shipper may be reached.

452 4. ~~(4)~~ The name, telephone number, and physical address of  
 453 any location where the household goods will be held pending  
 454 further transportation, including situations in which ~~where~~ the  
 455 mover retains possession of household goods pending resolution  
 456 of a fee dispute with the shipper.

457 5. ~~(5)~~ A binding estimate provided in accordance with  
 458 subsection (3) ~~An itemized breakdown and description and total~~  
 459 ~~of all costs and services for loading, transportation or~~  
 460 ~~shipment, unloading, and accessorial services to be provided~~  
 461 ~~during a household move or storage of household goods.~~

462 6. The total charges owed by the shipper based on the  
 463 binding estimate and the terms and conditions for their payment,  
 464 including any required minimum payment.



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465 7. If the household goods are transported under an  
 466 agreement to collect payment upon delivery, the maximum payment  
 467 that the mover may demand at the time of delivery.  
 468 8. ~~(c)~~ Acceptable forms of payment, which must be clearly  
 469 and conspicuously disclosed to the shipper on the binding  
 470 estimate and the contract for services. A mover ~~must~~ ~~shall~~  
 471 accept at least a minimum of two of the three following forms of  
 472 payment:  
 473 a. ~~(a)~~ Cash, cashier's check, money order, or traveler's  
 474 check;  
 475 b. ~~(b)~~ Valid personal check, showing upon its face the name  
 476 and address of the shipper or authorized representative; or  
 477 c. ~~(c)~~ Valid credit card, which shall include, but not be  
 478 limited to, Visa or MasterCard.  
 479 A mover must clearly and conspicuously disclose to the shipper  
 480 in the estimate and contract for services the forms of payments  
 481 the mover will accept, including the forms of payment described  
 482 in paragraphs (a) - (c).  
 483 (b) Each addendum to the contract for service is an  
 484 integral part of the contract.  
 485 (c) A copy of the contract for service must accompany the  
 486 household goods whenever they are in the mover's or the mover's  
 487 agent's possession. Before a vehicle being used for the move  
 488 leaves the point of origin, the driver responsible for the move  
 489 must have the contract for service in his or her possession.  
 490 (d) A mover shall retain a contract for service for each  
 491 move it performs for at least 1 year after the date the contract  
 492 for service was signed or electronically acknowledged.  
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494 Section 6. Section 507.054, Florida Statutes, is created to  
 495 read:  
 496 507.054 Publication.—  
 497 (1) The department shall prepare a publication that  
 498 includes a summary of the rights and responsibilities of, and  
 499 remedies available to, movers and shippers under this chapter.  
 500 The publication must include a statement that a mover's failure  
 501 to relinquish household goods as required by this chapter  
 502 constitutes a felony of the third degree, punishable as provided  
 503 in s. 775.082, s. 775.083, or s. 775.084, that any other  
 504 violation of this chapter constitutes a misdemeanor of the first  
 505 degree, punishable as provided in s. 775.082 or s. 775.083, and  
 506 that any violation of this chapter constitutes a violation of  
 507 the Florida Deceptive and Unfair Trade Practices Act. The  
 508 publication must also include a notice to the shipper of the  
 509 potential risks of shipping sentimental or family heirloom  
 510 items. The department shall make the publication available to  
 511 the public on the department's website.  
 512 (2) A mover must provide an electronic or hard copy of the  
 513 department's publication to shippers at the physical survey or,  
 514 if the physical survey is timely waived by the shipper, before  
 515 contracting for the household move.  
 516 (3) A mover may customize the color, design, and dimension  
 517 of the front and back covers of the standard department  
 518 publication. If the mover customizes the publication, the  
 519 customized publication must include the content specified in  
 520 subsection (1) and meet the following requirements:  
 521 (a) The font size used must be at least 10 points, with the  
 522 exception that the following must appear prominently on the

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523 front cover in at least 12-point boldface type: "Your Rights and  
 524 Responsibilities When You Move. Furnished by Your Mover, as  
 525 Required by Florida Law."

526 (b) The size of the booklet must be at least 36 square  
 527 inches.

528 (4) The shipper must acknowledge receipt of the electronic  
 529 or hard copy of the publication by signed or electronic  
 530 acknowledgment in the contract.

531 Section 7. Section 507.055, Florida Statutes, is created to  
 532 read:

533 507.055 Required disclosure and acknowledgment of rights  
 534 and remedies.—Before executing a contract for service for a  
 535 move, a mover must provide to a prospective shipper all of the  
 536 following:

537 (1) The publication required under s. 507.054.

538 (2) A concise, easy-to-read, and accurate binding estimate  
 539 required under s. 507.05(3).

540 Section 8. Subsections (1) and (3) of section 507.06,  
 541 Florida Statutes, are amended, and subsection (4) is added to  
 542 that section, to read:

543 507.06 Delivery and storage of household goods.—

544 (1) On the agreed upon delivery date or within the  
 545 timeframe specified in the contract for service, a mover must  
 546 relinquish household goods to a shipper and must place the  
 547 household goods inside a shipper's dwelling or, if directed by  
 548 the shipper, inside a storehouse or warehouse that is owned or  
 549 rented by the shipper or the shipper's agent, unless the shipper  
 550 has not tendered payment pursuant to s. 507.065. This  
 551 requirement may be waived by the shipper ~~in the amount specified~~

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552 ~~in a written contract or estimate signed and dated by the~~  
 553 ~~shipper.~~ A mover may not, under any circumstances, refuse to  
 554 relinquish prescription medicines and household goods for use by  
 555 children, including children's furniture, clothing, or toys,  
 556 ~~under any circumstances.~~

557 (3) A mover that lawfully fails to relinquish a shipper's  
 558 household goods may place the goods in storage until payment in  
 559 accordance with s. 507.065 is tendered; however, the mover must  
 560 notify the shipper of the location where the goods are stored  
 561 and the amount due within 5 days after receipt of a written  
 562 request for that information from the shipper, which request  
 563 must include the address where the shipper may receive the  
 564 notice. A mover may not require a prospective shipper to waive  
 565 any rights or requirements under this section.

566 (4) If a mover becomes aware that it will be unable to  
 567 perform either the pickup or the delivery of household goods on  
 568 the date agreed upon or during the timeframe specified in the  
 569 contract for service due to circumstances not anticipated by the  
 570 contract, the mover must notify the shipper of the delay and  
 571 advise the shipper of the amended date or timeframe within which  
 572 the mover expects to pick up or deliver the household goods in a  
 573 timely manner.

574 Section 9. Section 507.065, Florida Statutes, is created to  
 575 read:

576 507.065 Payment.—

577 (1) Except as provided in s. 507.05(3), the maximum amount  
 578 that a mover may charge before relinquishing household goods to  
 579 a shipper is the exact amount of the binding estimate, unless  
 580 waived by the shipper.

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581 (2) A mover must bill a shipper for any charges assessed  
 582 under this chapter which are not collected upon delivery of  
 583 household goods at their destination within 15 days after such  
 584 delivery. A mover may assess a late fee for any uncollected  
 585 charges if the shipper fails to make payment within 30 days  
 586 after receipt of the bill.

587 Section 10. Subsections (1), (4), and (5) and paragraphs  
 588 (a) and (b) of subsection (6) of section 507.07, Florida  
 589 Statutes, are amended to read:

590 507.07 Violations.—It is a violation of this chapter:

591 (1) To operate ~~conduct business as a mover or moving~~  
 592 ~~broker, or advertise to engage in violation the business of~~  
 593 ~~moving or fail to comply with ss. 507.03-507.10, or any other~~  
 594 ~~requirement under this chapter offering to move, without being~~  
 595 ~~registered with the department.~~

596 (4) To increase the contracted cost ~~fail to honor and~~  
 597 ~~comply with all provisions of the contract for moving services~~  
 598 ~~in any way other than provided for in this chapter or bill of~~  
 599 ~~lading regarding the purchaser's rights, benefits, and~~  
 600 ~~privileges thereunder.~~

601 (5) To withhold delivery of household goods or in any way  
 602 hold household goods in storage against the expressed wishes of  
 603 the shipper if payment has been made as delineated in the  
 604 binding estimate or contract for services, or pursuant to this  
 605 chapter.

606 (6) (a) ~~To include in any contract any provision purporting~~  
 607 ~~to waive or limit any right or benefit provided to shippers~~  
 608 ~~under this chapter.~~

609 ~~(b)~~ Unless expressly authorized by this chapter, to seek or

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610 solicit a waiver or acceptance of limitation from a shipper  
 611 concerning rights or benefits provided under this chapter.

612 Section 11. Section 507.09, Florida Statutes, is amended to  
 613 read:

614 507.09 Administrative remedies; penalties.—

615 (1) The department may enter an order doing one or more of  
 616 the following if the department finds that a mover or moving  
 617 broker, or a person employed or contracted by a mover or broker,  
 618 has violated or is operating in violation of this chapter or the  
 619 rules or orders issued pursuant to this chapter:

620 (a) Issuing a notice of noncompliance under s. 120.695.

621 (b) Imposing an administrative fine in the Class II  
 622 category pursuant to s. 570.971 for each act or omission.  
 623 However, the department must impose an administrative fine in  
 624 the Class IV category for each violation of s. 507.07(9) if the  
 625 department does not seek a civil penalty for the same offense.

626 (c) Directing that the person cease and desist specified  
 627 activities.

628 (d) Refusing to register or revoking or suspending a  
 629 registration.

630 (e) Placing the registrant on probation, subject to the  
 631 conditions specified by the department.

632 (2) The department, upon notification and subsequent  
 633 written verification by a law enforcement agency, a court, a  
 634 state attorney, or the Department of Law Enforcement, must  
 635 immediately suspend a registration or the processing of an  
 636 application for a registration if the registrant, applicant, or  
 637 an officer or director of the registrant or applicant is  
 638 formally charged with a crime involving fraud, theft, larceny,

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639 embezzlement, or fraudulent conversion or misappropriation of  
 640 property or a crime arising from conduct during a movement of  
 641 household goods until final disposition of the case or removal  
 642 or resignation of that officer or director.

643 (3) The administrative proceedings that ~~which~~ could result  
 644 in the entry of an order imposing any of the penalties specified  
 645 in subsection (1) or subsection (2) are governed by chapter 120.

646 ~~(3) The department may adopt rules under ss. 120.536(1) and~~  
 647 ~~120.54 to administer this chapter.~~

648 Section 12. Subsection (4) of section 507.10, Florida  
 649 Statutes, is amended to read:

650 507.10 Civil penalties; remedies.—

651 (4) Except as expressly authorized by this chapter, any  
 652 provision in a contract for services or bill of lading from a  
 653 mover or moving broker that purports to waive, limit, restrict,  
 654 or avoid any of the duties, obligations, or prescriptions of the  
 655 mover or broker, as provided in this chapter, is void.

656 Section 13. Section 507.11, Florida Statutes, is amended to  
 657 read:

658 507.11 Criminal penalties.—

659 (1) The refusal of a mover or a mover's employee, agent, or  
 660 contractor to comply with an order from a law enforcement  
 661 officer to relinquish a shipper's household goods after the  
 662 officer determines that the shipper has tendered payment in  
 663 accordance with s. 507.065 of the amount of a written estimate  
 664 ~~or contract~~, or after the officer determines that the mover did  
 665 not produce a signed or electronically acknowledged binding  
 666 estimate or contract for service upon which demand is being made  
 667 for payment, is a felony of the third degree, punishable as

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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668 provided in s. 775.082, s. 775.083, or s. 775.084. A mover's  
 669 compliance with an order from a law enforcement officer to  
 670 relinquish household goods to a shipper is not a waiver or  
 671 finding of fact regarding any right to seek further payment from  
 672 the shipper.

673 (2) Except as provided in subsection (1), any person or  
 674 business that violates this chapter commits a misdemeanor of the  
 675 first degree, punishable as provided in s. 775.082 or s.  
 676 775.083.

677 Section 14. Section 507.14, Florida Statutes, is created to  
 678 read:

679 507.14 Rulemaking.—The department shall adopt rules to  
 680 administer this chapter.

681 Section 15. This act shall take effect July 1, 2022.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** Senate Commerce and Tourism Committee

**Case No.:**

**Type:**  
**Judge:**

**Started:** 1/31/2022 3:02:07 PM

**Ends:** 1/31/2022 3:29:33 PM

**Length:** 00:27:27

3:02:08 PM Chair Hooper calls meeting to order  
3:02:15 PM Committee Administrative Assistant calls roll  
3:02:31 PM Chair Hooper makes opening remarks  
3:02:42 PM Tab 1 - CS/SB 1067 by Senator Bradley  
3:03:01 PM Senator explains the bill  
3:03:55 PM No questions  
3:03:59 PM Amendment 186562 explained by Senator Bradley  
3:04:21 PM No questions  
3:04:25 PM No appearance cards  
3:04:33 PM Amendment adopted  
3:04:40 PM Senator Pizzo in questions  
3:04:59 PM Senator Bradley responds  
3:05:30 PM Martha Edenfield, The Real Property, Probate and Trust Law Section, responds  
3:05:46 PM Senator Pizzo in questions  
3:05:52 PM Martha Edenfield responds  
3:06:20 PM James Murphy, Attorney with Business Law Section of the Florida Bar, waives in support  
3:06:33 PM Lisa Hurley, Family Law Section of the Florida bar, waives in support  
3:06:45 PM Senator Powell in debate  
3:07:20 PM Senator waives close  
3:07:28 PM CS/CS/SB 1062 reported favorably  
3:07:53 PM Tab 2 - SB 1474 by Senator Bradley  
3:08:00 PM Senator Bradley explains strike all amendment 917980  
3:09:17 PM No questions on amendment  
3:09:28 PM No debate  
3:09:31 PM Amendment adopted  
3:09:41 PM Phil Noblia, waives in support  
3:10:02 PM Amanda Fraser, G4S Security, waives in support  
3:10:06 PM Carlos Nathan, FDACS, waives in support  
3:10:16 PM No debate  
3:10:19 PM Senator closes on bill  
3:10:37 PM Roll call on bill  
3:10:52 PM CS/SB 1474 reported favorably  
3:11:01 PM Tab 3 - SB 1146 by Senator Rodriguez  
3:11:11 PM Senator explains amendment 475734  
3:11:47 PM Senator Pizzo in questions on amendment  
3:12:10 PM Senator Rodriguez responds  
3:12:27 PM Senator Pizzo in questions  
3:12:31 PM Senator Rodriguez responds  
3:12:42 PM Back and forth in questions  
3:13:44 PM No debate on amendment  
3:14:02 PM Amendment adopted  
3:14:07 PM Senator Taddeo in questions  
3:14:17 PM Senator Rodriguez responds  
3:14:57 PM Senator Taddeo in questions  
3:15:07 PM Senator Rodriguez responds  
3:15:48 PM Senator Powell in questions  
3:16:17 PM Senator Rodriguez responds  
3:16:56 PM Back and forth in questions  
3:19:32 PM Burt Hodge, FI License Investigators, waives in support  
3:19:56 PM Lauren Whrilhour, Florida Association of Licensed Investigators, speaks in support  
3:20:39 PM Senator Pizzo in questions  
3:20:47 PM Lauren Whrilhour responds

**3:21:17 PM** Senator Pizzo in questions  
**3:21:33 PM** Speaker responds  
**3:21:50 PM** Senator Pizzo in debate  
**3:22:54 PM** Senator Rodriguez closes on bill  
**3:23:06 PM** Roll call on bill  
**3:23:11 PM** CS/SB 1146 reported favorably  
**3:23:27 PM** Tab 4 CS/SB 1536 by Senator Boyd  
**3:23:40 PM** Senator Boyd explains the bill  
**3:24:23 PM** Amendment 351226 explained by Senator Boyd  
**3:24:45 PM** No questions  
**3:24:54 PM** No debate  
**3:24:56 PM** Amendment adopted  
**3:25:04 PM** Commissioner Russ Weigel, Office of Financial Regulation, waives in support  
**3:25:16 PM** Senator Boyd closes on bill  
**3:25:35 PM** Roll called  
**3:25:40 PM** CS/CS/SB 1536 reported favorably  
**3:26:05 PM** Gavel turned to Vice-Chair Wright  
**3:26:14 PM** Tab 5 - SB 1928 by Senator Hooper  
**3:26:26 PM** Chair Hooper explains the bill  
**3:28:10 PM** No questions  
**3:28:13 PM** No appearance forms  
**3:28:18 PM** No debate  
**3:28:20 PM** Senator waives close  
**3:28:26 PM** Roll called  
**3:28:29 PM** SB 1928 reported favorably  
**3:28:52 PM** Gavel turned back to Senator Hooper  
**3:29:08 PM** Senator Diaz vote after  
**3:29:22 PM** Meeting adjourned