

By Senator Rodriguez

37-00540A-20

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1                   A bill to be entitled  
2           An act relating to subpoenas; amending s. 92.605,  
3           F.S.; revising the definition of "properly served";  
4           authorizing an applicant to petition a court to compel  
5           compliance with a subpoena; authorizing a court to  
6           address noncompliance as indirect criminal contempt  
7           and impose a daily fine for a specified amount of  
8           time; providing an effective date.

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

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12           Section 1. Paragraph (h) of subsection (1) of section  
13   92.605, Florida Statutes, is amended, and subsection (10) is  
14   added to that section, to read:

15           92.605 Production of certain records by Florida businesses  
16   and out-of-state corporations.—

17           (1) For the purposes of this section, the term:

18           (h) "Properly served" means delivery by hand or in a manner  
19   reasonably allowing for proof of delivery if delivered by United  
20   States mail, overnight delivery service, or facsimile to a  
21   person or entity properly registered to do business in any  
22   state. In order for an out-of-state corporation to be properly  
23   served, the service described in this paragraph must be effected  
24   on the corporation's registered agent in this state or as  
25   authorized under the laws of the state where process is to be  
26   served. Service on an out-of-state corporation doing business in  
27   this state through the Internet may also be made at any location  
28   where the corporation routinely accepts service.

29           (10) If a Florida business or an out-of-state corporation

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30 refuses to comply with a properly served subpoena or does not  
31 comply with the requirements of subsection (2) or subsection  
32 (3), the applicant who sought the subpoena may petition a court  
33 of competent jurisdiction to compel compliance. The court may  
34 address the matter as indirect criminal contempt and may punish  
35 a business or corporation by a fine of not less than \$100 and  
36 not more than \$1,000 per day for a maximum of 60 days.

37 Section 2. This act shall take effect July 1, 2020.