

1                                   A bill to be entitled  
 2           An act relating to subpoenas; amending s. 92.605,  
 3           F.S.; revising the definition of the term "properly  
 4           served"; authorizing an applicant to petition a court  
 5           to compel compliance with a subpoena; authorizing a  
 6           court to address noncompliance as indirect criminal  
 7           contempt and impose a daily fine; providing an  
 8           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  
 19           manner reasonably allowing for proof of delivery if delivered by  
 20           United States mail, overnight delivery service, or facsimile to  
 21           a 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  
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 per  
36 | day and not more than \$1,000 per day for a maximum of 60 days.

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