

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),~~

280
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. 48.181.

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~~r~~ member~~r~~ 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, ~~On~~ 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 ~~\$8.75 with 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~~7~~, ~~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 ~~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) ~~s.~~
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 ~~section~~ 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) ~~(8)~~ 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 (3) 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) ~~(8)~~ 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 giving 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.~~†~~

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.~~†~~

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.~~†~~

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).~~†~~ ~~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

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1306 the same consequences as in ss. 48.161 and 620.1117 ~~s.~~
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 ~~s. 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

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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.