

By the Committees on Commerce and Tourism; and Judiciary; and
Senator Bradley

577-02515-22

20221062c2

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

577-02515-22

20221062c2

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

31 revising provisions related to service on public

32 agencies and officers; authorizing service on

33 specified persons under certain circumstances;

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

35 of provisions relating to service on statutory agents

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

37 revising provisions relating to substituted service;

38 providing for substituted service on individuals or

39 corporations or other business entities; specifying

40 actions that may be considered due diligence in

41 effectuating service; specifying when service is

42 considered effectuated; requiring the Department of

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

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

45 revising provisions relating to substituted service;

46 providing for substituted service on certain

47 nonresidents and foreign business entities and on

48 individuals and foreign business entities concealing

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

50 for service of process for removal of unknown parties

51 in possession of real property; amending s. 48.194,

52 F.S.; revising provisions relating to service outside

53 this state but within the United States; deleting

54 provisions relating to service outside the United

55 States; creating s. 48.197, F.S.; providing for

56 service in a foreign country; amending s. 49.011,

57 F.S.; providing for constructive service on the legal

58 mother in certain situations; amending s. 766.106,

577-02515-22

20221062c2

59 F.S.; revising requirements for service of presuit
60 notice before filing a medical negligence complaint;
61 creating a rebuttable presumption that service was
62 received by a prospective defendant in certain
63 circumstances; providing court duties if service is
64 challenged during subsequent litigation; revising
65 provisions concerning tolling of the statute of
66 limitations upon service of presuit notice by
67 specified means; specifying that the terms
68 "prospective" and "potential" are interchangeable;
69 amending ss. 495.145, 605.0117, 605.09091, 605.0910,
70 605.1045, 607.0504, 607.1423, 607.15101, 607.1520,
71 617.0504, 617.1510, 617.1520, 620.1117, 620.1907,
72 620.2105, 620.2109, 620.8915, and 620.8919, F.S.;
73 conforming cross-references and provisions to changes
74 made by the act; providing effective dates.

75

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

77

78 Section 1. Subsection (3) of section 15.16, Florida
79 Statutes, is amended to read:

80 15.16 Reproduction of records; admissibility in evidence;
81 electronic receipt and transmission of records; certification;
82 acknowledgment.—

83 (3) The Department of State may cause to be received
84 electronically any records that are required or authorized to be
85 filed with it pursuant to chapter 48, chapter 55, chapter 117,
86 chapter 118, chapter 495, chapter 605, chapter 606, chapter 607,
87 chapter 610, chapter 617, chapter 620, chapter 621, chapter 679,

577-02515-22

20221062c2

88 chapter 713, or chapter 865, through facsimile or other
89 electronic transfers, for the purpose of filing such records.
90 The originals of all such electronically transmitted records
91 must be executed in the manner provided in paragraph (5)(b). The
92 receipt of such electronic transfer constitutes delivery to the
93 department as required by law. The department may use electronic
94 transmissions for purposes of notice in the administration of
95 chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,
96 621, 679, and 713 and s. 865.09. The Department of State may
97 collect e-mail addresses for purposes of notice and
98 communication in the performance of its duties and may require
99 filers and registrants to furnish such e-mail addresses when
100 presenting documents for filing.

101 Section 2. Section 48.061, Florida Statutes, is amended to
102 read:

103 48.061 Service on partnerships, limited liability
104 partnerships, and limited partnerships.-

105 (1) (a) Process against a partnership that is not a limited
106 liability partnership or a limited partnership, including a
107 limited liability limited partnership, must ~~shall~~ be served on
108 any partner and is as valid for service on the partnership as if
109 served on each individual partner.

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

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

577-02515-22

20221062c2

117 (b) If the partnership designated an agent when registering
118 as a general partnership with the Department of State, service
119 on the agent is as valid for service on the partnership as if
120 served on each individual partner; however, unless individual
121 partners are served, the plaintiff may only proceed to judgment
122 and execution against the assets of the partnership.

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

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

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

142 (b) If, after due diligence, the process cannot be
143 completed under paragraph (a), the process may be served as
144 provided in s. 48.161 on the Secretary of State as an agent of
145 the domestic limited liability partnership or by order of the

577-02515-22

20221062c2

146 court under s. 48.102.

147 (3) (a) 1. Process against a domestic limited partnership,
148 including a domestic limited liability limited partnership, must
149 first be served on the then-current agent for service of process
150 specified in its certificate of limited partnership, in its
151 certificate as amended or restated, or as redesignated in its
152 annual report or change of agent filing and is as valid for
153 service on the domestic limited partnership as if served on each
154 individual general partner of the partnership.

155 2. If service cannot be made on the registered agent
156 because the domestic limited partnership or domestic limited
157 liability limited partnership ceases to have a registered agent,
158 or if the registered agent cannot otherwise be served following
159 one good faith attempt because of a failure to comply with this
160 chapter or chapter 620, the process may be served on any general
161 partner.

162 3. After service on a general partner or the registered
163 agent, the plaintiff may proceed to judgment and execution
164 against the assets of the domestic limited partnership or of
165 that general partner, unless the domestic limited partnership is
166 a limited liability limited partnership.

167 (b) If, after due diligence, the process cannot be
168 completed under paragraph (a), then process may be served as
169 provided in s. 48.161 on the Secretary of State as an agent of
170 the limited partnership or by order of the court under s.
171 48.102.

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

577-02515-22

20221062c2

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

180 (5) (a) Process against a foreign limited partnership that
181 was required to comply with s. 620.1902 may be served as
182 prescribed under subsection (3).

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

196 ~~(2) Process against a domestic limited partnership may be~~
197 ~~served on any general partner or on the agent for service of~~
198 ~~process specified in its certificate of limited partnership or~~
199 ~~in its certificate as amended or restated and is as valid as if~~
200 ~~served on each individual member of the partnership. After~~
201 ~~service on a general partner or the agent, the plaintiff may~~
202 ~~proceed to judgment and execution against the limited~~
203 ~~partnership and all of the general partners individually. If a~~

577-02515-22

20221062c2

204 ~~general partner cannot be found in this state and service cannot~~
205 ~~be made on an agent because of failure to maintain such an agent~~
206 ~~or because the agent cannot be found or served with the exercise~~
207 ~~of reasonable diligence, service of process may be effected by~~
208 ~~service upon the Secretary of State as agent of the limited~~
209 ~~partnership as provided for in s. 48.181. Service of process may~~
210 ~~be made under ss. 48.071 and 48.21 on limited partnerships.~~

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

223 Section 3. Section 48.062, Florida Statutes, is amended to
224 read:

225 48.062 Service on a domestic limited liability company or
226 registered foreign limited liability company.-

227 (1) As used in this section, the term "registered foreign
228 limited liability company" means a foreign limited liability
229 company that has an active certificate of authority to transact
230 business in this state pursuant to a record filed with the
231 Department of State.

232 ~~(2) Process against~~ A domestic limited liability company~~7~~

577-02515-22

20221062c2

233 ~~domestic~~ or registered foreign limited liability company, may be
234 served with process required or authorized by law by service on
235 ~~its~~ ~~the~~ registered agent designated by the domestic limited
236 liability company or registered foreign limited liability
237 company under chapter 605. ~~A person attempting to serve process~~
238 ~~pursuant to this subsection may serve the process on any~~
239 ~~employee of the registered agent during the first attempt at~~
240 ~~service even if the registered agent is a natural person and is~~
241 ~~temporarily absent from his or her office.~~

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

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

259 (b) Any member of a member-managed domestic limited
260 liability company or registered foreign limited liability
261 company. ~~On a manager of a manager-managed limited liability~~

577-02515-22

20221062c2

262 ~~company; or~~

263 (c) Any person listed publicly by the domestic limited
264 liability company or registered foreign limited liability
265 company on its latest annual report, as most recently amended ~~if~~
266 ~~a member or manager is not available during regular business~~
267 ~~hours to accept service on behalf of the limited liability~~
268 ~~company, he, she, or it may designate an employee of the limited~~
269 ~~liability company to accept such service. After one attempt to~~
270 ~~serve a member, manager, or designated employee has been made,~~
271 ~~process may be served on the person in charge of the limited~~
272 ~~liability company during regular business hours.~~

273 (4) ~~(3)~~ If, after due reasonable diligence, the service of
274 process cannot be completed under subsection (2) and if either:

275 (a) The only person listed publicly by the domestic limited
276 liability company or registered foreign limited liability
277 company on its latest annual report, as most recently amended,
278 is also the registered agent on whom service was attempted under
279 subsection (2); or

280 (b) After due diligence, service was attempted on at least
281 one person listed publicly by the domestic limited liability
282 company or registered foreign limited liability company on its
283 latest annual report, as most recently amended, and cannot be
284 completed on such person under subsection (3) ~~(1) or subsection~~
285 ~~(2),~~

286
287 the service of process may be served as provided in s. 48.161 on
288 effected by service upon the Secretary of State as an agent of
289 the domestic limited liability company or the registered foreign
290 limited liability company or by order of the court under s.

577-02515-22

20221062c2

291 48.102 ~~as provided for in s. 48.181.~~

292 (5)~~(4)~~ If the address for the registered agent or any
293 person listed publicly by the domestic limited liability company
294 or registered foreign limited liability company on its latest
295 annual report, as most recently amended, ~~member, or manager~~ is a
296 residence, a private mailbox, a virtual office, or an executive
297 office or mini suite, service on the domestic limited liability
298 company or registered foreign limited liability company may be
299 made by serving any of the following:

300 (a) The registered agent of the domestic limited liability
301 company or registered foreign limited liability company, in
302 accordance with s. 48.031.

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

307 (c) Any~~r~~ member~~r~~ or manager of the domestic limited
308 liability company or registered foreign limited liability
309 company, in accordance with s. 48.031.

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

315 (7)~~(5)~~ This section does not apply to service of process on
316 insurance companies.

317 Section 4. Section 48.071, Florida Statutes, is amended to
318 read:

319 48.071 Service on agents of nonresidents doing business in

577-02515-22

20221062c2

320 the state.—When any natural person or partnership not residing
321 or having a principal place of business in this state engages in
322 business in this state, process may be served on the person who
323 is in charge of any business in which the defendant is engaged
324 within this state at the time of service, including agents
325 soliciting orders for goods, wares, merchandise, or services.
326 Any process so served is as valid as if served personally on the
327 nonresident person or partnership engaging in business in this
328 state in any action against the person or partnership arising
329 out of such business. A copy of such process with a notice of
330 service on the person in charge of such business must ~~shall~~ be
331 sent forthwith to the nonresident person or partnership by
332 registered mail; ~~by~~ ~~or~~ certified mail, return receipt requested;
333 or by use of a commercial firm regularly engaged in the business
334 of document or package delivery. The party seeking to effectuate
335 service, or the attorney for such party, shall prepare. an
336 affidavit of compliance with this section which must ~~shall~~ be
337 filed before the return day or within such further time as the
338 court may allow.

339 Section 5. Section 48.081, Florida Statutes, is amended to
340 read:

341 48.081 Service on a domestic corporation or registered
342 foreign corporation.—

343 (1) As used in this section, the term “registered foreign
344 corporation” means a foreign corporation that has an active
345 certificate of authority to transact business in this state
346 pursuant to a record filed with the Department of State.

347 (2) A domestic corporation or a registered foreign
348 corporation may be served with process required or authorized by

577-02515-22

20221062c2

349 law by service on its registered agent designated by the
350 corporation under chapter 607 or chapter 617, as applicable.

351 (3) If service cannot be made on a registered agent of the
352 domestic corporation or registered foreign corporation because
353 the domestic corporation or registered foreign corporation
354 ceases to have a registered agent, or if the registered agent of
355 the domestic corporation or registered foreign corporation
356 cannot otherwise be served after one good faith attempt because
357 of a failure to comply with this chapter, chapter 607, or
358 chapter 617, as applicable, the process may be served on either
359 of the following ~~Process against any private corporation,~~
360 ~~domestic or foreign, may be served:~~

361 (a) The chair of the board of directors, ~~On~~ the president,
362 ~~any or~~ vice president, the secretary, or the treasurer ~~or other~~
363 ~~head~~ of the domestic corporation or registered foreign
364 corporation.

365 (b) Any person listed publicly by the domestic corporation
366 or registered foreign corporation on its latest annual report,
367 as most recently amended ~~In the absence of any person described~~
368 ~~in paragraph (a), on the cashier, treasurer, secretary, or~~
369 ~~general manager;~~

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

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

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

377 (a) The only person listed publicly by the domestic

577-02515-22

20221062c2

378 corporation or registered foreign corporation on its latest
379 annual report, as most recently amended, is also the registered
380 agent on whom service was attempted under subsection (2); or

381 (b) After due diligence, service was attempted on at least
382 one person listed publicly by the domestic corporation or
383 registered foreign corporation on its latest annual report, as
384 most recently amended, and cannot be completed on such person
385 under subsection (3),

386
387 the process may be served as provided in s. 48.161 on the
388 Secretary of State as an agent of the domestic corporation or
389 registered foreign corporation or by order of the court under s.
390 48.102

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

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

404 (5) (b) If the address for the registered agent or any
405 person listed publicly by the domestic corporation or registered
406 foreign corporation on its latest annual report, as most

577-02515-22

20221062c2

407 ~~recently amended, officer, director, or principal place of~~
408 ~~business~~ is a residence, a private mailbox, a virtual office, or
409 an executive office or mini suite, service on the domestic
410 corporation or registered foreign corporation may be made by
411 serving any of the following:

412 (a) The registered agent of the domestic corporation or
413 registered foreign corporation, officer, or director in
414 accordance with s. 48.031.

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

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

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

425 (7) ~~(4)~~ This section does not apply to service of process on
426 insurance companies.

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

577-02515-22

20221062c2

436 ~~transacted within the state.~~

437 Section 6. Section 48.091, Florida Statutes, is amended to
438 read:

439 48.091 Partnerships, corporations, and limited liability
440 companies; designation of registered agent and registered
441 office.—

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

443 (a) “Registered foreign corporation” and “registered
444 foreign limited liability company” have the same meanings as in
445 ss. 48.081 and 48.062, respectively.

446 (b) “Registered foreign limited liability partnership” or
447 “registered foreign limited partnership” means a foreign limited
448 liability partnership or foreign limited partnership that has an
449 active certificate of authority to transact business in this
450 state pursuant to a record filed with the Department of State.

451 (2) Every domestic limited liability partnership; domestic
452 limited partnership, including limited liability limited
453 partnerships; domestic corporation; domestic limited liability
454 company; registered foreign limited liability partnership;
455 registered foreign limited partnership, including limited
456 liability limited partnerships; registered foreign corporation;
457 and registered foreign limited liability company ~~Florida~~
458 ~~corporation and every foreign corporation now qualified or~~
459 ~~hereafter qualifying to transact business in this state shall~~
460 designate a registered agent and registered office in accordance
461 with chapter 605, part I of chapter 607, chapter 617, or chapter
462 620, as applicable.

463 (3) ~~(2)~~ Every domestic limited liability partnership;
464 domestic limited partnership, including limited liability

577-02515-22

20221062c2

465 limited partnerships; domestic corporation; domestic limited
466 liability company; registered foreign limited liability
467 partnership; registered foreign limited partnership, including
468 limited liability limited partnerships; registered foreign
469 corporation; registered foreign limited liability company; and
470 domestic or foreign general partnership that elects to designate
471 a registered agent, shall cause the designated registered agent
472 to ~~corporation shall~~ keep the designated registered office open
473 from at least 10 a.m. to 12 noon each day except Saturdays,
474 Sundays, and legal holidays, and shall cause the designated
475 registered agent to keep one or more individuals who are, or are
476 representatives of, the designated ~~registered agents on whom~~
477 process may be served at the office during these hours. The
478 corporation shall keep a sign posted in the office in some
479 conspicuous place designating the name of the corporation and
480 the name of its registered agent on whom process may be served
481 at the office during these hours.

482 (4) A person attempting to serve process pursuant to this
483 section on a registered agent that is other than a natural
484 person may serve the process on any employee of the registered
485 agent. A person attempting to serve process pursuant to this
486 section on a natural person, if the natural person is
487 temporarily absent from his or her office, may serve the process
488 during the first attempt at service on any employee of such
489 natural person.

490 (5) The registered agent shall promptly forward copies of
491 the process and any other papers received in connection with the
492 service to a responsible person in charge of the business
493 entity. Failure to comply with this subsection does not

577-02515-22

20221062c2

494 invalidate the service of process.

495 Section 7. Section 48.101, Florida Statutes, is amended to
496 read:

497 48.101 Service on dissolved corporations, dissolved limited
498 liability companies, dissolved limited partnerships, and
499 dissolved limited liability partnerships.—

500 (1) Process against the directors of any corporation that
501 ~~which~~ was dissolved before July 1, 1990, as trustees of the
502 dissolved corporation must shall be served on one or more of the
503 directors of the dissolved corporation as trustees thereof and
504 binds all of the directors of the dissolved corporation as
505 trustees thereof. ~~Process against any other dissolved~~
506 ~~corporation shall be served in accordance with s. 48.081.~~

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

509 (b) In addition, provided that service was first properly
510 attempted on the registered agent pursuant to s. 48.081(2), but
511 was not successful, service may then be attempted as required
512 under s. 48.081(3). In addition to the persons listed in s.
513 48.081(3), service may then be attempted on the person appointed
514 by the circuit court as the trustee, custodian, or receiver
515 under s. 607.1405(6).

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

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

522 (b) In addition, provided that service was first properly

577-02515-22

20221062c2

523 attempted on the registered agent pursuant to s. 48.062(2), but
524 was not successful, service may then be attempted as required
525 under s. 48.062(3). In addition to the persons listed in s.
526 48.062(3), service on a dissolved domestic limited liability
527 company may be made on the person appointed as the liquidator,
528 trustee, or receiver under s. 605.0709.

529 (c) A party attempting to serve a dissolved domestic
530 limited liability company under this section may petition the
531 court to appoint one of the persons specified in s. 605.0709(5)
532 to receive service of process on behalf of the limited liability
533 company.

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

536 Section 8. Section 48.102, Florida Statutes, is created to
537 read:

538 48.102 Service by other means.—If, after due diligence, a
539 party seeking to effectuate service is unable to effectuate
540 personal service of process on a domestic or foreign
541 corporation; a domestic or foreign general partnership,
542 including a limited liability partnership; a domestic or foreign
543 limited partnership, including a limited liability limited
544 partnership; or a domestic or foreign limited liability company,
545 the court, upon motion and a showing of such inability, may
546 authorize service in any other manner that the party seeking to
547 effectuate service shows will be reasonably effective to give
548 the entity on which service is sought to be effectuated actual
549 notice of the suit. Such other manners of service may include
550 service electronically by e-mail or other technology by any
551 person authorized to serve process in accordance with this

577-02515-22

20221062c2

552 chapter, or by an attorney. The court may authorize other
553 methods of service consistent with the principles of due
554 process. In suits involving a breach of contract, the court may
555 consider authorizing the parties to effectuate service in the
556 manner provided for in the contractual notice provision of the
557 subject contract.

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

560 48.111 Service on public agencies and officers.—

561 (1) Process against any municipal corporation, agency,
562 board, or commission, department, or subdivision of the state or
563 any county which has a governing board, council, or commission
564 or which is a body corporate shall be served:

565 (a) On the registered agent; or

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

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

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

576 3. ~~(c)~~ On any member of the governing board, council, or
577 commission, the manager of the governmental entity, if any, or
578 an in-house attorney for the governmental entity, if any, and in
579 the absence of all the persons listed in subparagraph 1.,
580 subparagraph 2., and this subparagraph;

577-02515-22

20221062c2

581 4. On any employee of the governmental entity at the main
582 office of the governmental entity.

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

585 48.151 Service on statutory agents for certain persons.—

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

588 Section 11. Section 48.161, Florida Statutes, is amended to
589 read:

590 48.161 Method of substituted service on nonresident.—

591 (1) When authorized by law, substituted service of process
592 on a nonresident individual or a corporation or other business
593 entity incorporated or formed under the laws of any other state,
594 territory, or commonwealth, or the laws of any foreign country,
595 ~~may or a person who conceals his or her whereabouts by serving a~~
596 ~~public officer designated by law shall~~ be made by sending
597 ~~leaving~~ a copy of the process to the office of the Secretary of
598 State by personal delivery; by registered mail; with a fee of
599 ~~\$8.75 with the public officer or in his or her office or by~~
600 mailing the copies by certified mail, return receipt requested;
601 by use of a commercial firm regularly engaged in the business of
602 document or package delivery; or by electronic transmission ~~to~~
603 ~~the public officer with the fee.~~ The service is sufficient
604 service on a party that ~~defendant who~~ has appointed or is deemed
605 to have appointed the Secretary of State a public officer as
606 such party's ~~his or her~~ agent for the service of process. The
607 Secretary of State shall keep a record of all process served on
608 the Secretary of State showing the day and hour of service.

609 (2) Notice of service and a copy of the process must ~~shall~~

577-02515-22

20221062c2

610 be sent forthwith by the party effectuating service or by such
611 party's attorney by registered mail; by ~~registered or~~ certified
612 mail, return receipt requested; or by use of a commercial firm
613 regularly engaged in the business of document or package
614 delivery. In addition, if the parties have recently and
615 regularly used e-mail or other electronic means to communicate
616 between themselves, the notice of service and a copy of the
617 process must be sent by such electronic means or, if the party
618 is being served by substituted service, the notice of service
619 and a copy of the process must be served at such party's last
620 known physical address and, if applicable, last known electronic
621 address. The party effectuating service shall file proof of
622 service or return receipts showing delivery to the other party
623 by mail or courier and by electronic means, if electronic means
624 were used, unless the party is actively refusing or rejecting
625 the delivery of the notice. An ~~by the plaintiff or his or her~~
626 attorney to the defendant, and the defendant's return receipt
627 and the affidavit of compliance of the party effectuating
628 service ~~plaintiff or such party's his or her~~ attorney must ~~of~~
629 ~~compliance~~ shall be filed within 40 days after on or before the
630 date ~~return day~~ of service on the Secretary of State ~~process~~ or
631 within such additional time as the court allows. The affidavit
632 of compliance must set forth the facts that justify substituted
633 service under this section and that show due diligence was
634 exercised in attempting to locate and effectuate personal
635 service on the party before using substituted service under this
636 section. The party effectuating service does not need to allege
637 in its original or amended complaint the facts required to be
638 set forth in the affidavit of compliance.

577-02515-22

20221062c2

639 (3) When an individual or a business entity conceals its
640 whereabouts, the party seeking to effectuate service, after
641 exercising due diligence to locate and effectuate personal
642 service, may use substituted service pursuant to subsection (1)
643 in connection with any action in which the court has
644 jurisdiction over such individual or business entity. The party
645 seeking to effectuate service must also comply with subsection
646 (2); however, a return receipt or other proof showing acceptance
647 of receipt of the notice of service and a, ~~or the notice and~~
648 copy of the ~~shall be served on the defendant, if found within~~
649 the state, by an officer authorized to serve legal process by
650 the concealed party need not be filed, or if found without the
651 state, by a sheriff or a deputy sheriff of any county of this
652 state or any duly constituted public officer qualified to serve
653 like process in the state or jurisdiction where the defendant is
654 found. The officer's return showing service shall be filed on or
655 before the return day of the process or within such time as the
656 court allows. The fee paid by the plaintiff to the public
657 officer shall be taxed as cost if he or she prevails in the
658 action. The public officer shall keep a record of all process
659 served on him or her showing the day and hour of service.

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

662 (a) Made diligent inquiry and exerted an honest and
663 conscientious effort appropriate to the circumstances to acquire
664 the information necessary to effectuate personal service;

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

577-02515-22

20221062c2

668 (c) Made an appropriate number of attempts to serve the
669 party, taking into account the particular circumstances, during
670 such times when and where such party is reasonably likely to be
671 found, as determined through resources reasonably available to
672 the party seeking to secure service of process.

673 (5)~~(2)~~ If any individual ~~person~~ on whom service of process
674 is authorized under subsection (1) dies, service may be made in
675 the same manner on his or her administrator, executor, curator,
676 or personal representative ~~in the same manner~~.

677 (9)~~(3)~~ This section does not apply to persons on whom
678 service is authorized under s. 48.151.

679 (6)~~(4)~~ The Secretary of State ~~public officer~~ may designate
680 an individual ~~some other person~~ in his or her office to accept
681 service.

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

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

687 Section 12. Section 48.181, Florida Statutes, is amended to
688 read:

689 48.181 Substituted service on nonresidents and foreign
690 business entities ~~nonresident~~ engaging in business in state or
691 concealing their whereabouts.-

692 (1) As used in this section, the term "foreign business
693 entity" means any corporation or other business entity that is
694 incorporated, formed, or existing under the laws of any other
695 state, territory, or commonwealth, or the laws of any foreign
696 country.

577-02515-22

20221062c2

697 (2) The acceptance by any individual ~~person or persons,~~
698 ~~individually or associated together as a copartnership or any~~
699 ~~other form or type of association,~~ who is a resident ~~are~~
700 ~~residents~~ of any other state, territory, or commonwealth, or of
701 any foreign ~~or~~ country, or by any foreign business entity ~~and~~
702 ~~all foreign corporations,~~ and any person who ~~is a resident of~~
703 ~~the state and who subsequently becomes a nonresident of the~~
704 ~~state or conceals his or her whereabouts,~~ of the privilege
705 extended by law to nonresidents ~~and others~~ to operate, conduct,
706 engage in, or carry on a business or business venture in this
707 ~~the~~ state, or to have an office or agency in this ~~the~~ state, is
708 deemed to constitute ~~constitutes~~ an appointment by the
709 individual or persons ~~and foreign business entity~~ corporations
710 of the Secretary of State of this ~~the~~ state as its ~~their~~ agent
711 on whom ~~all~~ process in any action or proceeding against the
712 individual or foreign business entity ~~them,~~ or any combination
713 thereof ~~of them,~~ arising out of any transaction or operation
714 connected with or incidental to the business or business venture
715 may be served as substituted service in accordance with this
716 chapter. The acceptance of the privilege is signification of the
717 agreement of the respective individual or persons ~~and foreign~~
718 business entity ~~corporations~~ that the process served against it
719 in accordance with this chapter ~~them which is so served~~ is of
720 the same validity as if served personally on the individual
721 ~~persons~~ or foreign business entity corporations.

722 (3) ~~(2)~~ If a foreign business entity ~~corporation~~ has
723 registered to do business ~~a resident agent or officer~~ in this
724 ~~the~~ state and has maintained its registration in an active
725 status or otherwise continued to have a registered agent,

577-02515-22

20221062c2

726 personal service of process must first ~~shall~~ be attempted served
727 on the foreign business entity in the manner and order of
728 priority described in this chapter as applicable to the foreign
729 business entity. If, after due diligence, the party seeking to
730 effectuate service of process is unable to effectuate service of
731 process on the registered agent or other official as provided in
732 this chapter, the party may use substituted service of process
733 on the Secretary of State ~~resident agent or officer.~~

734 (4) Any individual or foreign business entity that conceals
735 its whereabouts is deemed to have appointed the Secretary of
736 State as its agent on whom all process may be served, in any
737 action or proceeding against it, or any combination thereof,
738 arising out of any transaction or operation connected with or
739 incidental to any business or business venture carried on in
740 this state by such individual or foreign business entity.

741 (5) ~~(3)~~ Any individual or foreign business entity that
742 person, firm, or corporation which sells, consigns, or leases by
743 any means whatsoever tangible or intangible personal property,
744 through brokers, jobbers, wholesalers, or distributors to any
745 individual person, firm, or corporation, or other business
746 entity in this state is conclusively presumed to be both engaged
747 in substantial and not isolated activities within this state and
748 operating, conducting, engaging in, or carrying on a business or
749 business venture in this state.

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

752 Section 13. Section 48.184, Florida Statutes, is created to
753 read:

754 48.184 Service of process for removal of unknown parties in

577-02515-22

20221062c2

755 possession.-

756 (1) This section applies only to actions governed by s.
757 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent
758 that such actions seek relief for the removal of unknown parties
759 in possession of real property. The provisions of this section
760 are cumulative to other provisions of law or rules of court
761 about service of process, and all other such provisions are
762 cumulative to this section.

763 (2) A summons must be issued in the name of "Unknown Party
764 in Possession" when the name of an occupant of real property is
765 not known to the plaintiff and the property occupied by the
766 unknown party is identified in the complaint and summons. A
767 separate summons must be issued for each such unknown occupant.

768 (3) The plaintiff shall attempt to serve the summons on any
769 unknown occupant of the property described in the summons and
770 complaint. If service on the unknown occupant is not effectuated
771 on the first attempt, at least two additional attempts must be
772 made. The three attempts to obtain service must be made once
773 during business hours, once during nonbusiness hours, and once
774 during a weekend. The process server shall make an inquiry as to
775 the name of the unknown occupant at the time of service. The
776 return of service must note the name of the occupant if obtained
777 by the process server or state that the name of the occupant
778 could not be obtained after inquiry. If the name of the occupant
779 becomes known to the plaintiff through the return of service or
780 otherwise, without notice or hearing thereon, all subsequent
781 proceedings must be conducted under the true name of such
782 occupant and all prior proceedings are deemed amended
783 accordingly.

577-02515-22

20221062c2

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

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

788 (b) Upon issuance of the summons, by the plaintiff
789 providing the clerk of the court with one additional copy of the
790 summons and complaint for each unknown occupant and a prestamped
791 envelope for each unknown occupant addressed to the unknown
792 occupant at the address of the premises involved in the
793 proceedings. The clerk of the court shall immediately mail a
794 copy of the summons and complaint by first-class mail, note the
795 fact of mailing in the docket, and file a certificate in the
796 court file of the fact and date of mailing. The clerk of the
797 court shall charge such fees for such services as provided by
798 law.

799 (5) Service is effective on the unknown occupant in
800 possession on the later of the date that personal service is
801 made, the date of attaching the summons and complaint to a
802 conspicuous location on the premises, or upon mailing by the
803 clerk.

804 (6) The judgment and writ of possession must refer to any
805 unknown occupant in possession by name if the name is shown on
806 the return of service or is otherwise known to the plaintiff. If
807 the name of any unknown occupant in possession is not shown on
808 the return of service or otherwise known to the plaintiff and
809 service has been effectuated as provided in this section, the
810 judgment and writ of possession must refer to each such person
811 as "Unknown Party in Possession," and the writ of possession
812 must be executed by the sheriff by dispossessing the occupants

577-02515-22

20221062c2

813 and placing the plaintiff in possession of the property.

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

816 48.194 Personal service in another ~~outside~~ state,
817 territory, or commonwealth of the United States.—

818 (1) Except as otherwise provided herein, service of process
819 on a party in another ~~persons outside of this state, territory,~~
820 or commonwealth of the United States must ~~shall~~ be made in the
821 same manner as service within this state by any person
822 authorized to serve process in the state where service shall be
823 made ~~the person is served~~. No order of court is required. A
824 ~~court may consider the~~ return-of-service form described in s.
825 48.21, or any other competent evidence, must be filed with the
826 court stating the time, manner, and place of service. The court
827 may consider such evidence in determining whether service has
828 been properly made. ~~Service of process on persons outside the~~
829 ~~United States may be required to conform to the provisions of~~
830 ~~the Hague Convention on the Service Abroad of Judicial and~~
831 ~~Extrajudicial Documents in Civil or Commercial Matters.~~

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

838 (a) The party's attorney or the party, if the party is not
839 represented by an attorney, shall place a copy of the original
840 process and the complaint, petition, or other initial pleading
841 or paper and, if applicable, the order to show cause issued

577-02515-22

20221062c2

842 pursuant to s. 702.10 in a sealed envelope with adequate postage
843 addressed to the person to be served.

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

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

849 Section 15. Section 48.197, Florida Statutes, is created to
850 read:

851 48.197 Service in a foreign country.-

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

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

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

864 1. As prescribed by the foreign country's law for service
865 in that country in an action in its courts of general
866 jurisdiction;

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

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

870 a. If serving an individual, delivering a copy of the

577-02515-22

20221062c2

871 summons and of the complaint to the individual personally; or
872 b. Using any form of mail that the clerk addresses and
873 sends to the party and which requires a signed receipt.

874 (c) Pursuant to motion and order by the court, by other
875 means, including electronically by e-mail or other technology,
876 which the party seeking service shows is reasonably calculated
877 to give actual notice of the proceedings and is not prohibited
878 by international agreement, as the court orders.

879 (2) Service of process may be effectuated in a foreign
880 country upon a minor or an incompetent person in the manner
881 prescribed by subparagraph (1) (b)1., subparagraph (1) (b)2., or
882 paragraph (1) (c).

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

885 49.011 Service of process by publication; cases in which
886 allowed.—Service of process by publication may be made in any
887 court on any party identified in s. 49.021 in any action or
888 proceeding:

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

890 (a) The legal father in a paternity action in which another
891 man is alleged to be the biological father, in which case it is
892 necessary to serve process on the legal father in order to
893 establish paternity with regard to the alleged biological
894 father; or

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

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

899 766.106 Notice before filing action for medical negligence;

577-02515-22

20221062c2

900 presuit screening period; offers for admission of liability and
901 for arbitration; informal discovery; review.—

902 (2) PRESUIT NOTICE.—

903 (a) After completion of presuit investigation pursuant to
904 s. 766.203(2) and before ~~prior to~~ filing a complaint for medical
905 negligence, a claimant shall notify each prospective defendant
906 of intent to initiate litigation for medical negligence by at
907 least one of the following verifiable means:

908 1. United States Postal Service certified mail, return
909 receipt requested;

910 2. United States Postal Service mail with a tracking
911 number;

912 3. An interstate commercial mail carrier or delivery
913 service; or

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

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

920 2. If service is challenged during subsequent litigation,
921 the court must conduct an evidentiary hearing to determine
922 whether the prospective defendant or a person legally related to
923 the prospective defendant was provided notice pursuant to this
924 subsection and, if so, the date of such service. If service is
925 challenged under this subparagraph, it must be challenged in the
926 first response to the complaint, and if:

927 a. The court determines that service was properly made at
928 the prospective defendant's address as listed on the state

577-02515-22

20221062c2

929 licensing agency website or an address on file with the
930 Secretary of State; and

931 b. The prospective defendant proves by the greater weight
932 of the evidence that neither the prospective defendant nor a
933 person legally related to the prospective defendant at the time
934 of service knew or should have known of the service,

935
936 the court must stay the case for a presuit investigation period
937 pursuant to s. 766.106, and the statute of limitations and
938 statute of repose must be tolled from the time service was
939 properly made at the prospective defendant's address as listed
940 on the state licensing agency website or an address on file with
941 the Secretary of State. The tolling shall end at the conclusion
942 of the presuit investigation period provided for in this
943 subsection, and the stay of litigation shall automatically end
944 at the conclusion of the presuit investigation period by
945 ~~certified mail, return receipt requested, of intent to initiate~~
946 ~~litigation for medical negligence.~~

947 (c) Notice to each prospective defendant must include, if
948 available, a list of all known health care providers seen by the
949 claimant for the injuries complained of subsequent to the
950 alleged act of negligence, all known health care providers
951 during the 2-year period before ~~prior to~~ the alleged act of
952 negligence who treated or evaluated the claimant, copies of all
953 of the medical records relied upon by the expert in signing the
954 affidavit, and the executed authorization form provided in s.
955 766.1065.

956 (d) ~~(b)~~ Following the initiation of a suit alleging medical
957 negligence with a court of competent jurisdiction, and service

577-02515-22

20221062c2

958 of the complaint upon a prospective defendant, the claimant
959 shall provide a copy of the complaint to the Department of
960 Health and, if the complaint involves a facility licensed under
961 chapter 395, the Agency for Health Care Administration. The
962 requirement of providing the complaint to the Department of
963 Health or the Agency for Health Care Administration does not
964 impair the claimant's legal rights or ability to seek relief for
965 his or her claim. The Department of Health or the Agency for
966 Health Care Administration shall review each incident that is
967 the subject of the complaint and determine whether it involved
968 conduct by a licensee which is potentially subject to
969 disciplinary action, in which case, for a licensed health care
970 practitioner, ~~the provisions of s. 456.073 applies~~ apply and,
971 for a licensed facility, ~~the provisions of part I of chapter 395~~
972 applies ~~apply~~.

973 (3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

974 (a) A ~~ne~~ suit may not be filed for a period of 90 days
975 after notice is delivered ~~mailed~~ to any prospective defendant.
976 During the 90-day period, the prospective defendant or the
977 prospective defendant's insurer or self-insurer shall conduct a
978 review as provided in s. 766.203(3) to determine the liability
979 of the prospective defendant. Each insurer or self-insurer shall
980 have a procedure for the prompt investigation, review, and
981 evaluation of claims during the 90-day period. This procedure
982 must ~~shall~~ include one or more of the following:

- 983 1. Internal review by a duly qualified claims adjuster;
984 2. Creation of a panel comprised of an attorney
985 knowledgeable in the prosecution or defense of medical
986 negligence actions, a health care provider trained in the same

577-02515-22

20221062c2

987 or similar medical specialty as the prospective defendant, and a
988 duly qualified claims adjuster;

989 3. A contractual agreement with a state or local
990 professional society of health care providers, which maintains a
991 medical review committee; or

992 4. Any other similar procedure which fairly and promptly
993 evaluates the pending claim.

994

995 Each insurer or self-insurer shall investigate the claim in good
996 faith, and both the claimant and prospective defendant shall
997 cooperate with the insurer in good faith. If the insurer
998 requires, a claimant must ~~shall~~ appear before a pretrial
999 screening panel or before a medical review committee and shall
1000 submit to a physical examination, if required. Unreasonable
1001 failure of any party to comply with this section justifies
1002 dismissal of claims or defenses. There shall be no civil
1003 liability for participation in a pretrial screening procedure if
1004 done without intentional fraud.

1005 (4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of
1006 intent to initiate litigation must ~~shall~~ be served within the
1007 time limits set forth in s. 95.11. However, upon mailing of the
1008 notice of intent to initiate litigation, as provided in
1009 subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph
1010 (2)(a)3., and during the 90-day period provided in subsection
1011 (3), the statute of limitations is tolled as to all prospective
1012 potential defendants. If the notice of intent to initiate
1013 litigation is served by a process server as provided in
1014 subparagraph (2)(a)4., the statute of limitations is tolled upon
1015 the process server's first attempt to serve the prospective

577-02515-22

20221062c2

1016 defendant and continues during the 90-day period as to all
1017 prospective defendants. Upon stipulation by the parties, the 90-
1018 day period may be extended and the statute of limitations is
1019 tolled during any such extension. Upon receiving notice of
1020 termination of negotiations in an extended period, the claimant
1021 shall have 60 days or the remainder of the period of the statute
1022 of limitations, whichever is greater, within which to file suit.
1023 As used in this section, the terms "prospective" and "potential"
1024 are interchangeable.

1025 Section 18. Section 495.145, Florida Statutes, is amended
1026 to read:

1027 495.145 Forum for actions regarding registration.—An action
1028 seeking cancellation of a registration of a mark registered
1029 under this chapter may be brought in any court of competent
1030 jurisdiction in this state. Service of process on a nonresident
1031 registrant may be made in accordance with ss. 48.161 and 48.181
1032 ~~s. 48.181~~. The department may ~~shall~~ not be made a party to
1033 cancellation proceedings.

1034 Section 19. Section 605.0117, Florida Statutes, is amended
1035 to read:

1036 605.0117 Serving ~~Service of~~ process, giving notice, or
1037 making a demand.—

1038 (1) Process against a limited liability company or
1039 registered foreign limited liability company may be served in
1040 accordance with s. 48.062 and chapter 48 or chapter 49 ~~with~~
1041 ~~process required or authorized by law by serving on its~~
1042 ~~registered agent.~~

1043 (2) ~~If a limited liability company or registered foreign~~
1044 ~~limited liability company ceases to have a registered agent or~~

577-02515-22

20221062c2

1045 ~~if its registered agent cannot with reasonable diligence be~~
1046 ~~served, the process required or permitted by law may instead be~~
1047 ~~served:~~

1048 ~~(a) On a member of a member-managed limited liability~~
1049 ~~company or registered foreign limited liability company; or~~

1050 ~~(b) On a manager of a manager-managed limited liability~~
1051 ~~company or registered foreign limited liability company.~~

1052 ~~(3) If the process cannot be served on a limited liability~~
1053 ~~company or registered foreign limited liability company pursuant~~
1054 ~~to subsection (1) or subsection (2), the process may be served~~
1055 ~~on the secretary of state as an agent of the company.~~

1056 ~~(4) Service of process on the secretary of state may be~~
1057 ~~made by delivering to and leaving with the department duplicate~~
1058 ~~copies of the process.~~

1059 ~~(5) Service is effectuated under subsection (3) on the date~~
1060 ~~shown as received by the department.~~

1061 ~~(6) The department shall keep a record of each process~~
1062 ~~served pursuant to this section and record the time of and the~~
1063 ~~action taken regarding the service.~~

1064 ~~(7) Any notice or demand on a limited liability company or~~
1065 ~~registered foreign limited liability company under this chapter~~
1066 ~~may be given or made to any member of a member-managed limited~~
1067 ~~liability company or registered foreign limited liability~~
1068 ~~company or to any manager of a manager-managed limited liability~~
1069 ~~company or registered foreign limited liability company; to the~~
1070 ~~registered agent of the limited liability company or registered~~
1071 ~~foreign limited liability company at the registered office of~~
1072 ~~the limited liability company or registered foreign limited~~
1073 ~~liability company in this state; or to any other address in this~~

577-02515-22

20221062c2

1074 state which ~~that~~ is in fact the principal office of the limited
1075 liability company or registered foreign limited liability
1076 company in this state.

1077 (3) A registered series of a foreign series limited
1078 liability company may be served in the same manner as a
1079 registered limited liability company.

1080 (4) ~~(8)~~ This section does not affect the right to serve
1081 process, give notice, or make a demand in any other manner
1082 provided by law.

1083 Section 20. Subsection (1) of section 605.09091, Florida
1084 Statutes, is amended to read:

1085 605.09091 Judicial review of denial of reinstatement.—

1086 (1) If the department denies a foreign limited liability
1087 company's application for reinstatement after revocation of its
1088 certificate of authority, the department must ~~shall~~ serve the
1089 foreign limited liability company, pursuant to s. 605.0117(2) ~~s.~~
1090 ~~605.0117(7)~~, with a written notice that explains the reason or
1091 reasons for the denial.

1092 Section 21. Paragraphs (f) and (g) of subsection (1) and
1093 subsection (2) of section 605.0910, Florida Statutes, are
1094 amended to read:

1095 605.0910 Withdrawal and cancellation of certificate of
1096 authority.—

1097 (1) To cancel its certificate of authority to transact
1098 business in this state, a foreign limited liability company must
1099 deliver to the department for filing a notice of withdrawal of
1100 certificate of authority. The certificate of authority is
1101 canceled when the notice becomes effective pursuant to s.
1102 605.0207. The notice of withdrawal of certificate of authority

577-02515-22

20221062c2

1103 must be signed by an authorized representative and state the
1104 following:

1105 (f) A mailing address and an e-mail address to which a
1106 party seeking to effectuate service of process ~~the department~~
1107 may send mail a copy of any process served on the Secretary of
1108 State under paragraph (e).

1109 (g) A commitment to notify the department in the future of
1110 any change in its mailing address or e-mail address.

1111 (2) After the withdrawal of the foreign limited liability
1112 company is effective, service of process on the Secretary of
1113 State using the procedures set forth in s. 48.161 ~~under this~~
1114 ~~section~~ is service on the foreign limited liability company.
1115 ~~Upon receipt of the process, the department shall mail a copy of~~
1116 ~~the process to the foreign limited liability company at the~~
1117 ~~mailing address set forth under paragraph (1)(f).~~

1118 Section 22. Paragraph (f) of subsection (2) of section
1119 605.1045, Florida Statutes, is amended to read:

1120 605.1045 Articles of conversion.—

1121 (2) The articles of conversion must contain the following:

1122 (f) If the converted entity is a foreign entity that does
1123 not have a certificate of authority to transact business in this
1124 state, a mailing address and an e-mail address to which a party
1125 seeking to effectuate service of process ~~the department~~ may send
1126 any process served on the Secretary of State ~~department~~ pursuant
1127 to s. 605.0117 and chapter 48.

1128 Section 23. Section 607.0504, Florida Statutes, is amended
1129 to read:

1130 607.0504 Serving ~~Service of~~ process, giving notice, or
1131 making a demand on a corporation.—

577-02515-22

20221062c2

1132 (1) A corporation may be served with process required or
1133 authorized by law in accordance with s. 48.081 and chapter 48 or
1134 chapter 49 ~~by serving on its registered agent.~~

1135 ~~(2) If a corporation ceases to have a registered agent or~~
1136 ~~if its registered agent cannot with reasonable diligence be~~
1137 ~~served, the process required or permitted by law may instead be~~
1138 ~~served on the chair of the board, the president, any vice~~
1139 ~~president, the secretary, or the treasurer of the corporation at~~
1140 ~~the principal office of the corporation in this state.~~

1141 ~~(3) If the process cannot be served on a corporation~~
1142 ~~pursuant to subsection (1) or subsection (2), the process may be~~
1143 ~~served on the secretary of state as an agent of the corporation.~~

1144 ~~(4) Service of process on the secretary of state shall be~~
1145 ~~made by delivering to and leaving with the department duplicate~~
1146 ~~copies of the process.~~

1147 ~~(5) Service is effectuated under subsection (3) on the date~~
1148 ~~shown as received by the department.~~

1149 ~~(6) The department shall keep a record of each process~~
1150 ~~served on the secretary of state pursuant to this subsection and~~
1151 ~~record the time of and the action taken regarding the service.~~

1152 ~~(7) Any notice or demand on a corporation under this~~
1153 ~~chapter may be given or made to the chair of the board, the~~
1154 ~~president, any vice president, the secretary, or the treasurer~~
1155 ~~of the corporation; to the registered agent of the corporation~~
1156 ~~at the registered office of the corporation in this state; or to~~
1157 ~~any other address in this state which ~~that~~ is in fact the~~
1158 ~~principal office of the corporation in this state.~~

1159 ~~(3)~~(3) ~~(8)~~ This section does not affect the right to serve
1160 process, give notice, or make a demand in any other manner

577-02515-22

20221062c2

1161 provided by law.

1162 Section 24. Subsection (1) of section 607.1423, Florida
1163 Statutes, is amended to read:

1164 607.1423 Judicial review of denial of reinstatement.—

1165 (1) If the department denies a corporation's application
1166 for reinstatement after administrative dissolution, the
1167 department must ~~shall~~ serve the corporation under either s.
1168 607.0504(1) ~~or (2)~~ with a written notice that explains the
1169 reason or reasons for denial.

1170 Section 25. Section 607.15101, Florida Statutes, is amended
1171 to read:

1172 607.15101 Serving Service ~~of process, giving~~ notice, or
1173 making a demand on a foreign corporation.—

1174 (1) A foreign corporation may be served with process
1175 required or authorized by law in accordance with s. 48.081 and
1176 chapter 48 or chapter 49 ~~by serving on its registered agent.~~

1177 (2) ~~If a foreign corporation ceases to have a registered~~
1178 ~~agent or if its registered agent cannot with reasonable~~
1179 ~~diligence be served, the process required or permitted by law~~
1180 ~~may instead be served on the chair of the board, the president,~~
1181 ~~any vice president, the secretary, or the treasurer of the~~
1182 ~~foreign corporation at the principal office of the foreign~~
1183 ~~corporation in this state.~~

1184 (3) ~~If the process cannot be served on a foreign~~
1185 ~~corporation pursuant to subsection (1) or subsection (2), the~~
1186 ~~process may be served on the secretary of state as an agent of~~
1187 ~~the foreign corporation.~~

1188 (4) ~~Service of process on the secretary of state may be~~
1189 ~~made by delivering to and leaving with the department duplicate~~

577-02515-22

20221062c2

1190 ~~copies of the process.~~

1191 ~~(5) Service is effectuated under subsection (3) on the date~~
1192 ~~shown as received by the department.~~

1193 ~~(6) The department shall keep a record of each process~~
1194 ~~served on the secretary of state pursuant to this section and~~
1195 ~~record the time of and the action taken regarding the service.~~

1196 ~~(7)~~ Any notice or demand on a foreign corporation under
1197 this chapter may be given or made to the chair of the board,
1198 the president, any vice president, the secretary, or the
1199 treasurer of the foreign corporation; to the registered agent of
1200 the foreign corporation at the registered office of the foreign
1201 corporation in this state; or to any other address in this state
1202 which ~~that~~ is in fact the principal office of the foreign
1203 corporation in this state.

1204 (3) ~~(8)~~ This section does not affect the right to serve
1205 process, give notice, or make a demand in any other manner
1206 provided by law.

1207 Section 26. Paragraphs (f) and (g) of subsection (1) and
1208 subsection (2) of section 607.1520, Florida Statutes, are
1209 amended to read:

1210 607.1520 Withdrawal and cancellation of certificate of
1211 authority for foreign corporation.—

1212 (1) To cancel its certificate of authority to transact
1213 business in this state, a foreign corporation must deliver to
1214 the department for filing a notice of withdrawal of certificate
1215 of authority. The certificate of authority is canceled when the
1216 notice of withdrawal becomes effective pursuant to s. 607.0123.
1217 The notice of withdrawal of certificate of authority must be
1218 signed by an officer or director and state the following:

577-02515-22

20221062c2

1219 (f) A mailing address and an e-mail address to which a
1220 party seeking to effectuate service of process ~~the secretary of~~
1221 ~~state may send mail~~ a copy of any process served on the
1222 Secretary of State under paragraph (e).

1223 (g) A commitment to notify the department in the future of
1224 any change in its mailing address or e-mail address.

1225 (2) After the withdrawal of the foreign corporation is
1226 effective, service of process on the Secretary of State using
1227 the procedures in s. 48.161 ~~under this section~~ is service on the
1228 foreign corporation. ~~Upon receipt of the process, the secretary~~
1229 ~~of state shall mail a copy of the process to the foreign~~
1230 ~~corporation at the mailing address set forth under paragraph~~
1231 ~~(1)(f).~~

1232 Section 27. Subsections (1) and (3) of section 617.0504,
1233 Florida Statutes, are amended to read:

1234 617.0504 Serving ~~Service of~~ process, giving notice, or
1235 making a demand on a corporation.—

1236 (1) Process against any corporation may be served in
1237 accordance with s. 48.081 and chapter 48 or chapter 49.

1238 (3) This section does not prescribe the only means, or
1239 necessarily the required means, of serving process, giving
1240 notice, or making a demand on a corporation.

1241 Section 28. Section 617.1510, Florida Statutes, is amended
1242 to read:

1243 617.1510 Serving ~~Service of~~ process, giving notice, or
1244 making a demand on a foreign corporation.—

1245 (1) Process against a foreign corporation may be served in
1246 accordance with s. 48.081 and chapter 48 or chapter 49 ~~The~~
1247 ~~registered agent of a foreign corporation authorized to conduct~~

577-02515-22

20221062c2

1248 ~~its affairs in this state is the corporation's agent for service~~
1249 ~~of process, notice, or demand required or permitted by law to be~~
1250 ~~served on the foreign corporation.~~

1251 ~~(2) A foreign corporation may be served by registered or~~
1252 ~~certified mail, return receipt requested, addressed to the~~
1253 ~~secretary of the foreign corporation at its principal office~~
1254 ~~shown in its application for a certificate of authority or in~~
1255 ~~its most recent annual report if the foreign corporation:~~

1256 ~~(a) Has no registered agent or its registered agent cannot~~
1257 ~~with reasonable diligence be served;~~

1258 ~~(b) Has withdrawn from conducting its affairs in this state~~
1259 ~~under s. 617.1520; or~~

1260 ~~(c) Has had its certificate of authority revoked under s.~~
1261 ~~617.1531.~~

1262 ~~(3) Service is perfected under subsection (2) at the~~
1263 ~~earliest of:~~

1264 ~~(a) The date the foreign corporation receives the mail;~~

1265 ~~(b) The date shown on the return receipt, if signed on~~
1266 ~~behalf of the foreign corporation; or~~

1267 ~~(c) Five days after its deposit in the United States mail,~~
1268 ~~as evidenced by the postmark, if mailed postpaid and correctly~~
1269 ~~addressed.~~

1270 ~~(4) This section does not prescribe the only means, or~~
1271 ~~necessarily the required means, of serving a foreign~~
1272 ~~corporation. Process against any foreign corporation may also be~~
1273 ~~served in accordance with chapter 48 or chapter 49.~~

1274 ~~(5) Any notice to or demand on a foreign corporation made~~
1275 ~~pursuant to this act may be made in accordance with the~~
1276 ~~procedures for notice to or demand on domestic corporations~~

577-02515-22

20221062c2

1277 under s. 617.0504.

1278 Section 29. Subsections (2) and (3) of section 617.1520,
1279 Florida Statutes, are amended to read:

1280 617.1520 Withdrawal of foreign corporation.—

1281 (2) A foreign corporation authorized to conduct its affairs
1282 in this state may apply for a certificate of withdrawal by
1283 delivering an application to the Department of State for filing.
1284 The application must ~~shall~~ be made on forms prescribed and
1285 furnished by the Department of State and must ~~shall~~ set forth
1286 all of the following:

1287 (a) The name of the foreign corporation and the
1288 jurisdiction under the law under ~~of~~ which it is incorporated.†

1289 (b) That it is not conducting its affairs in this state and
1290 that it surrenders its authority to conduct its affairs in this
1291 state.†

1292 (c) That it revokes the authority of its registered agent
1293 to accept service on its behalf and appoints the Secretary of
1294 State ~~Department of State~~ as its agent for service of process
1295 based on a cause of action arising during the time it was
1296 authorized to conduct its affairs in this state.†

1297 (d) A mailing address and an e-mail address to which a
1298 party seeking to effectuate service of process ~~the Department of~~
1299 ~~State~~ may send mail a copy of any process served on it under
1300 paragraph (c).† ~~and~~

1301 (e) A commitment to notify the Department of State in the
1302 future of any change in its mailing address or e-mail address.

1303 (3) After the withdrawal of the corporation is effective,
1304 service of process in accordance with s. 48.161 ~~on the~~
1305 ~~Department of State under this section~~ is service on the foreign

577-02515-22

20221062c2

1306 corporation. ~~Upon receipt of the process, the Department of~~
1307 ~~State shall mail a copy of the process to the foreign~~
1308 ~~corporation at the mailing address set forth under subsection~~
1309 ~~(2).~~

1310 Section 30. Section 620.1117, Florida Statutes, is amended
1311 to read:

1312 620.1117 Serving Service of process, giving notice, or
1313 making a demand on a limited partnership or a foreign limited
1314 partnership.-

1315 (1) Service of process on a limited partnership or foreign
1316 limited partnership must be made in accordance with s. 48.061
1317 and chapter 48 or chapter 49 ~~A registered agent appointed by a~~
1318 ~~limited partnership or foreign limited partnership is an agent~~
1319 ~~of the limited partnership or foreign limited partnership for~~
1320 ~~service of any process, notice, or demand required or permitted~~
1321 ~~by law to be served upon the limited partnership or foreign~~
1322 ~~limited partnership.~~

1323 (2) Any notice or demand on a limited partnership or
1324 foreign limited partnership under this chapter may be given or
1325 made to any general partner of the limited partnership or
1326 foreign limited partnership, to the registered agent of the
1327 limited partnership or foreign limited partnership at the
1328 registered office in this state, or to any other address in this
1329 state which is in fact the principal office of the limited
1330 partnership or foreign limited partnership in this state ~~If a~~
1331 ~~limited partnership or foreign limited partnership does not~~
1332 ~~appoint or maintain a registered agent in this state or the~~
1333 ~~registered agent cannot with reasonable diligence be found at~~
1334 ~~the address of the registered office, the Department of State~~

577-02515-22

20221062c2

1335 shall be an agent of the limited partnership or foreign limited
1336 partnership upon whom process, notice, or demand may be served.

1337 (3) ~~Service of any process, notice, or demand on the~~
1338 ~~Department of State may be made by delivering to and leaving~~
1339 ~~with the Department of State duplicate copies of the process,~~
1340 ~~notice, or demand.~~

1341 (4) ~~Service is effected under subsection (3) upon the date~~
1342 ~~shown as having been received by the Department of State.~~

1343 (5) ~~The Department of State shall keep a record of each~~
1344 ~~process, notice, and demand served pursuant to this section and~~
1345 ~~record the time of, and the action taken regarding, the service.~~

1346 (6) This section does not affect the right to serve
1347 process, give notice, or make a demand in any other manner
1348 provided by law.

1349 Section 31. Subsection (5) of section 620.1907, Florida
1350 Statutes, is amended to read:

1351 620.1907 Cancellation of certificate of authority; effect
1352 of failure to have certificate.—

1353 (5) If a foreign limited partnership transacts business in
1354 this state without a certificate of authority or cancels its
1355 certificate of authority, it may be served under s. 48.061(5)(b)
1356 ~~the foreign limited partnership shall appoint the Department of~~
1357 ~~State as its agent for service of process for rights of action~~
1358 ~~arising out of the transaction of business in this state.~~

1359 Section 32. Subsections (3) and (4) of section 620.2105,
1360 Florida Statutes, are amended to read:

1361 620.2105 Effect of conversion.—

1362 (3) A converted organization that is a foreign organization
1363 consents to the jurisdiction of the courts of this state to

577-02515-22

20221062c2

1364 enforce any obligation owed by the converting limited
1365 partnership, if before the conversion the converting limited
1366 partnership was subject to suit in this state on the obligation.
1367 A converted organization that is a foreign organization and not
1368 authorized to transact business in this state appoints the
1369 Secretary of State ~~Department of State~~ as its agent for service
1370 of process for purposes of enforcing an obligation under this
1371 subsection and any appraisal rights of limited partners under
1372 ss. 620.2113-620.2124 to the extent applicable to the
1373 conversion. Service on the Secretary of State ~~Department of~~
1374 ~~State~~ under this subsection is made in the same manner and with
1375 the same consequences as in ss. 48.161 and 620.1117 ~~§~~
1376 ~~620.1117(3) and (4)~~.

1377 (4) A copy of the statement of conversion, certified by the
1378 Secretary of State ~~Department of State~~, may be filed in any
1379 county of this state in which the converting organization holds
1380 an interest in real property.

1381 Section 33. Subsection (2) of section 620.2109, Florida
1382 Statutes, is amended to read:

1383 620.2109 Effect of merger.—

1384 (2) A surviving organization that is a foreign organization
1385 consents to the jurisdiction of the courts of this state to
1386 enforce any obligation owed by a constituent organization, if
1387 before the merger the constituent organization was subject to
1388 suit in this state on the obligation. A surviving organization
1389 that is a foreign organization and not authorized to transact
1390 business in this state shall appoint the Secretary of State
1391 ~~Department of State~~ as its agent for service of process for the
1392 purposes of enforcing an obligation under this subsection and

577-02515-22

20221062c2

1393 any appraisal rights of limited partners under ss. 620.2113-
1394 620.2124 to the extent applicable to the merger. Service on the
1395 Secretary of State ~~Department of State~~ under this subsection is
1396 made in the same manner and with the same consequences as in ss.
1397 48.161 and 620.1117 ~~s. 620.1117(3) and (4)~~.

1398 Section 34. Subsections (3) and (4) of section 620.8915,
1399 Florida Statutes, are amended to read:

1400 620.8915 Effect of conversion.—

1401 (3) A converted organization that is a foreign organization
1402 consents to the jurisdiction of the courts of this state to
1403 enforce any obligation owed by the converting partnership, if
1404 before the conversion the converting partnership was subject to
1405 suit in this state on the obligation. A converted organization
1406 that is a foreign organization and not authorized to transact
1407 business in this state shall appoint the Secretary of State
1408 ~~Department of State~~ as its agent for service of process for
1409 purposes of enforcing an obligation under this subsection.
1410 Service on the Secretary of State ~~Department of State~~ under this
1411 subsection ~~is shall be~~ made in the same manner and with the same
1412 consequences as provided in s. 48.161 ~~s. 48.181~~.

1413 (4) A copy of the certificate of conversion, certified by
1414 the Secretary of State ~~Department of State~~, may be filed in any
1415 county of this state in which the converting organization holds
1416 an interest in real property.

1417 Section 35. Subsection (2) of section 620.8919, Florida
1418 Statutes, is amended to read:

1419 620.8919 Effect of merger.—

1420 (2) A surviving organization that is a foreign organization
1421 consents to the jurisdiction of the courts of this state to

577-02515-22

20221062c2

1422 enforce any obligation owed by a constituent organization, if
1423 before the merger the constituent organization was subject to
1424 suit in this state on the obligation. A surviving organization
1425 that is a foreign organization and not authorized to transact
1426 business in this state shall appoint the Secretary of State
1427 ~~Department of State~~ as its agent for service of process pursuant
1428 to s. 48.161 ~~the provisions of s. 48.181~~.

1429 Section 36. Except as otherwise expressly provided in this
1430 act and except for this section, which shall take effect upon
1431 this act becoming a law, this act shall take effect January 2,
1432 2023.