

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Beltran offered the following:

Amendment (with title amendment)

Remove lines 219-1057 and insert:

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

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

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

(2) ~~Process against~~ A domestic limited liability company~~7~~ ~~domestic~~ or registered foreign limited liability company~~7~~ may be

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17 served with process required or authorized by law by service on
18 its the registered agent designated by the domestic limited
19 liability company or registered foreign limited liability
20 company under chapter 605. ~~A person attempting to serve process~~
21 ~~pursuant to this subsection may serve the process on any~~
22 ~~employee of the registered agent during the first attempt at~~
23 ~~service even if the registered agent is a natural person and is~~
24 ~~temporarily absent from his or her office.~~

25 (3)-(2) If service cannot be made on a registered agent of
26 the domestic limited liability company or registered foreign
27 limited liability company because the domestic limited liability
28 company or registered foreign limited liability company ceases
29 to have a registered agent, or if the registered agent of the
30 domestic limited liability company or registered foreign limited
31 liability company cannot otherwise be served after one good
32 faith attempt because of a failure to comply with this chapter
33 or chapter 605 ~~or because the limited liability company does not~~
34 ~~have a registered agent, or if its registered agent cannot with~~
35 ~~reasonable diligence be served, process against the limited~~
36 ~~liability company, domestic or foreign, the process may be~~
37 ~~served on any of the following:~~

38 (a) Any manager of a manager-managed domestic limited
39 liability company or registered foreign limited liability
40 company. ~~On a member of a member-managed limited liability~~
41 ~~company.~~

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42 (b) Any member of a member-managed domestic limited
43 liability company or registered foreign limited liability
44 company. ~~On a manager of a manager-managed limited liability~~
45 ~~company; or~~

46 (c) Any person listed publicly by the domestic limited
47 liability company or registered foreign limited liability
48 company on its latest annual report, as most recently amended ~~if~~
49 ~~a member or manager is not available during regular business~~
50 ~~hours to accept service on behalf of the limited liability~~
51 ~~company, he, she, or it may designate an employee of the limited~~
52 ~~liability company to accept such service. After one attempt to~~
53 ~~serve a member, manager, or designated employee has been made,~~
54 ~~process may be served on the person in charge of the limited~~
55 ~~liability company during regular business hours.~~

56 ~~(4)-(3)~~ If, after due reasonable diligence, the service of
57 process cannot be completed under subsection (2) and if either:

58 (a) The only person listed publicly by the domestic
59 limited liability company or registered foreign limited
60 liability company on its latest annual report, as most recently
61 amended, is also the registered agent on whom service was
62 attempted under subsection (2); or

63 (b) After due diligence, service was attempted on at least
64 one person listed publicly by the domestic limited liability
65 company or registered foreign limited liability company on its
66 latest annual report, as most recently amended, and cannot be

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67 completed on such person under subsection (3) ~~(1) or subsection~~
68 ~~(2),~~

69
70 the service of process may be served as provided in s. 48.161 on
71 effected by service upon the Secretary of State as an agent of
72 the domestic limited liability company or the registered foreign
73 limited liability company or by order of the court under s.
74 48.102 as provided for in s. 48.181.

75 (5)~~(4)~~ If the address for the registered agent or any
76 person listed publicly by the domestic limited liability company
77 or registered foreign limited liability company on its latest
78 annual report, as most recently amended, member, or manager is a
79 residence, a private mailbox, a virtual office, or an executive
80 office or mini suite, service on the domestic limited liability
81 company or registered foreign limited liability company may be
82 made by serving any of the following:

83 (a) The registered agent of the domestic limited liability
84 company or registered foreign limited liability company, in
85 accordance with s. 48.031.

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

90 (c) Any member or manager of the domestic limited
91 liability company or registered foreign limited liability

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92 company, in accordance with s. 48.031.

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

98 (7)(5) This section does not apply to service of process
99 on insurance companies.

100 Section 4. Section 48.071, Florida Statutes, is amended to
101 read:

102 48.071 Service on agents of nonresidents doing business in
103 the state.—When any natural person or partnership not residing
104 or having a principal place of business in this state engages in
105 business in this state, process may be served on the person who
106 is in charge of any business in which the defendant is engaged
107 within this state at the time of service, including agents
108 soliciting orders for goods, wares, merchandise, or services.
109 Any process so served is as valid as if served personally on the
110 nonresident person or partnership engaging in business in this
111 state in any action against the person or partnership arising
112 out of such business. A copy of such process with a notice of
113 service on the person in charge of such business must ~~shall~~ be
114 sent forthwith to the nonresident person or partnership by
115 registered mail; by ~~or~~ certified mail, return receipt requested;
116 or by use of a commercial firm regularly engaged in the business

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117 of document or package delivery. The party seeking to effectuate
118 service, or the attorney for such party, shall prepare an
119 affidavit of compliance with this section which must ~~shall~~ be
120 filed before the return day or within such further time as the
121 court may allow.

122 Section 5. Section 48.081, Florida Statutes, is amended to
123 read:

124 48.081 Service on a domestic corporation or registered
125 foreign corporation.-

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

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

134 (3) If service cannot be made on a registered agent of the
135 domestic corporation or registered foreign corporation because
136 the domestic corporation or registered foreign corporation
137 ceases to have a registered agent, or if the registered agent of
138 the domestic corporation or registered foreign corporation
139 cannot otherwise be served after one good faith attempt because
140 of a failure to comply with this chapter, chapter 607, or
141 chapter 617, as applicable, the process may be served on either

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142 ~~of the following Process against any private corporation,~~
143 ~~domestic or foreign, may be served:~~

144 (a) The chair of the board of directors, ~~On the president,~~
145 ~~any or~~ vice president, the secretary, or the treasurer ~~or other~~
146 ~~head~~ of the domestic corporation or registered foreign
147 corporation.

148 (b) Any person listed publicly by the domestic corporation
149 or registered foreign corporation on its latest annual report,
150 as most recently amended ~~In the absence of any person described~~
151 ~~in paragraph (a), on the cashier, treasurer, secretary, or~~
152 ~~general manager;~~

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

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

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

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

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

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

169
170 the process may be served as provided in s. 48.161 on the
171 Secretary of State as an agent of the domestic corporation or
172 registered foreign corporation or by order of the court under s.
173 48.102

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

177 ~~(3)(a) As an alternative to all of the foregoing, process~~
178 ~~may be served on the agent designated by the corporation under~~
179 ~~s. 48.091. However, if service cannot be made on a registered~~
180 ~~agent because of failure to comply with s. 48.091, service of~~
181 ~~process shall be permitted on any employee at the corporation's~~
182 ~~principal place of business or on any employee of the registered~~
183 ~~agent. A person attempting to serve process pursuant to this~~
184 ~~paragraph may serve the process on any employee of the~~
185 ~~registered agent during the first attempt at service even if the~~
186 ~~registered agent is temporarily absent from his or her office.~~

187 (5)(b) If the address for the registered agent or any
188 person listed publicly by the domestic corporation or registered
189 foreign corporation on its latest annual report, as most
190 recently amended, officer, director, or principal place of
191 business is a residence, a private mailbox, a virtual office, or

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192 an executive office or mini suite, service on the domestic
193 corporation or registered foreign corporation may be made by
194 serving any of the following:

195 (a) The registered agent of the domestic corporation or
196 registered foreign corporation, officer, or director in
197 accordance with s. 48.031.

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

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

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

208 ~~(7)(4)~~ This section does not apply to service of process
209 on insurance companies.

210 ~~(5) When a corporation engages in substantial and not~~
211 ~~isolated activities within this state, or has a business office~~
212 ~~within the state and is actually engaged in the transaction of~~
213 ~~business therefrom, service upon any officer or business agent~~
214 ~~while on corporate business within this state may personally be~~
215 ~~made, pursuant to this section, and it is not necessary in such~~
216 ~~case that the action, suit, or proceeding against the~~

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217 ~~corporation shall have arisen out of any transaction or~~
218 ~~operation connected with or incidental to the business being~~
219 ~~transacted within the state.~~

220 Section 6. Section 48.091, Florida Statutes, is amended to
221 read:

222 48.091 Partnerships, corporations, and limited liability
223 companies; designation of registered agent and registered
224 office.—

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

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

229 (b) "Registered foreign limited liability partnership" or
230 "registered foreign limited partnership" means a foreign limited
231 liability partnership or foreign limited partnership that has an
232 active certificate of authority to transact business in this
233 state pursuant to a record filed with the Department of State.

234 (2) Every domestic limited liability partnership; domestic
235 limited partnership, including limited liability limited
236 partnerships; domestic corporation; domestic limited liability
237 company; registered foreign limited liability partnership;
238 registered foreign limited partnership, including limited
239 liability limited partnerships; registered foreign corporation;
240 and registered foreign limited liability company ~~Florida~~
241 ~~corporation and every foreign corporation now qualified or~~

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242 ~~hereafter qualifying to transact business in this state shall~~
243 ~~designate a registered agent and registered office in accordance~~
244 ~~with chapter 605, part I of chapter 607, chapter 617, or chapter~~
245 ~~620, as applicable.~~

246 (3)(2) Every domestic limited liability partnership;
247 domestic limited partnership, including limited liability
248 limited partnerships; domestic corporation; domestic limited
249 liability company; registered foreign limited liability
250 partnership; registered foreign limited partnership, including
251 limited liability limited partnerships; registered foreign
252 corporation; registered foreign limited liability company; and
253 domestic or foreign general partnership that elects to designate
254 a registered agent, shall cause the designated registered agent
255 to ~~corporation shall~~ keep the designated registered office open
256 from at least 10 a.m. to 12 noon each day except Saturdays,
257 Sundays, and legal holidays, and shall cause the designated
258 registered agent to keep one or more individuals who are, or are
259 representatives of, the designated ~~registered agents on whom~~
260 ~~process may be served at the office during these hours. The~~
261 ~~corporation shall keep a sign posted in the office in some~~
262 ~~conspicuous place designating the name of the corporation and~~
263 ~~the name of its registered agent on whom process may be served~~
264 ~~at the office during these hours.~~

265 (4) A person attempting to serve process pursuant to this
266 section on a registered agent that is other than a natural

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267 person may serve the process on any employee of the registered
268 agent. A person attempting to serve process pursuant to this
269 section on a natural person, if the natural person is
270 temporarily absent from his or her office, may serve the process
271 during the first attempt at service on any employee of such
272 natural person.

273 (5) The registered agent shall promptly forward copies of
274 the process and any other papers received in connection with the
275 service to a responsible person in charge of the business
276 entity. Failure to comply with this subsection does not
277 invalidate the service of process.

278 Section 7. Section 48.101, Florida Statutes, is amended to
279 read:

280 48.101 Service on dissolved corporations, dissolved
281 limited liability companies, dissolved limited partnerships, and
282 dissolved limited liability partnerships.-

283 (1) Process against the directors of any corporation that
284 which was dissolved before July 1, 1990, as trustees of the
285 dissolved corporation must ~~shall~~ be served on one or more of the
286 directors of the dissolved corporation as trustees thereof and
287 binds all of the directors of the dissolved corporation as
288 trustees thereof. ~~Process against any other dissolved~~
289 corporation shall be served in accordance with s. 48.081.

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

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292 (b) In addition, provided that service was first properly
293 attempted on the registered agent pursuant to s. 48.081(2), but
294 was not successful, service may then be attempted as required
295 under s. 48.081(3). In addition to the persons listed in s.
296 48.081(3), service may then be attempted on the person appointed
297 by the circuit court as the trustee, custodian, or receiver
298 under s. 607.1405(6).

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

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

305 (b) In addition, provided that service was first properly
306 attempted on the registered agent pursuant to s. 48.062(2), but
307 was not successful, service may then be attempted as required
308 under s. 48.062(3). In addition to the persons listed in s.
309 48.062(3), service on a dissolved domestic limited liability
310 company may be made on the person appointed as the liquidator,
311 trustee, or receiver under s. 605.0709.

312 (c) A party attempting to serve a dissolved domestic
313 limited liability company under this section may petition the
314 court to appoint one of the persons specified in s. 605.0709(5)
315 to receive service of process on behalf of the limited liability
316 company.

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

319 Section 8. Section 48.102, Florida Statutes, is created to
320 read:

321 48.102 Service by other means.-If, after due diligence, a
322 party seeking to effectuate service is unable to effectuate
323 personal service of process on a domestic or foreign
324 corporation; a domestic or foreign general partnership,
325 including a limited liability partnership; a domestic or foreign
326 limited partnership, including a limited liability limited
327 partnership; or a domestic or foreign limited liability company,
328 the court, upon motion and a showing of such inability, may
329 authorize service in any other manner that the party seeking to
330 effectuate service shows will be reasonably effective to give
331 the entity on which service is sought to be effectuated actual
332 notice of the suit. Such other manners of service may include
333 service electronically by e-mail or other technology by any
334 person authorized to serve process in accordance with this
335 chapter, or by an attorney. The court may authorize other
336 methods of service consistent with the principles of due
337 process. In suits involving a breach of contract, the court may
338 consider authorizing the parties to effectuate service in the
339 manner provided for in the contractual notice provision of the
340 subject contract.

341 Section 9. Subsection (1) of section 48.111, Florida

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342 Statutes, is amended to read:

343 48.111 Service on public agencies and officers.—

344 (1) Process against any municipal corporation, agency,
345 board, or commission, department, or subdivision of the state or
346 any county which has a governing board, council, or commission
347 or which is a body corporate shall be served:

348 (a) On the registered agent; or

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

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

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

359 3. ~~(e)~~ On any member of the governing board, council, or
360 commission, the manager of the governmental entity, if any, or
361 an in-house attorney for the governmental entity, if any, and in
362 the absence of all the persons listed in subparagraph 1.,
363 subparagraph 2., and this subparagraph;

364 4. On any employee of the governmental entity at the main
365 office of the governmental entity.

366 Section 10. Subsection (2) of section 48.151, Florida

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367 Statutes, is amended to read:

368 48.151 Service on statutory agents for certain persons.—

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

371 Section 11. Section 48.161, Florida Statutes, is amended
372 to read:

373 48.161 Method of substituted service on nonresident.—

374 (1) When authorized by law, substituted service of process
375 on a nonresident individual or a corporation or other business
376 entity incorporated or formed under the laws of any other state,
377 territory, or commonwealth, or the laws of any foreign country,
378 ~~may or a person who conceals his or her whereabouts by serving a~~
379 ~~public officer designated by law shall~~ be made by sending
380 leaving a copy of the process to the office of the Secretary of
381 State by personal delivery; by registered mail; with a fee of
382 ~~\$8.75 with the public officer or in his or her office or by~~
383 ~~mailing the copies~~ by certified mail, return receipt requested;
384 by use of a commercial firm regularly engaged in the business of
385 document or package delivery; or by electronic transmission ~~to~~
386 ~~the public officer with the fee.~~ The service is sufficient
387 service on a party that ~~defendant who~~ has appointed or is deemed
388 to have appointed the Secretary of State a public officer as
389 such party's ~~his or her~~ agent for ~~the~~ service of process. The
390 Secretary of State shall keep a record of all process served on
391 the Secretary of State showing the day and hour of service.

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392 (2) Notice of service and a copy of the process must shall
393 be sent forthwith by the party effectuating service or by such
394 party's attorney by registered mail; by ~~registered or~~ certified
395 mail, return receipt requested; or by use of a commercial firm
396 regularly engaged in the business of document or package
397 delivery. In addition, if the parties have recently and
398 regularly used e-mail or other electronic means to communicate
399 between themselves, the notice of service and a copy of the
400 process must be sent by such electronic means or, if the party
401 is being served by substituted service, the notice of service
402 and a copy of the process must be served at such party's last
403 known physical address and, if applicable, last known electronic
404 address. The party effectuating service shall file proof of
405 service or return receipts showing delivery to the other party
406 by mail or courier and by electronic means, if electronic means
407 were used, unless the party is actively refusing or rejecting
408 the delivery of the notice. An ~~by the plaintiff or his or her~~
409 attorney to the defendant, and the defendant's return receipt
410 and the affidavit of compliance of the party effectuating
411 service ~~plaintiff or such party's his or her~~ attorney must of
412 compliance shall be filed within 40 days after ~~on or before~~ the
413 date ~~return day~~ of service on the Secretary of State ~~process~~ or
414 within such additional time as the court allows. The affidavit
415 of compliance must set forth the facts that justify substituted
416 service under this section and that show due diligence was

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417 exercised in attempting to locate and effectuate personal
418 service on the party before using substituted service under this
419 section. The party effectuating service does not need to allege
420 in its original or amended complaint the facts required to be
421 set forth in the affidavit of compliance.

422 (3) When an individual or a business entity conceals its
423 whereabouts, the party seeking to effectuate service, after
424 exercising due diligence to locate and effectuate personal
425 service, may use substituted service pursuant to subsection (1)
426 in connection with any action in which the court has
427 jurisdiction over such individual or business entity. The party
428 seeking to effectuate service must also comply with subsection
429 (2); however, a return receipt or other proof showing acceptance
430 of receipt of the notice of service and a, ~~or the notice and~~
431 copy ~~of the~~ shall be served on the defendant, if found within
432 the state, by an officer authorized to serve legal process by
433 the concealed party need not be filed, ~~or if found without the~~
434 state, by a sheriff or a deputy sheriff of any county of this
435 state or any duly constituted public officer qualified to serve
436 like process in the state or jurisdiction where the defendant is
437 found. The officer's return showing service shall be filed on or
438 before the return day of the process or within such time as the
439 court allows. The fee paid by the plaintiff to the public
440 officer shall be taxed as cost if he or she prevails in the
441 action. The public officer shall keep a record of all process

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442 ~~served on him or her showing the day and hour of service.~~

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

445 (a) Made diligent inquiry and exerted an honest and
446 conscientious effort appropriate to the circumstances to acquire
447 the information necessary to effectuate personal service;

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

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

456 (5)-(2) If any individual ~~person~~ on whom service of process
457 is authorized under subsection (1) dies, service may be made in
458 the same manner on his or her administrator, executor, curator,
459 or personal representative ~~in the same manner~~.

460 (9)-(3) This section does not apply to persons on whom
461 service is authorized under s. 48.151.

462 (6)-(4) The Secretary of State ~~public officer~~ may designate
463 an individual ~~some other person~~ in his or her office to accept
464 service.

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

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

470 Section 12. Section 48.181, Florida Statutes, is amended
471 to read:

472 48.181 Substituted service on nonresidents and foreign
473 business entities ~~nonresident~~ engaging in business in state or
474 concealing their whereabouts.-

475 (1) As used in this section, the term "foreign business
476 entity" means any corporation or other business entity that is
477 incorporated, formed, or existing under the laws of any other
478 state, territory, or commonwealth, or the laws of any foreign
479 country.

480 (2) The acceptance by any individual ~~person or persons,~~
481 ~~individually or associated together as a copartnership or any~~
482 ~~other form or type of association,~~ who is a resident ~~are~~
483 ~~residents~~ of any other state, territory, or commonwealth, or of
484 any foreign ~~or~~ country, or by any foreign business entity and
485 ~~all foreign corporations, and any person who is a resident of~~
486 ~~the state and who subsequently becomes a nonresident of the~~
487 ~~state or conceals his or her whereabouts,~~ of the privilege
488 extended by law to nonresidents ~~and others~~ to operate, conduct,
489 engage in, or carry on a business or business venture in this
490 ~~the~~ state, or to have an office or agency in this ~~the~~ state, is
491 deemed to constitute ~~constitutes~~ an appointment by the

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492 individual or persons and foreign business entity corporations
493 of the Secretary of State of this the state as its their agent
494 on whom ~~all~~ process in any action or proceeding against the
495 individual or foreign business entity them, or any combination
496 thereof of them, arising out of any transaction or operation
497 connected with or incidental to the business or business venture
498 may be served as substituted service in accordance with this
499 chapter. The acceptance of the privilege is signification of the
500 agreement of the respective individual or persons and foreign
501 business entity corporations that the process served against it
502 in accordance with this chapter them which is so served is of
503 the same validity as if served personally on the individual
504 ~~persons~~ or foreign business entity corporations.

505 ~~(3)-(2)~~ If a foreign business entity corporation has
506 registered to do business a resident agent or officer in this
507 the state and has maintained its registration in an active
508 status or otherwise continued to have a registered agent,
509 personal service of process must first shall be attempted served
510 on the foreign business entity in the manner and order of
511 priority described in this chapter as applicable to the foreign
512 business entity. If, after due diligence, the party seeking to
513 effectuate service of process is unable to effectuate service of
514 process on the registered agent or other official as provided in
515 this chapter, the party may use substituted service of process
516 on the Secretary of State resident agent or officer.

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517 (4) Any individual or foreign business entity that
518 conceals its whereabouts is deemed to have appointed the
519 Secretary of State as its agent on whom all process may be
520 served, in any action or proceeding against it, or any
521 combination thereof, arising out of any transaction or operation
522 connected with or incidental to any business or business venture
523 carried on in this state by such individual or foreign business
524 entity.

525 (5)-(3) Any individual or foreign business entity that
526 person, firm, or corporation which sells, consigns, or leases by
527 any means whatsoever tangible or intangible personal property,
528 through brokers, jobbers, wholesalers, or distributors to any
529 individual person, firm, or corporation, or other business
530 entity in this state is conclusively presumed to be both engaged
531 in substantial and not isolated activities within this state and
532 operating, conducting, engaging in, or carrying on a business or
533 business venture in this state.

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

536 Section 13. Section 48.184, Florida Statutes, is created
537 to read:

538 48.184 Service of process for removal of unknown parties
539 in possession.—

540 (1) This section applies only to actions governed by s.
541 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent

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542 that such actions seek relief for the removal of unknown parties
543 in possession of real property. The provisions of this section
544 are cumulative to other provisions of law or rules of court
545 about service of process, and all other such provisions are
546 cumulative to this section.

547 (2) A summons must be issued in the name of "Unknown Party
548 in Possession" when the name of an occupant of real property is
549 not known to the plaintiff and the property occupied by the
550 unknown party is identified in the complaint and summons. A
551 separate summons must be issued for each such unknown occupant.

552 (3) The plaintiff shall attempt to serve the summons on
553 any unknown occupant of the property described in the summons
554 and complaint. If service on the unknown occupant is not
555 effectuated
556 on the first attempt, at least two additional attempts must be
557 made. The three attempts to obtain service must be made once
558 during business hours, once during nonbusiness hours, and once
559 during a weekend. The process server shall make an inquiry as to
560 the name of the unknown occupant at the time of service. The
561 return of service must note the name of the occupant if obtained
562 by the process server or state that the name of the occupant
563 could not be obtained after inquiry. If the name of the occupant
564 becomes known to the plaintiff through the return of service or
565 otherwise, without notice or hearing thereon, all subsequent
566 proceedings must be conducted under the true name of such

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567 occupant and all prior proceedings are deemed amended
568 accordingly.

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

571 (a) By attaching the summons and complaint to a
572 conspicuous location on the premises involved in the
573 proceedings.

574 (b) Upon issuance of the summons, by the plaintiff
575 providing the clerk of the court with one additional copy of the
576 summons and complaint for each unknown occupant and a prestamped
577 envelope for each unknown occupant addressed to the unknown
578 occupant at the address of the premises involved in the
579 proceedings. The clerk of the court shall immediately mail a
580 copy of the summons and complaint by first-class mail, note the
581 fact of mailing in the docket, and file a certificate in the
582 court file of the fact and date of mailing. The clerk of the
583 court shall charge such fees for such services as provided by
584 law.

585 (5) Service is effective on the unknown occupant in
586 possession on the later of the date that personal service is
587 made, the date of attaching the summons and complaint to a
588 conspicuous location on the premises, or upon mailing by the
589 clerk.

590 (6) The judgment and writ of possession must refer to any
591 unknown occupant in possession by name if the name is shown on

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592 the return of service or is otherwise known to the plaintiff. If
593 the name of any unknown occupant in possession is not shown on
594 the return of service or otherwise known to the plaintiff and
595 service has been effectuated as provided in this section, the
596 judgment and writ of possession must refer to each such person
597 as "Unknown Party in Possession," and the writ of possession
598 must be executed by the sheriff by dispossessing the occupants
599 and placing the plaintiff in possession of the property.

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

602 48.194 Personal service in another outside state,
603 territory, or commonwealth of the United States.-

604 (1) Except as otherwise provided herein, service of
605 process on a party in another persons outside of this state,
606 territory, or commonwealth of the United States must shall be
607 made in the same manner as service within this state by any
608 person authorized to serve process in the state where service
609 shall be made the person is served. No order of court is
610 required. A ~~court may consider the~~ return-of-service form
611 described in s. 48.21, or any other competent evidence, must be
612 filed with the court stating the time, manner, and place of
613 service. The court may consider such evidence in determining
614 whether service has been properly made. ~~Service of process on~~
615 ~~persons outside the United States may be required to conform to~~
616 ~~the provisions of the Hague Convention on the Service Abroad of~~

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617 ~~Judicial and Extrajudicial Documents in Civil or Commercial~~
618 ~~Matters.~~

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

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

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

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

636 Section 15. Section 48.197, Florida Statutes, is created
637 to read:

638 48.197 Service in a foreign country.-

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

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

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

651 1. As prescribed by the foreign country's law for service
652 in that country in an action in its courts of general
653 jurisdiction;

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

656 3. Unless prohibited by the foreign country's law, by:
657 a. If serving an individual, delivering a copy of the
658 summons and of the complaint to the individual personally; or
659 b. Using any form of mail that the clerk addresses and
660 sends to the party and which requires a signed receipt.

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

666 (2) Service of process may be effectuated in a foreign

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667 country upon a minor or an incompetent person in the manner
668 prescribed by subparagraph (1)(b)1., subparagraph (1)(b)2., or
669 paragraph (1)(c).

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

672 49.011 Service of process by publication; cases in which
673 allowed.—Service of process by publication may be made in any
674 court on any party identified in s. 49.021 in any action or
675 proceeding:

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

677 (a) The legal father in a paternity action in which
678 another man is alleged to be the biological father, in which
679 case it is necessary to serve process on the legal father in
680 order to establish paternity with regard to the alleged
681 biological father; or

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

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

686 766.106 Notice before filing action for medical
687 negligence; presuit screening period; offers for admission of
688 liability and for arbitration; informal discovery; review.—

689 (2) PRESUIT NOTICE.—

690 (a) After completion of presuit investigation pursuant to
691 s. 766.203(2) and before ~~prior to~~ filing a complaint for medical

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692 negligence, a claimant shall notify each prospective defendant
693 of intent to initiate litigation for medical negligence by at
694 least one of the following verifiable means:

695 1. United States Postal Service certified mail, return
696 receipt requested;

697 2. United States Postal Service mail with a tracking
698 number;

699 3. An interstate commercial mail carrier or delivery
700 service; or

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

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

707 2. If service is challenged during subsequent litigation,
708 the court must conduct an evidentiary hearing to determine
709 whether the prospective defendant or a person legally related to
710 the prospective defendant was provided notice pursuant to this
711 subsection and, if so, the date of such service. If service is
712 challenged under this subparagraph, it must be challenged in the
713 first response to the complaint, and if:

714 a. The court determines that service was properly made at
715 the prospective defendant's address as listed on the state
716 licensing agency website or an address on file with the

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717 Secretary of State; and
718 b. The prospective defendant proves by the greater weight
719 of the evidence that neither the prospective defendant nor a
720 person legally related to the prospective defendant at the time
721 of service knew or should have known of the service,
722
723 the court must stay the case for a presuit investigation period
724 pursuant to s. 766.106, and the statute of limitations and
725 statute of repose must be tolled from the time service was
726 properly made at the prospective defendant's address as listed
727 on the state licensing agency website or an address on file with
728 the Secretary of State. The tolling shall end at the conclusion
729 of the presuit investigation period provided for in this
730 subsection, and the stay of litigation shall automatically end
731 at the conclusion of the presuit investigation period by
732 ~~certified mail, return receipt requested, of intent to initiate~~
733 ~~litigation for medical negligence.~~
734 (c) Notice to each prospective defendant must include, if
735 available, a list of all known health care providers seen by the
736 claimant for the injuries complained of subsequent to the
737 alleged act of negligence, all known health care providers
738 during the 2-year period before ~~prior to~~ the alleged act of
739 negligence who treated or evaluated the claimant, copies of all
740 of the medical records relied upon by the expert in signing the
741 affidavit, and the executed authorization form provided in s.

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742 766.1065.

743 ~~(d)-(b)~~ Following the initiation of a suit alleging medical
744 negligence with a court of competent jurisdiction, and service
745 of the complaint upon a prospective defendant, the claimant
746 shall provide a copy of the complaint to the Department of
747 Health and, if the complaint involves a facility licensed under
748 chapter 395, the Agency for Health Care Administration. The
749 requirement of providing the complaint to the Department of
750 Health or the Agency for Health Care Administration does not
751 impair the claimant's legal rights or ability to seek relief for
752 his or her claim. The Department of Health or the Agency for
753 Health Care Administration shall review each incident that is
754 the subject of the complaint and determine whether it involved
755 conduct by a licensee which is potentially subject to
756 disciplinary action, in which case, for a licensed health care
757 practitioner, ~~the provisions of s. 456.073 applies~~ apply and,
758 for a licensed facility, ~~the provisions of part I of chapter 395~~
759 applies ~~apply~~.

760 (3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

761 (a) A ~~no~~ suit may not be filed for a period of 90 days
762 after notice is delivered ~~mailed~~ to any prospective defendant.
763 During the 90-day period, the prospective defendant or the
764 prospective defendant's insurer or self-insurer shall conduct a
765 review as provided in s. 766.203(3) to determine the liability
766 of the prospective defendant. Each insurer or self-insurer shall

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767 have a procedure for the prompt investigation, review, and
768 evaluation of claims during the 90-day period. This procedure
769 must ~~shall~~ include one or more of the following:

- 770 1. Internal review by a duly qualified claims adjuster;
- 771 2. Creation of a panel comprised of an attorney
772 knowledgeable in the prosecution or defense of medical
773 negligence actions, a health care provider trained in the same
774 or similar medical specialty as the prospective defendant, and a
775 duly qualified claims adjuster;
- 776 3. A contractual agreement with a state or local
777 professional society of health care providers, which maintains a
778 medical review committee; or
- 779 4. Any other similar procedure which fairly and promptly
780 evaluates the pending claim.

781
782 Each insurer or self-insurer shall investigate the claim in good
783 faith, and both the claimant and prospective defendant shall
784 cooperate with the insurer in good faith. If the insurer
785 requires, a claimant must ~~shall~~ appear before a pretrial
786 screening panel or before a medical review committee and shall
787 submit to a physical examination, if required. Unreasonable
788 failure of any party to comply with this section justifies
789 dismissal of claims or defenses. There shall be no civil
790 liability for participation in a pretrial screening procedure if
791 done without intentional fraud.

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792 (4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of
793 intent to initiate litigation must ~~shall~~ be served within the
794 time limits set forth in s. 95.11. However, upon mailing of the
795 notice of intent to initiate litigation, as provided in
796 subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph
797 (2)(a)3., and during the 90-day period provided in subsection
798 (3), the statute of limitations is tolled as to all prospective
799 ~~potential~~ defendants. If the notice of intent to initiate
800 litigation is served by a process server as provided in
801 subparagraph (2)(a)4., the statute of limitations is tolled upon
802 the process server's first attempt to serve the prospective
803 defendant and continues during the 90-day period as to all
804 prospective defendants. Upon stipulation by the parties, the 90-
805 day period may be extended and the statute of limitations is
806 tolled during any such extension. Upon receiving notice of
807 termination of negotiations in an extended period, the claimant
808 shall have 60 days or the remainder of the period of the statute
809 of limitations, whichever is greater, within which to file suit.
810 As used in this section, the terms "prospective" and "potential"
811 are interchangeable.

812 Section 18. Section 495.145, Florida Statutes, is amended
813 to read:

814 495.145 Forum for actions regarding registration.—An
815 action seeking cancellation of a registration of a mark
816 registered under this chapter may be brought in any court of

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817 competent jurisdiction in this state. Service of process on a
818 nonresident registrant may be made in accordance with ss. 48.161
819 and 48.181 ~~s. 48.181~~. The department may ~~shall~~ not be made a
820 party to cancellation proceedings.

821 Section 19. Section 605.0117, Florida Statutes, is amended
822 to read:

823 605.0117 Serving ~~Service of~~ process, giving notice, or
824 making a demand.-

825 (1) Process against a limited liability company or
826 registered foreign limited liability company may be served in
827 accordance with s. 48.062 and chapter 48 or chapter 49 with
828 ~~process required or authorized by law by serving on its~~
829 ~~registered agent.~~

830 (2) ~~If a limited liability company or registered foreign~~
831 ~~limited liability company ceases to have a registered agent or~~
832 ~~if its registered agent cannot with reasonable diligence be~~
833 ~~served, the process required or permitted by law may instead be~~
834 ~~served:~~

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

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

839 ~~(3) If the process cannot be served on a limited liability~~
840 ~~company or registered foreign limited liability company pursuant~~
841 ~~to subsection (1) or subsection (2), the process may be served~~

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842 ~~on the secretary of state as an agent of the company.~~

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

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

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

851 ~~(7) Any notice or demand on a limited liability company or~~
852 ~~registered foreign limited liability company under this chapter~~
853 ~~may be given or made to any member of a member-managed limited~~
854 ~~liability company or registered foreign limited liability~~
855 ~~company or to any manager of a manager-managed limited liability~~
856 ~~company or registered foreign limited liability company; to the~~
857 ~~registered agent of the limited liability company or registered~~
858 ~~foreign limited liability company at the registered office of~~
859 ~~the limited liability company or registered foreign limited~~
860 ~~liability company in this state; or to any other address in this~~
861 ~~state which ~~that~~ is in fact the principal office of the limited~~
862 ~~liability company or registered foreign limited liability~~
863 ~~company in this state.~~

864 (3) A registered series of a foreign series limited
865 liability company may be served in the same manner as a
866 registered limited liability company.

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867 ~~(4)-(8)~~ This section does not affect the right to serve
868 process, give notice, or make a demand in any other manner
869 provided by law.

870

871

872

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

873

Remove lines 30-69 and insert:

874

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

875

provisions related to service on public agencies and officers;

876

authorizing service on specified persons under certain

877

circumstances; amending s. 48.151, F.S.; revising the

878

applicability of provisions relating to service on statutory

879

agents for certain persons; amending s. 48.161, F.S.; revising

880

provisions relating to substituted service; providing for

881

substituted service on individuals or corporations or other

882

business entities; specifying actions that may be considered due

883

diligence in effectuating service; specifying when service is

884

considered effectuated; requiring the Department of State to

885

maintain certain records; amending s. 48.181, F.S.; defining the

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term "foreign business entity"; revising provisions relating to

887

substituted service; providing for substituted service on

888

certain nonresidents and foreign business entities and on

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individuals and foreign business entities concealing their

890

whereabouts; creating s. 48.184, F.S.; providing for service of

891

process for removal of unknown parties in possession of real

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892 property; amending s. 48.194, F.S.; revising provisions relating
893 to service outside this state but within the United States;
894 deleting provisions relating to service outside the United
895 States; creating s. 48.197, F.S.; providing for service in a
896 foreign country; amending s. 49.011, F.S.; providing for
897 constructive service on the legal mother in certain situations;
898 amending s. 766.106, F.S.; revising requirements for service of
899 presuit notice before filing a medical negligence complaint;
900 creating a rebuttable presumption that service was received by a
901 prospective defendant in certain circumstances; providing court
902 duties if service is challenged during subsequent litigation;
903 revising provisions concerning tolling of the statute of
904 limitations upon service of presuit notice by specified means;
905 specifying that the terms "prospective" and "potential" are
906 interchangeable; amending ss. 495.145, 605.0117, 605.09091,
907 605.0910, 605.1045, 607.0504, 607.1423, 607.15101, 607.1520,
908 617.0504, 617.1510, 617.1520, 620.1117, 620.1907, 620.2105,
909 620.2109, 620.8915, and 620.8919, F.S.; conforming cross-
910 references and provisions to changes made by the act; providing
911 effective dates.