

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WITHDRAWN	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: Civil Justice & Property
 2 Rights Subcommittee
 3 Representative Beltran offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 15.16, Florida

Statutes, is amended to read:

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

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

Amendment No.1

17 chapter 713, or chapter 865, through facsimile or other
18 electronic transfers, for the purpose of filing such records.
19 The originals of all such electronically transmitted records
20 must be executed in the manner provided in paragraph (5) (b). The
21 receipt of such electronic transfer constitutes delivery to the
22 department as required by law. The department may use electronic
23 transmissions for purposes of notice in the administration of
24 chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,
25 621, 679, and 713 and s. 865.09. The Department of State may
26 collect e-mail addresses for purposes of notice and
27 communication in the performance of its duties and may require
28 filers and registrants to furnish such e-mail addresses when
29 presenting documents for filing.

30 Section 2. Section 48.061, Florida Statutes, is amended to
31 read:

32 48.061 Service on partnerships, limited liability
33 partnerships, and limited partnerships.—

34 (1)(a) Process against a partnership that is not a limited
35 liability partnership or a limited partnership, including a
36 limited liability limited partnership, must ~~shall~~ be served on
37 any partner and is as valid for service on the partnership as if
38 served on each individual partner.

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

Amendment No.1

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

46 (b) If the partnership designated an agent when
47 registering as a general partnership with the Department of
48 State, service on the agent is as valid for service on the
49 partnership as if served on each individual partner; however,
50 unless individual partners are served, the plaintiff may only
51 proceed to judgment and execution against the assets of the
52 partnership.

53 (2)(a) Process against a domestic limited liability
54 partnership must first be served on the then-current registered
55 agent for service of process specified in its statement of
56 qualification, in its statement of qualification as amended or
57 restated, or as redesignated in its annual report or change of
58 agent filing and is as valid for service on the limited
59 liability partnership as if served on each individual partner.
60 If service cannot be made on the registered agent because the
61 domestic limited liability partnership ceases to have a
62 registered agent, or if the registered agent cannot otherwise be
63 served after one good faith attempt because of a failure to
64 comply with this chapter or chapter 620, the process may be
65 served on any partner.

Amendment No.1

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

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

72 (b) If, after due diligence, the process cannot be
73 completed under paragraph (a), the process may be served as
74 provided in s. 48.161 on the Secretary of State as an agent of
75 the domestic limited liability partnership or by order of the
76 court under s. 48.102.

77 (3)(a)1. Process against a domestic limited partnership,
78 including a domestic limited liability limited partnership, must
79 first be served on the then-current agent for service of process
80 specified in its certificate of limited partnership, in its
81 certificate as amended or restated, or as redesignated in its
82 annual report or change of agent filing and is as valid for
83 service on the domestic limited partnership as if served on each
84 individual general partner of the partnership.

85 2. If service cannot be made on the registered agent
86 because the domestic limited partnership or domestic limited
87 liability limited partnership ceases to have a registered agent,
88 or if the registered agent cannot otherwise be served following
89 one good faith attempt because of a failure to comply with this

Amendment No.1

90 chapter or chapter 620, the process may be served on any general
91 partner.

92 3. After service on a general partner or the registered
93 agent, the plaintiff may proceed to judgment and execution
94 against the assets of the domestic limited partnership or of
95 that general partner, unless the domestic limited partnership is
96 a limited liability limited partnership.

97 (b) If, after due diligence, the process cannot be
98 completed under paragraph (a), then process may be served as
99 provided in s. 48.161 on the Secretary of State as an agent of
100 the limited partnership or by order of the court under s.
101 48.102.

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

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

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

113 (b) A foreign limited partnership engaging in business in
114 this state but not registered is considered, for purposes of

Amendment No.1

115 service of process, a nonresident engaging in business in this
116 state and may be served pursuant to s. 48.181 or by order of the
117 court under s. 48.102 ~~After one attempt to serve a partner or~~
118 ~~designated employee has been made, process may be served on the~~
119 ~~person in charge of the partnership during regular business~~
120 ~~hours. After service on any partner, plaintiff may proceed to~~
121 ~~judgment and execution against that partner and the assets of~~
122 ~~the partnership. After service on a designated employee or other~~
123 ~~person in charge, plaintiff may proceed to judgment and~~
124 ~~execution against the partnership assets but not against the~~
125 ~~individual assets of any partner.~~

126 ~~(2) Process against a domestic limited partnership may be~~
127 ~~served on any general partner or on the agent for service of~~
128 ~~process specified in its certificate of limited partnership or~~
129 ~~in its certificate as amended or restated and is as valid as if~~
130 ~~served on each individual member of the partnership. After~~
131 ~~service on a general partner or the agent, the plaintiff may~~
132 ~~proceed to judgment and execution against the limited~~
133 ~~partnership and all of the general partners individually. If a~~
134 ~~general partner cannot be found in this state and service cannot~~
135 ~~be made on an agent because of failure to maintain such an agent~~
136 ~~or because the agent cannot be found or served with the exercise~~
137 ~~of reasonable diligence, service of process may be effected by~~
138 ~~service upon the Secretary of State as agent of the limited~~

Amendment No.1

139 ~~partnership as provided for in s. 48.181. Service of process may~~
140 ~~be made under ss. 48.071 and 48.21 on limited partnerships.~~

141 ~~(3) Process against a foreign limited partnership may be~~
142 ~~served on any general partner found in the state or on any agent~~
143 ~~for service of process specified in its application for~~
144 ~~registration and is as valid as if served on each individual~~
145 ~~member of the partnership. If a general partner cannot be found~~
146 ~~in this state and an agent for service of process has not been~~
147 ~~appointed or, if appointed, the agent's authority has been~~
148 ~~revoked or the agent cannot be found or served with the exercise~~
149 ~~of reasonable diligence, service of process may be effected by~~
150 ~~service upon the Secretary of State as agent of the limited~~
151 ~~partnership as provided for in s. 48.181, or process may be~~
152 ~~served as provided in ss. 48.071 and 48.21.~~

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

155 48.062 Service on a domestic limited liability company or
156 registered foreign limited liability company.-

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

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

Amendment No.1

164 served with process required or authorized by law by service on
165 its the registered agent designated by the domestic limited
166 liability company or registered foreign limited liability
167 company under chapter 605. ~~A person attempting to serve process~~
168 ~~pursuant to this subsection may serve the process on any~~
169 ~~employee of the registered agent during the first attempt at~~
170 ~~service even if the registered agent is a natural person and is~~
171 ~~temporarily absent from his or her office.~~

172 (3)-(2) If service cannot be made on a registered agent of
173 the domestic limited liability company or registered foreign
174 limited liability company because the domestic limited liability
175 company or registered foreign limited liability company ceases
176 to have a registered agent, or if the registered agent of the
177 domestic limited liability company or registered foreign limited
178 liability company cannot otherwise be served after one good
179 faith attempt because of a failure to comply with this chapter
180 or chapter 605 ~~or because the limited liability company does not~~
181 ~~have a registered agent, or if its registered agent cannot with~~
182 ~~reasonable diligence be served, process against the limited~~
183 ~~liability company, domestic or foreign, the process~~ may be
184 served on any of the following:

185 (a) Any manager of a manager-managed domestic limited
186 liability company or registered foreign limited liability
187 company. ~~On a member of a member-managed limited liability~~
188 ~~company.~~

Amendment No.1

189 (b) Any member of a member-managed domestic limited
190 liability company or registered foreign limited liability
191 company. ~~On a manager of a manager-managed limited liability~~
192 ~~company; or~~

193 (c) Any person listed publicly by the domestic limited
194 liability company or registered foreign limited liability
195 company on its latest annual report, as most recently amended ~~if~~
196 ~~a member or manager is not available during regular business~~
197 ~~hours to accept service on behalf of the limited liability~~
198 ~~company, he, she, or it may designate an employee of the limited~~
199 ~~liability company to accept such service. After one attempt to~~
200 ~~serve a member, manager, or designated employee has been made,~~
201 ~~process may be served on the person in charge of the limited~~
202 ~~liability company during regular business hours.~~

203 ~~(4)-(3)~~ If, after due reasonable diligence, the service of
204 process cannot be completed under subsection (2) and if either:

205 (a) The only person listed publicly by the domestic
206 limited liability company or registered foreign limited
207 liability company on its latest annual report, as most recently
208 amended, is also the registered agent on whom service was
209 attempted under subsection (2); or

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

Amendment No.1

214 completed on such person under subsection (3) ~~(1) or subsection~~
215 ~~(2),~~

216

217 the service of process may be served as provided in s. 48.161 on
218 effected by service upon the Secretary of State as an agent of
219 the domestic limited liability company or the registered foreign
220 limited liability company or by order of the court under s.
221 48.102 as provided for in s. 48.181.

222 (5)~~(4)~~ If the address for the registered agent or any
223 person listed publicly by the domestic limited liability company
224 or registered foreign limited liability company on its latest
225 annual report, as most recently amended, member, or manager is a
226 residence, a private mailbox, a virtual office, or an executive
227 office or mini suite, service on the domestic limited liability
228 company or registered foreign limited liability company may be
229 made by serving any of the following:

230 (a) The registered agent of the domestic limited liability
231 company or registered foreign limited liability company, in
232 accordance with s. 48.031.

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

Amendment No.1

237 (c) Any member or manager of the domestic limited
238 liability company or registered foreign limited liability
239 company, in accordance with s. 48.031.

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

245 (7)-(5) This section does not apply to service of process
246 on insurance companies.

247 Section 4. Section 48.071, Florida Statutes, is amended to
248 read:

249 48.071 Service on agents of nonresidents doing business in
250 the state.—When any natural person or partnership not residing
251 or having a principal place of business in this state engages in
252 business in this state, process may be served on the person who
253 is in charge of any business in which the defendant is engaged
254 within this state at the time of service, including agents
255 soliciting orders for goods, wares, merchandise, or services.
256 Any process so served is as valid as if served personally on the
257 nonresident person or partnership engaging in business in this
258 state in any action against the person or partnership arising
259 out of such business. A copy of such process with a notice of
260 service on the person in charge of such business must ~~shall~~ be
261 sent forthwith to the nonresident person or partnership by

Amendment No.1

262 registered mail; by ~~or~~ certified mail, return receipt requested;
263 or by use of a commercial firm regularly engaged in the business
264 of document or package delivery. The party seeking to effectuate
265 service, or the attorney for such party, shall prepare- an
266 affidavit of compliance with this section which must ~~shall~~ be
267 filed before the return day or within such further time as the
268 court may allow.

269 Section 5. Section 48.081, Florida Statutes, is amended to
270 read:

271 48.081 Service on a domestic corporation or registered
272 foreign corporation.-

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

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

281 (3) If service cannot be made on a registered agent of the
282 domestic corporation or registered foreign corporation because
283 the domestic corporation or registered foreign corporation
284 ceases to have a registered agent, or if the registered agent of
285 the domestic corporation or registered foreign corporation
286 cannot otherwise be served after one good faith attempt because

Amendment No.1

287 of a failure to comply with this chapter, chapter 607, or
288 chapter 617, as applicable, the process may be served on either
289 of the following ~~Process against any private corporation,~~
290 domestic or foreign, may be served:

291 (a) The chair of the board of directors, ~~On~~ the president,
292 any ~~or~~ vice president, the secretary, or the treasurer ~~or other~~
293 head of the domestic corporation or registered foreign
294 corporation.

295 (b) Any person listed publicly by the domestic corporation
296 or registered foreign corporation on its latest annual report,
297 as most recently amended ~~In the absence of any person described~~
298 in paragraph (a), on the cashier, treasurer, secretary, or
299 general manager;

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

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

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

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

Amendment No.1

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

316
317 the process may be served as provided in s. 48.161 on the
318 Secretary of State as an agent of the domestic corporation or
319 registered foreign corporation or by order of the court under s.
320 48.102

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

324 ~~(3)(a) As an alternative to all of the foregoing, process~~
325 ~~may be served on the agent designated by the corporation under~~
326 ~~s. 48.091. However, if service cannot be made on a registered~~
327 ~~agent because of failure to comply with s. 48.091, service of~~
328 ~~process shall be permitted on any employee at the corporation's~~
329 ~~principal place of business or on any employee of the registered~~
330 ~~agent. A person attempting to serve process pursuant to this~~
331 ~~paragraph may serve the process on any employee of the~~
332 ~~registered agent during the first attempt at service even if the~~
333 ~~registered agent is temporarily absent from his or her office.~~

334 (5)(b) If the address for the registered agent or any
335 person listed publicly by the domestic corporation or registered

Amendment No.1

336 foreign corporation on its latest annual report, as most
337 recently amended, officer, director, or principal place of
338 ~~business~~ has an address that is a residence, a private mailbox,
339 a virtual office, or an executive office or mini suite, service
340 on the domestic corporation or registered foreign corporation
341 may be made by serving any of the following:

342 (a) The registered agent of the domestic corporation or
343 registered foreign corporation, officer, or director in
344 accordance with s. 48.031.

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

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

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

355 (7)-(4) This section does not apply to service of process
356 on insurance companies.

357 ~~(5) When a corporation engages in substantial and not~~
358 ~~isolated activities within this state, or has a business office~~
359 ~~within the state and is actually engaged in the transaction of~~
360 ~~business therefrom, service upon any officer or business agent~~

Amendment No.1

361 ~~while on corporate business within this state may personally be~~
362 ~~made, pursuant to this section, and it is not necessary in such~~
363 ~~ease that the action, suit, or proceeding against the~~
364 ~~corporation shall have arisen out of any transaction or~~
365 ~~operation connected with or incidental to the business being~~
366 ~~transacted within the state.~~

367 Section 6. Section 48.091, Florida Statutes, is amended to
368 read:

369 48.091 Partnerships, corporations, and limited liability
370 companies; designation of registered agent and registered
371 office.-

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

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

376 (b) "Registered foreign limited liability partnership" or
377 "registered foreign limited partnership" means a foreign limited
378 liability partnership or foreign limited partnership that has an
379 active certificate of authority to transact business in this
380 state pursuant to a record filed with the Department of State.

381 (2) Every domestic limited liability partnership; domestic
382 limited partnership, including limited liability limited
383 partnerships; domestic corporation; domestic limited liability
384 company; registered foreign limited liability partnership;
385 registered foreign limited partnership, including limited

Amendment No.1

386 liability limited partnerships; registered foreign corporation;
387 and registered foreign limited liability company Florida
388 ~~corporation and every foreign corporation now qualified or~~
389 ~~hereafter qualifying to transact business in this state shall~~
390 designate a registered agent and registered office in accordance
391 with chapter 605, part I of chapter 607, chapter 617, or chapter
392 620, as applicable.

393 (3)(2) Every domestic limited liability partnership;
394 domestic limited partnership, including limited liability
395 limited partnerships; domestic corporation; domestic limited
396 liability company; registered foreign limited liability
397 partnership; registered foreign limited partnership, including
398 limited liability limited partnerships; registered foreign
399 corporation; registered foreign limited liability company; and
400 domestic or foreign general partnership that elects to designate
401 a registered agent, shall cause the designated registered agent
402 to ~~corporation shall~~ keep the designated registered office open
403 from at least 10 a.m. to 12 noon each day except Saturdays,
404 Sundays, and legal holidays, and shall cause the designated
405 registered agent to keep one or more individuals who are, or are
406 representatives of, the designated ~~registered agents on whom~~
407 ~~process may be served at the office during these hours. The~~
408 ~~corporation shall keep a sign posted in the office in some~~
409 ~~conspicuous place designating the name of the corporation and~~

Amendment No.1

410 ~~the name of its~~ registered agent on whom process may be served
411 at the office during these hours.

412 (4) A person attempting to serve process pursuant to this
413 section on a registered agent that is other than a natural
414 person may serve the process on any employee of the registered
415 agent. A person attempting to serve process pursuant to this
416 section on a natural person, if the natural person is
417 temporarily absent from his or her office, may serve the process
418 during the first attempt at service on any employee of such
419 natural person.

420 (5) The registered agent shall promptly forward copies of
421 the process and any other papers received in connection with the
422 service to a responsible person in charge of the business
423 entity. Failure to comply with this subsection does not
424 invalidate the service of process.

425 Section 7. Section 48.101, Florida Statutes, is amended to
426 read:

427 48.101 Service on dissolved corporations, dissolved
428 limited liability companies, dissolved limited partnerships, and
429 dissolved limited liability partnerships.-

430 (1) Process against the directors of any corporation that
431 ~~which~~ was dissolved before July 1, 1990, as trustees of the
432 dissolved corporation must ~~shall~~ be served on one or more of the
433 directors of the dissolved corporation as trustees thereof and
434 binds all of the directors of the dissolved corporation as

Amendment No.1

435 trustees thereof. ~~Process against any other dissolved~~
436 ~~corporation shall be served in accordance with s. 48.081.~~

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

439 (b) In addition, provided that service was first properly
440 attempted on the registered agent pursuant to s. 48.081(2), but
441 was not successful, service may then be attempted as required
442 under s. 48.081(3). In addition to the persons listed in s.
443 48.081(3), service may then be attempted on the person appointed
444 by the circuit court as the trustee, custodian, or receiver
445 under s. 607.1405(6).

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

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

452 (b) In addition, provided that service was first properly
453 attempted on the registered agent pursuant to s. 48.062(2), but
454 was not successful, service may then be attempted as required
455 under s. 48.062(3). In addition to the persons listed in s.
456 48.062(3), service on a dissolved domestic limited liability
457 company may be made on the person appointed as the liquidator,
458 trustee, or receiver under s. 605.0709.

Amendment No.1

459 (c) A party attempting to serve a dissolved domestic
460 limited liability company under this section may petition the
461 court to appoint one of the persons specified in s. 605.0709(5)
462 to receive service of process on behalf of the limited liability
463 company.

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

466 Section 8. Section 48.102, Florida Statutes, is created to
467 read:

468 48.102 Service by other means.-If, after due diligence, a
469 party seeking to effectuate service is unable to effectuate
470 personal service of process on a domestic or foreign
471 corporation; a domestic or foreign general partnership,
472 including a limited liability partnership; a domestic or foreign
473 limited partnership, including a limited liability limited
474 partnership; or a domestic or foreign limited liability company,
475 the court, upon motion and a showing of such inability, may
476 authorize service in any other manner that the party seeking to
477 effectuate service shows will be reasonably effective to give
478 the entity on which service is sought to be effectuated actual
479 notice of the suit. Such other manners of service may include
480 service electronically by e-mail or other technology, by any
481 person authorized to serve process in accordance with this
482 chapter, or by an attorney.

Amendment No.1

483 Section 9. Subsection (2) of section 48.151, Florida
484 Statutes, is amended to read:

485 48.151 Service on statutory agents for certain persons.—

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

488 Section 10. Section 48.161, Florida Statutes, is amended
489 to read:

490 48.161 Method of substituted service on nonresident.—

491 (1) When authorized by law, substituted service of process
492 on a nonresident individual or a corporation or other business
493 entity incorporated or formed under the laws of any other state,
494 territory, or commonwealth, or the laws of any foreign country,
495 ~~may or a person who conceals his or her whereabouts by serving a~~
496 ~~public officer designated by law shall~~ be made by sending
497 ~~leaving~~ a copy of the process to the office of the Secretary of
498 State by personal delivery; by registered mail; with a fee of
499 ~~\$8.75 with the public officer or in his or her office or by~~
500 ~~mailing the copies~~ by certified mail, return receipt requested;
501 by use of a commercial firm regularly engaged in the business of
502 document or package delivery; or by electronic transmission ~~to~~
503 ~~the public officer with the fee.~~ The service is sufficient
504 service on a party that ~~defendant who~~ has appointed or is deemed
505 to have appointed the Secretary of State ~~a public officer~~ as
506 such party's ~~his or her~~ agent for ~~the~~ service of process. The

Amendment No.1

507 Secretary of State shall keep a record of all process served on
508 the Secretary of State showing the day and hour of service.

509 (2) Notice of service and a copy of the process ~~must shall~~
510 be sent forthwith by the party effectuating service or by such
511 party's attorney by registered mail; by ~~registered or~~ certified
512 mail, return receipt requested; or by use of a commercial firm
513 regularly engaged in the business of document or package
514 delivery. In addition, if the parties have recently and
515 regularly used e-mail or other electronic means to communicate
516 between themselves, the notice of service and a copy of the
517 process must be sent by such electronic means or, if the party
518 is being served by substituted service, the notice of service
519 and a copy of the process must be served at such party's last
520 known physical address and, if applicable, last known electronic
521 address. The party effectuating service shall file proof of
522 service or return receipts showing delivery to the other party
523 by mail or courier and by electronic means, if electronic means
524 were used, unless the party is actively refusing or rejecting
525 the delivery of the notice. An ~~by the plaintiff or his or her~~
526 attorney to the defendant, and the defendant's return receipt
527 and the affidavit of compliance of the party effectuating
528 service ~~plaintiff or such party's his or her~~ attorney must of
529 ~~compliance shall~~ be filed within 40 days after ~~on or before~~ the
530 date ~~return day~~ of service on the Secretary of State ~~process~~ or
531 within such additional time as the court allows. The affidavit

Amendment No.1

532 of compliance must set forth the facts that justify substituted
533 service under this section and that show due diligence was
534 exercised in attempting to locate and effectuate personal
535 service on the party before using substituted service under this
536 section. The party effectuating service does not need to allege
537 in its original or amended complaint the facts required to be
538 set forth in the affidavit of compliance.

539 (3) When an individual or a business entity conceals its
540 whereabouts, the party seeking to effectuate service, after
541 exercising due diligence to locate and effectuate personal
542 service, may use substituted service pursuant to subsection (1)
543 in connection with any action in which the court has
544 jurisdiction over such individual or business entity. The party
545 seeking to effectuate service must also comply with subsection
546 (2); however, a return receipt or other proof showing acceptance
547 of receipt of the notice of service and a, ~~or the notice and~~
548 copy of the ~~shall be served on the defendant, if found within~~
549 the state, by an officer authorized to serve legal process by
550 the concealed party need not be filed, ~~or if found without the~~
551 state, by a sheriff or a deputy sheriff of any county of this
552 state or any duly constituted public officer qualified to serve
553 like process in the state or jurisdiction where the defendant is
554 found. The officer's return showing service shall be filed on or
555 before the return day of the process or within such time as the
556 court allows. The fee paid by the plaintiff to the public

Amendment No.1

557 ~~officer shall be taxed as cost if he or she prevails in the~~
558 ~~action. The public officer shall keep a record of all process~~
559 ~~served on him or her showing the day and hour of service.~~

560 (4) (a) The party effectuating service is considered to
561 have used due diligence if that party:

562 1. Made diligent inquiry and exerted an honest and
563 conscientious effort appropriate to the circumstances to acquire
564 the information necessary to effectuate personal service;

565 2. In seeking to effectuate personal service, reasonably
566 employed the knowledge at the party's command, including
567 knowledge obtained pursuant to subparagraph 1.; and

568 3. Made an appropriate number of attempts to serve the
569 party, taking into account the particular circumstances.

570 (b) In connection with service of process on any party who
571 is a natural person, in making the determination as to whether
572 the party effectuating service used due diligence, there is a
573 rebuttable presumption that the serving party exercised due
574 diligence by making three good faith attempts to serve the other
575 party during such times when and where such party is reasonably
576 likely to be found, as determined through resources reasonably
577 available to the party seeking to secure service of process.

578 (5)-(2) If any individual ~~person~~ on whom service of process
579 is authorized under subsection (1) dies, service may be made in
580 the same manner on his or her administrator, executor, curator,
581 or personal representative ~~in the same manner.~~

518255 - HB 545 Strike All Amendment.docx

Published On: 1/13/2022 12:15:32 PM

Amendment No.1

582 ~~(6)-(4)~~ The Secretary of State ~~public officer~~ may designate
583 an individual ~~some other person~~ in his or her office to accept
584 service.

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

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

590 ~~(9)-(3)~~ This section does not apply to persons on whom
591 service is authorized under s. 48.151.

592 Section 11. Section 48.181, Florida Statutes, is amended
593 to read:

594 48.181 Substituted service on nonresidents and foreign
595 business entities ~~nonresident~~ engaging in business in state or
596 concealing their whereabouts.-

597 (1) As used in this section, the term "foreign business
598 entity" means any corporation or other business entity that is
599 incorporated, formed, or existing under the laws of any other
600 state, territory, or commonwealth, or the laws of any foreign
601 country.

602 (2) The acceptance by any individual ~~person or persons,~~
603 ~~individually or associated together as a copartnership or any~~
604 ~~other form or type of association,~~ who is a resident ~~are~~
605 ~~residents~~ of any other state, territory, or commonwealth, or of
606 any foreign ~~or~~ country, or by any foreign business entity ~~and~~

Amendment No.1

607 ~~all foreign corporations, and any person who is a resident of~~
608 ~~the state and who subsequently becomes a nonresident of the~~
609 ~~state or conceals his or her whereabouts,~~ of the privilege
610 extended by law to nonresidents ~~and others~~ to operate, conduct,
611 engage in, or carry on a business or business venture in this
612 ~~the state,~~ or to have an office or agency in this ~~the state,~~ is
613 deemed to constitute ~~constitutes~~ an appointment by the
614 individual or persons and foreign business entity corporations
615 of the Secretary of State of this ~~the~~ state as its ~~their~~ agent
616 on whom ~~all~~ process in any action or proceeding against the
617 individual or business entity them, or any combination thereof
618 ~~of them,~~ arising out of any transaction or operation connected
619 with or incidental to the business or business venture may be
620 served as substituted service in accordance with this chapter.

621 The acceptance of the privilege is signification of the
622 agreement of the respective individual or persons and foreign
623 business entity corporations that the process served against it
624 ~~them~~ in accordance with this chapter ~~which is so served~~ is of
625 the same validity as if served personally on the individual
626 ~~persons~~ or foreign business entity corporations.

627 (3)-(2) If a foreign business entity corporation has
628 registered to do business a resident agent or officer in this
629 ~~the state~~ and has maintained its registration in an active
630 status or otherwise continued to have a registered agent,
631 personal service of process must first shall be attempted served

Amendment No.1

632 on the foreign business entity in the manner and order of
633 priority described in this chapter as applicable to the foreign
634 business entity. If, after due diligence, the party seeking to
635 effectuate service of process is unable to effectuate service of
636 process on the registered agent or other official as provided in
637 this chapter, the party may use substituted service of process
638 on the Secretary of State ~~resident agent or officer.~~

639 (4) Any individual or foreign business entity that
640 conceals its whereabouts is deemed to have appointed the
641 Secretary of State as its agent on whom all process may be
642 served, in any action or proceeding against it, or any
643 combination thereof, arising out of any transaction or operation
644 connected with or incidental to any business or business venture
645 carried on in this state by such individual or foreign business
646 entity.

647 (5)~~(3)~~ Any individual or foreign business entity that
648 person, firm, or corporation which sells, consigns, or leases by
649 any means whatsoever tangible or intangible personal property,
650 through brokers, jobbers, wholesalers, or distributors to any
651 individual person, firm, ~~or~~ corporation, or other business
652 entity in this state is conclusively presumed to be both engaged
653 in substantial and not isolated activities within this state and
654 operating, conducting, engaging in, or carrying on a business or
655 business venture in this state.

Amendment No.1

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

658 Section 12. Section 48.184, Florida Statutes, is created
659 to read:

660 48.184 Service of process for removal of unknown parties
661 in possession.-

662 (1) This section applies only to actions governed by s.
663 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent
664 that such actions seek relief for the removal of unknown parties
665 in possession of real property. The provisions of this section
666 are cumulative to other provisions of law or rules of court
667 about service of process, and all other such provisions are
668 cumulative to this section.

669 (2) A summons must be issued in the name of "Unknown Party
670 in Possession" when the name of an occupant of real property is
671 not known to the plaintiff and the property occupied by the
672 unknown party is identified in the complaint and summons. A
673 separate summons must be issued for each such unknown occupant.

674 (3) The plaintiff shall attempt to serve the summons on
675 any unknown occupant of the property described in the summons
676 and complaint. If service on the unknown occupant is not
677 effectuated on the first attempt, at least two further attempts
678 must be made. The three attempts to obtain service must be made
679 once during business hours, once during nonbusiness hours, and
680 once on a weekend. The process server shall make an inquiry as

Amendment No.1

681 to the name of the unknown occupant at the time of service. The
682 return of service must note the name of the occupant if obtained
683 by the process server or state that the name of the occupant
684 could not be obtained after inquiry. If the name of the occupant
685 becomes known to the plaintiff through the return of service or
686 otherwise, without notice or hearing thereon, all subsequent
687 proceedings must be conducted under the true name of such
688 occupant and all prior proceedings are deemed amended
689 accordingly.

690 (4) Service of process must also be made on unknown
691 parties by both of the following means:

692 (a) By attaching the summons and complaint to a
693 conspicuous location on the premises involved in the
694 proceedings.

695 (b) Upon issuance of the summons, by the plaintiff
696 providing the clerk of the court with one additional copy of the
697 summons and complaint for each unknown occupant and a prestamped
698 envelope for each unknown occupant addressed to the unknown
699 occupant at the address of the premises involved in the
700 proceedings. The clerk of the court shall immediately mail a
701 copy of the summons and complaint by first-class mail, note the
702 fact of mailing in the docket, and file a certificate in the
703 court file of the fact and date of mailing. The clerk of the
704 court shall charge such fees for such services as provided by
705 law.

Amendment No.1

706 (5) Service is effective on the unknown party in
707 possession on the later of the date that personal service is
708 made, the date of attaching the summons and complaint to a
709 conspicuous location on the premises, or upon mailing by the
710 clerk.

711 (6) The judgment and writ of possession must refer to any
712 unknown party in possession by name if the name is shown on the
713 return of service or is otherwise known to the plaintiff. If the
714 name of any unknown party in possession is not shown on the
715 return of service or otherwise known to the plaintiff and
716 service has been effectuated as provided in this section, the
717 judgment and writ of possession must refer to each such person
718 as "Unknown Party in Possession," and the writ of possession
719 must be executed by the sheriff by dispossessing the occupants
720 and placing the plaintiff in possession of the property.

721 Section 13. Subsections (1) and (2) of section 48.194,
722 Florida Statutes, are amended to read:

723 48.194 Personal service in another outside state,
724 territory, or commonwealth of the United States.-

725 (1) Except as otherwise provided herein, service of
726 process on a party in another persons outside of this state,
727 territory, or commonwealth of the United States must shall be
728 made in the same manner as service within this state by any
729 person authorized to serve process in the state where service
730 shall be made the person is served. No order of court is

Amendment No.1

731 required. A ~~court may consider the~~ return-of-service form
732 described in s. 48.21, or any other competent evidence, shall be
733 filed with the court, stating the time, manner, and place of
734 service. The court may consider such evidence in determining
735 whether service has been properly made. ~~Service of process on~~
736 ~~persons outside the United States may be required to conform to~~
737 ~~the provisions of the Hague Convention on the Service Abroad of~~
738 ~~Judicial and Extrajudicial Documents in Civil or Commercial~~
739 ~~Matters.~~

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

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

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

Amendment No.1

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

757 Section 14. Subsection (15) of section 49.011, Florida
758 Statutes, is amended to read:

759 49.011 Service of process by publication; cases in which
760 allowed.—Service of process by publication may be made in any
761 court on any party identified in s. 49.021 in any action or
762 proceeding:

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

764 (a) The legal father in a paternity action in which
765 another man is alleged to be the biological father, in which
766 case it is necessary to serve process on the legal father in
767 order to establish paternity with regard to the alleged
768 biological father; or

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

770 Section 15. Section 48.197, Florida Statutes, is created
771 to read:

772 48.197 Service in a foreign country.—

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

776 (a) By any internationally agreed-upon means of service
777 reasonably calculated to give actual notice of the proceedings,
778 such as those authorized by the Hague Convention on the Service

Amendment No.1

779 Abroad of Judicial and Extrajudicial Documents in Civil or
780 Commercial Matters.

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

785 1. As prescribed by the foreign country's law for service
786 in that country in an action in its courts of general
787 jurisdiction;

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

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

791 a. If serving an individual, delivering a copy of the
792 summons and of the complaint to the individual personally; or

793 b. Using any form of mail which the clerk addresses and
794 sends to the party and which requires a signed receipt.

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

800 (2) Service of process may be effectuated in a foreign
801 country upon a minor or an incompetent person in the manner
802 prescribed by subparagraph (1) (b)1., subparagraph (1) (b)2., or
803 paragraph (1) (c).

Amendment No.1

804 Section 16. Effective upon this act becoming a law,
805 subsection (2), paragraph (a) of subsection (3), and subsection
806 (4) of section 766.106, Florida Statutes, are amended to read:

807 766.106 Notice before filing action for medical
808 negligence; presuit screening period; offers for admission of
809 liability and for arbitration; informal discovery; review.—

810 (2) PRESUIT NOTICE.—

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

816 1. United States Postal Service certified mail, return
817 receipt requested;

818 2. United States Postal Service mail with a tracking
819 number;

820 3. An interstate commercial mail carrier or delivery
821 service; or

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

823 (b) Proof of service made pursuant to this subsection and
824 delivered to an address on file with the Department of Health,
825 the Secretary of State, or the Agency for Health Care
826 Administration creates a rebuttable presumption that service was
827 received by the prospective defendant. If service is challenged
828 during subsequent litigation, an evidentiary hearing must be

Amendment No.1

829 held by the court to determine whether the prospective defendant
830 or a person legally related to the prospective defendant was
831 provided notice pursuant to this subsection and, if so, the date
832 of such service. If service is challenged under this paragraph
833 it must be challenged in the first response to the complaint,
834 and if: (1) the court determines that service was properly made
835 at the prospective defendant's address as listed on the state
836 licensing agency website or an address on file with the
837 Secretary of State; and (2) the prospective defendant proves by
838 the greater weight of the evidence that neither they nor a
839 person legally related to the prospective defendant at the time
840 of service knew or should have known of the service, then the
841 court shall stay the case for a presuit period per s. 766.106
842 and the statute of limitations and statute of repose shall be
843 tolled from the time service was properly made at the
844 prospective defendant's address as listed on the state licensing
845 agency website or an address on file with the Secretary of
846 State. The tolling shall end at the conclusion of the presuit
847 period provided for in this subsection and the stay of
848 litigation shall automatically end at the conclusion of the
849 presuit period. ~~by certified mail, return receipt requested, of~~
850 ~~intent to initiate litigation for medical negligence.~~

851 (c) Notice to each prospective defendant must include, if
852 available, a list of all known health care providers seen by the
853 claimant for the injuries complained of subsequent to the

Amendment No.1

854 alleged act of negligence, all known health care providers
855 during the 2-year period before ~~prior to~~ the alleged act of
856 negligence who treated or evaluated the claimant, copies of all
857 of the medical records relied upon by the expert in signing the
858 affidavit, and the executed authorization form provided in s.
859 766.1065.

860 ~~(d)-(b)~~ Following the initiation of a suit alleging medical
861 negligence with a court of competent jurisdiction, and service
862 of the complaint upon a prospective defendant, the claimant
863 shall provide a copy of the complaint to the Department of
864 Health and, if the complaint involves a facility licensed under
865 chapter 395, the Agency for Health Care Administration. The
866 requirement of providing the complaint to the Department of
867 Health or the Agency for Health Care Administration does not
868 impair the claimant's legal rights or ability to seek relief for
869 his or her claim. The Department of Health or the Agency for
870 Health Care Administration shall review each incident that is
871 the subject of the complaint and determine whether it involved
872 conduct by a licensee which is potentially subject to
873 disciplinary action, in which case, for a licensed health care
874 practitioner, ~~the provisions of s. 456.073~~ applies ~~apply~~ and,
875 for a licensed facility, ~~the provisions of part I of chapter 395~~
876 applies ~~apply~~.

877 (3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

Amendment No.1

878 (a) ~~A~~ ~~ne~~ suit may not be filed for a period of 90 days
879 after notice is delivered ~~mailed~~ to any prospective defendant.
880 During the 90-day period, the prospective defendant or the
881 prospective defendant's insurer or self-insurer shall conduct a
882 review as provided in s. 766.203(3) to determine the liability
883 of the prospective defendant. Each insurer or self-insurer shall
884 have a procedure for the prompt investigation, review, and
885 evaluation of claims during the 90-day period. This procedure
886 must ~~shall~~ include one or more of the following:

- 887 1. Internal review by a duly qualified claims adjuster;
- 888 2. Creation of a panel comprised of an attorney
889 knowledgeable in the prosecution or defense of medical
890 negligence actions, a health care provider trained in the same
891 or similar medical specialty as the prospective defendant, and a
892 duly qualified claims adjuster;
- 893 3. A contractual agreement with a state or local
894 professional society of health care providers, which maintains a
895 medical review committee; or
- 896 4. Any other similar procedure which fairly and promptly
897 evaluates the pending claim.

898
899 Each insurer or self-insurer shall investigate the claim in good
900 faith, and both the claimant and prospective defendant shall
901 cooperate with the insurer in good faith. If the insurer
902 requires, a claimant must ~~shall~~ appear before a pretrial

Amendment No.1

903 screening panel or before a medical review committee and shall
904 submit to a physical examination, if required. Unreasonable
905 failure of any party to comply with this section justifies
906 dismissal of claims or defenses. There shall be no civil
907 liability for participation in a pretrial screening procedure if
908 done without intentional fraud.

909 (4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of
910 intent to initiate litigation must ~~shall~~ be served within the
911 time limits set forth in s. 95.11. However, upon mailing of the
912 notice of intent to initiate litigation, as provided in
913 subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph
914 (2)(a)3., and during the 90-day period provided in subsection
915 (3), the statute of limitations is tolled as to all prospective
916 potential defendants. If the notice of intent to initiate
917 litigation is served by a process server, as provided in
918 subparagraph (2)(a)4., the statute of limitations is tolled upon
919 the process server's first attempt to serve the prospective
920 defendant and continues during the 90-day period as to all
921 prospective defendants. Upon stipulation by the parties, the 90-
922 day period may be extended and the statute of limitations is
923 tolled during any such extension. Upon receiving notice of
924 termination of negotiations in an extended period, the claimant
925 shall have 60 days or the remainder of the period of the statute
926 of limitations, whichever is greater, within which to file suit.

Amendment No.1

927 The terms prospective and potential are interchangeable as
928 synonyms.

929 Section 17. Section 495.145, Florida Statutes, is amended
930 to read:

931 495.145 Forum for actions regarding registration.—An
932 action seeking cancellation of a registration of a mark
933 registered under this chapter may be brought in any court of
934 competent jurisdiction in this state. Service of process on a
935 nonresident registrant may be made in accordance with ss. 48.161
936 and 48.181 ~~s. 48.181~~. The department may ~~shall~~ not be made a
937 party to cancellation proceedings.

938 Section 18. Section 605.0117, Florida Statutes, is amended
939 to read:

940 605.0117 Serving ~~Service of~~ process, giving notice, or
941 making a demand.—

942 (1) Process against a limited liability company or
943 registered foreign limited liability company may be served in
944 accordance with s. 48.062 and chapter 48 or chapter 49 ~~with~~
945 ~~process required or authorized by law by serving on its~~
946 ~~registered agent.~~

947 (2) ~~If a limited liability company or registered foreign~~
948 ~~limited liability company ceases to have a registered agent or~~
949 ~~if its registered agent cannot with reasonable diligence be~~
950 ~~served, the process required or permitted by law may instead be~~
951 ~~served.~~

Amendment No.1

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

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

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

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

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

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

968 ~~(7) Any notice or demand on a limited liability company or~~
969 ~~registered foreign limited liability company under this chapter~~
970 ~~may be given or made to any member of a member-managed limited~~
971 ~~liability company or registered foreign limited liability~~
972 ~~company or to any manager of a manager-managed limited liability~~
973 ~~company or registered foreign limited liability company; to the~~
974 ~~registered agent of the limited liability company or registered~~
975 ~~foreign limited liability company at the registered office of~~
976 ~~the limited liability company or registered foreign limited~~

Amendment No.1

977 liability company in this state; or to any other address in this
978 state which ~~that~~ is in fact the principal office of the limited
979 liability company or registered foreign limited liability
980 company in this state.

981 (3) A registered series of a foreign series limited
982 liability company may be served in the same manner as a
983 registered limited liability company.

984 (4)-(8) This section does not affect the right to serve
985 process, give notice, or make a demand in any other manner
986 provided by law.

987 Section 19. Subsection (1) of section 605.09091, Florida
988 Statutes, is amended to read:

989 605.09091 Judicial review of denial of reinstatement.—

990 (1) If the department denies a foreign limited liability
991 company's application for reinstatement after revocation of its
992 certificate of authority, the department must ~~shall~~ serve the
993 foreign limited liability company, pursuant to s. 605.0117(2) ~~s.~~
994 ~~605.0117(7)~~, with a written notice that explains the reason or
995 reasons for the denial.

996 Section 20. Paragraphs (f) and (g) of subsection (1) and
997 subsection (2) of section 605.0910, Florida Statutes, are
998 amended to read:

999 605.0910 Withdrawal and cancellation of certificate of
1000 authority.—

Amendment No.1

1001 (1) To cancel its certificate of authority to transact
1002 business in this state, a foreign limited liability company must
1003 deliver to the department for filing a notice of withdrawal of
1004 certificate of authority. The certificate of authority is
1005 canceled when the notice becomes effective pursuant to s.
1006 605.0207. The notice of withdrawal of certificate of authority
1007 must be signed by an authorized representative and state the
1008 following:

1009 (f) A mailing address and an e-mail address to which a
1010 party seeking to effectuate service of process ~~the department~~
1011 may send mail a copy of any process served on the Secretary of
1012 State under paragraph (e).

1013 (g) A commitment to notify the department in the future of
1014 any change in its mailing address or e-mail address.

1015 (2) After the withdrawal of the foreign limited liability
1016 company is effective, service of process on the Secretary of
1017 State using the procedures set forth in s. 48.161 ~~under this~~
1018 ~~section~~ is service on the foreign limited liability company.
1019 ~~Upon receipt of the process, the department shall mail a copy of~~
1020 ~~the process to the foreign limited liability company at the~~
1021 ~~mailing address set forth under paragraph (1)(f).~~

1022 Section 21. Paragraph (f) of subsection (2) of section
1023 605.1045, Florida Statutes, is amended to read:

1024 605.1045 Articles of conversion.—

1025 (2) The articles of conversion must contain the following:

Amendment No.1

1026 (f) If the converted entity is a foreign entity that does
1027 not have a certificate of authority to transact business in this
1028 state, a mailing address and an e-mail address to which a party
1029 seeking to effectuate service of process ~~the department~~ may send
1030 any process served on the Secretary of State ~~department~~ pursuant
1031 to s. 605.0117 and chapter 48.

1032 Section 22. Section 607.0504, Florida Statutes, is amended
1033 to read:

1034 607.0504 Serving ~~Service of~~ process, giving notice, or
1035 making a demand on a corporation.—

1036 (1) A corporation may be served with process required or
1037 authorized by law in accordance with s. 48.081 and chapter 48 or
1038 chapter 49 ~~by serving on its registered agent.~~

1039 ~~(2) If a corporation ceases to have a registered agent or~~
1040 ~~if its registered agent cannot with reasonable diligence be~~
1041 ~~served, the process required or permitted by law may instead be~~
1042 ~~served on the chair of the board, the president, any vice~~
1043 ~~president, the secretary, or the treasurer of the corporation at~~
1044 ~~the principal office of the corporation in this state.~~

1045 ~~(3) If the process cannot be served on a corporation~~
1046 ~~pursuant to subsection (1) or subsection (2), the process may be~~
1047 ~~served on the secretary of state as an agent of the corporation.~~

1048 ~~(4) Service of process on the secretary of state shall be~~
1049 ~~made by delivering to and leaving with the department duplicate~~
1050 ~~copies of the process.~~

Amendment No.1

1051 ~~(5) Service is effectuated under subsection (3) on the~~
1052 ~~date shown as received by the department.~~

1053 ~~(6) The department shall keep a record of each process~~
1054 ~~served on the secretary of state pursuant to this subsection and~~
1055 ~~record the time of and the action taken regarding the service.~~

1056 ~~(7)~~ Any notice or demand on a corporation under this
1057 chapter may be given or made to the chair of the board, the
1058 president, any vice president, the secretary, or the treasurer
1059 of the corporation; to the registered agent of the corporation
1060 at the registered office of the corporation in this state; or to
1061 any other address in this state which ~~that~~ is in fact the
1062 principal office of the corporation in this state.

1063 ~~(3)-(8)~~ This section does not affect the right to serve
1064 process, give notice, or make a demand in any other manner
1065 provided by law.

1066 Section 23. Subsection (1) of section 607.1423, Florida
1067 Statutes, is amended to read:

1068 607.1423 Judicial review of denial of reinstatement.—

1069 (1) If the department denies a corporation's application
1070 for reinstatement after administrative dissolution, the
1071 department must ~~shall~~ serve the corporation under ~~either~~ s.
1072 607.0504(1) ~~or (2)~~ with a written notice that explains the
1073 reason or reasons for denial.

1074 Section 24. Section 607.15101, Florida Statutes, is
1075 amended to read:

Amendment No.1

1076 607.15101 Serving ~~Service~~ of process, giving notice, or
1077 making a demand on a foreign corporation.-

1078 (1) A foreign corporation may be served with process
1079 required or authorized by law in accordance with s. 48.081 and
1080 chapter 48 or chapter 49 ~~by serving on its registered agent.~~

1081 (2) ~~If a foreign corporation ceases to have a registered~~
1082 ~~agent or if its registered agent cannot with reasonable~~
1083 ~~diligence be served, the process required or permitted by law~~
1084 ~~may instead be served on the chair of the board, the president,~~
1085 ~~any vice president, the secretary, or the treasurer of the~~
1086 ~~foreign corporation at the principal office of the foreign~~
1087 ~~corporation in this state.~~

1088 (3) ~~If the process cannot be served on a foreign~~
1089 ~~corporation pursuant to subsection (1) or subsection (2), the~~
1090 ~~process may be served on the secretary of state as an agent of~~
1091 ~~the foreign corporation.~~

1092 (4) ~~Service of process on the secretary of state may be~~
1093 ~~made by delivering to and leaving with the department duplicate~~
1094 ~~copies of the process.~~

1095 (5) ~~Service is effectuated under subsection (3) on the~~
1096 ~~date shown as received by the department.~~

1097 (6) ~~The department shall keep a record of each process~~
1098 ~~served on the secretary of state pursuant to this section and~~
1099 ~~record the time of and the action taken regarding the service.~~

Amendment No.1

1100 ~~(7)~~ Any notice or demand on a foreign corporation under
1101 this chapter may be given or made ~~to~~ to the chair of the board,
1102 the president, any vice president, the secretary, or the
1103 treasurer of the foreign corporation; to the registered agent of
1104 the foreign corporation at the registered office of the foreign
1105 corporation in this state; or to any other address in this state
1106 which ~~that~~ is in fact the principal office of the foreign
1107 corporation in this state.

1108 (3)~~(8)~~ This section does not affect the right to serve
1109 process, give notice, or make a demand in any other manner
1110 provided by law.

1111 Section 25. Paragraphs (f) and (g) of subsection (1) and
1112 subsection (2) of section 607.1520, Florida Statutes, are
1113 amended to read:

1114 607.1520 Withdrawal and cancellation of certificate of
1115 authority for foreign corporation.—

1116 (1) To cancel its certificate of authority to transact
1117 business in this state, a foreign corporation must deliver to
1118 the department for filing a notice of withdrawal of certificate
1119 of authority. The certificate of authority is canceled when the
1120 notice of withdrawal becomes effective pursuant to s. 607.0123.
1121 The notice of withdrawal of certificate of authority must be
1122 signed by an officer or director and state the following:

1123 (f) A mailing address and an e-mail address to which a
1124 party seeking to effectuate service of process ~~the secretary of~~

Amendment No.1

1125 ~~state~~ may send ~~mail~~ a copy of any process served on the
1126 Secretary of State under paragraph (e).

1127 (g) A commitment to notify the department in the future of
1128 any change in its mailing address or e-mail address.

1129 (2) After the withdrawal of the foreign corporation is
1130 effective, service of process on the Secretary of State using
1131 the procedures in s. 48.161 ~~under this section~~ is service on the
1132 foreign corporation. ~~Upon receipt of the process, the secretary~~
1133 ~~of state shall mail a copy of the process to the foreign~~
1134 ~~corporation at the mailing address set forth under paragraph~~
1135 ~~(1)(f).~~

1136 Section 26. Subsections (1) and (3) of section 617.0504,
1137 Florida Statutes, are amended to read:

1138 617.0504 Serving ~~Service of~~ process, giving notice, or
1139 making a demand on a corporation.-

1140 (1) Process against any corporation may be served in
1141 accordance with s. 48.081 and chapter 48 or chapter 49.

1142 (3) This section does not prescribe the only means, or
1143 necessarily the required means, of serving process, giving
1144 notice, or making a demand on a corporation.

1145 Section 27. Section 617.1510, Florida Statutes, is amended
1146 to read:

1147 617.1510 Serving ~~Service of~~ process, giving notice, or
1148 making a demand on a foreign corporation.-

Amendment No.1

1149 (1) Process against a foreign corporation may be served in
1150 accordance with s. 48.081 and chapter 48 or chapter 49 ~~The~~
1151 ~~registered agent of a foreign corporation authorized to conduct~~
1152 ~~its affairs in this state is the corporation's agent for service~~
1153 ~~of process, notice, or demand required or permitted by law to be~~
1154 ~~served on the foreign corporation.~~

1155 (2) ~~A foreign corporation may be served by registered or~~
1156 ~~certified mail, return receipt requested, addressed to the~~
1157 ~~secretary of the foreign corporation at its principal office~~
1158 ~~shown in its application for a certificate of authority or in~~
1159 ~~its most recent annual report if the foreign corporation:~~

1160 (a) ~~Has no registered agent or its registered agent cannot~~
1161 ~~with reasonable diligence be served;~~

1162 (b) ~~Has withdrawn from conducting its affairs in this~~
1163 ~~state under s. 617.1520; or~~

1164 (c) ~~Has had its certificate of authority revoked under s.~~
1165 ~~617.1531.~~

1166 (3) ~~Service is perfected under subsection (2) at the~~
1167 ~~earliest of:~~

1168 (a) ~~The date the foreign corporation receives the mail;~~

1169 (b) ~~The date shown on the return receipt, if signed on~~
1170 ~~behalf of the foreign corporation; or~~

1171 (c) ~~Five days after its deposit in the United States mail,~~
1172 ~~as evidenced by the postmark, if mailed postpaid and correctly~~
1173 ~~addressed.~~

Amendment No.1

1174 ~~(4) This section does not prescribe the only means, or~~
1175 ~~necessarily the required means, of serving a foreign~~
1176 ~~corporation. Process against any foreign corporation may also be~~
1177 ~~served in accordance with chapter 48 or chapter 49.~~

1178 ~~(5)~~ Any notice to or demand on a foreign corporation made
1179 pursuant to this act may be made in accordance with the
1180 procedures for notice to or demand on domestic corporations
1181 under s. 617.0504.

1182 Section 28. Subsections (2) and (3) of section 617.1520,
1183 Florida Statutes, are amended to read:

1184 617.1520 Withdrawal of foreign corporation.—

1185 (2) A foreign corporation authorized to conduct its
1186 affairs in this state may apply for a certificate of withdrawal
1187 by delivering an application to the Department of State for
1188 filing. The application must ~~shall~~ be made on forms prescribed
1189 and furnished by the Department of State and must ~~shall~~ set
1190 forth all of the following:

1191 (a) The name of the foreign corporation and the
1192 jurisdiction under the law under ~~of~~ which it is incorporated.†

1193 (b) That it is not conducting its affairs in this state
1194 and that it surrenders its authority to conduct its affairs in
1195 this state.†

1196 (c) That it revokes the authority of its registered agent
1197 to accept service on its behalf and appoints the Secretary of
1198 State ~~Department of State~~ as its agent for service of process

Amendment No.1

1199 based on a cause of action arising during the time it was
1200 authorized to conduct its affairs in this state.~~;~~

1201 (d) A mailing address and an e-mail address to which a
1202 party seeking to effectuate service of process ~~the Department of~~
1203 ~~State may send mail~~ a copy of any process served on it under
1204 paragraph (c).~~;~~ ~~and~~

1205 (e) A commitment to notify the Department of State in the
1206 future of any change in its mailing address or e-mail address.

1207 (3) After the withdrawal of the corporation is effective,
1208 service of process in accordance with s. 48.161 ~~on the~~
1209 ~~Department of State under this section~~ is service on the foreign
1210 corporation. ~~Upon receipt of the process, the Department of~~
1211 ~~State shall mail a copy of the process to the foreign~~
1212 ~~corporation at the mailing address set forth under subsection~~
1213 ~~(2).~~

1214 Section 29. Section 620.1117, Florida Statutes, is amended
1215 to read:

1216 620.1117 Serving Service of process, giving notice, or
1217 making a demand on a limited partnership or a foreign limited
1218 partnership.-

1219 (1) Service of process on a limited partnership or foreign
1220 limited partnership must be made in accordance with s. 48.061
1221 and chapter 48 or chapter 49 ~~A registered agent appointed by a~~
1222 ~~limited partnership or foreign limited partnership is an agent~~
1223 ~~of the limited partnership or foreign limited partnership for~~

Amendment No.1

1224 ~~service of any process, notice, or demand required or permitted~~
1225 ~~by law to be served upon the limited partnership or foreign~~
1226 ~~limited partnership.~~

1227 (2) Any notice or demand on a limited partnership or
1228 foreign limited partnership under this chapter may be given or
1229 made to any general partner of the limited partnership or
1230 foreign limited partnership, to the registered agent of the
1231 limited partnership or foreign limited partnership at the
1232 registered office in this state, or to any other address in this
1233 state which is in fact the principal office of the limited
1234 partnership or foreign limited partnership in this state ~~If a~~
1235 ~~limited partnership or foreign limited partnership does not~~
1236 ~~appoint or maintain a registered agent in this state or the~~
1237 ~~registered agent cannot with reasonable diligence be found at~~
1238 ~~the address of the registered office, the Department of State~~
1239 ~~shall be an agent of the limited partnership or foreign limited~~
1240 ~~partnership upon whom process, notice, or demand may be served.~~

1241 (3) ~~Service of any process, notice, or demand on the~~
1242 ~~Department of State may be made by delivering to and leaving~~
1243 ~~with the Department of State duplicate copies of the process,~~
1244 ~~notice, or demand.~~

1245 (4) ~~Service is effected under subsection (3) upon the date~~
1246 ~~shown as having been received by the Department of State.~~

Amendment No.1

1247 ~~(5) The Department of State shall keep a record of each~~
1248 ~~process, notice, and demand served pursuant to this section and~~
1249 ~~record the time of, and the action taken regarding, the service.~~

1250 (6) This section does not affect the right to serve
1251 process, give notice, or make a demand in any other manner
1252 provided by law.

1253 Section 30. Subsection (5) of section 620.1907, Florida
1254 Statutes, is amended to read:

1255 620.1907 Cancellation of certificate of authority; effect
1256 of failure to have certificate.-

1257 (5) If a foreign limited partnership transacts business in
1258 this state without a certificate of authority or cancels its
1259 certificate of authority, it may be served under s. 48.061(5)(b)
1260 ~~the foreign limited partnership shall appoint the Department of~~
1261 ~~State as its agent for service of process for rights of action~~
1262 ~~arising out of the transaction of business in this state.~~

1263 Section 31. Subsections (3) and (4) of section 620.2105,
1264 Florida Statutes, are amended to read:

1265 620.2105 Effect of conversion.-

1266 (3) A converted organization that is a foreign
1267 organization consents to the jurisdiction of the courts of this
1268 state to enforce any obligation owed by the converting limited
1269 partnership, if before the conversion the converting limited
1270 partnership was subject to suit in this state on the obligation.
1271 A converted organization that is a foreign organization and not

Amendment No.1

1272 authorized to transact business in this state appoints the
1273 Secretary of State ~~Department of State~~ as its agent for service
1274 of process for purposes of enforcing an obligation under this
1275 subsection and any appraisal rights of limited partners under
1276 ss. 620.2113-620.2124 to the extent applicable to the
1277 conversion. Service on the Secretary of State ~~Department of~~
1278 ~~State~~ under this subsection is made in the same manner and with
1279 the same consequences as in ss. 48.161 and 620.1117 ~~s.~~
1280 ~~620.1117(3) and (4)~~.

1281 (4) A copy of the statement of conversion, certified by
1282 the Secretary of State ~~Department of State~~, may be filed in any
1283 county of this state in which the converting organization holds
1284 an interest in real property.

1285 Section 32. Subsection (2) of section 620.2109, Florida
1286 Statutes, is amended to read:

1287 620.2109 Effect of merger.—

1288 (2) A surviving organization that is a foreign
1289 organization consents to the jurisdiction of the courts of this
1290 state to enforce any obligation owed by a constituent
1291 organization, if before the merger the constituent organization
1292 was subject to suit in this state on the obligation. A surviving
1293 organization that is a foreign organization and not authorized
1294 to transact business in this state shall appoint the Secretary
1295 of State ~~Department of State~~ as its agent for service of process
1296 for the purposes of enforcing an obligation under this

518255 - HB 545 Strike All Amendment.docx

Published On: 1/13/2022 12:15:32 PM

Amendment No.1

1297 subsection and any appraisal rights of limited partners under
1298 ss. 620.2113-620.2124 to the extent applicable to the merger.
1299 Service on the Secretary of State ~~Department of State~~ under this
1300 subsection is made in the same manner and with the same
1301 consequences as in ss. 48.161 and 620.1117 ~~s. 620.1117(3) and~~
1302 ~~(4)~~.

1303 Section 33. Subsections (3) and (4) of section 620.8915,
1304 Florida Statutes, are amended to read:

1305 620.8915 Effect of conversion.—

1306 (3) A converted organization that is a foreign
1307 organization consents to the jurisdiction of the courts of this
1308 state to enforce any obligation owed by the converting
1309 partnership, if before the conversion the converting partnership
1310 was subject to suit in this state on the obligation. A converted
1311 organization that is a foreign organization and not authorized
1312 to transact business in this state shall appoint the Secretary
1313 of State ~~Department of State~~ as its agent for service of process
1314 for purposes of enforcing an obligation under this subsection.
1315 Service on the Secretary of State ~~Department of State~~ under this
1316 subsection ~~is shall be~~ made in the same manner and with the same
1317 consequences as provided in s. 48.161 ~~s. 48.181~~.

1318 (4) A copy of the certificate of conversion, certified by
1319 the Secretary of State ~~Department of State~~, may be filed in any
1320 county of this state in which the converting organization holds
1321 an interest in real property.

Amendment No.1

1322 Section 34. Subsection (2) of section 620.8919, Florida
1323 Statutes, is amended to read:

1324 620.8919 Effect of merger.—

1325 (2) A surviving organization that is a foreign
1326 organization consents to the jurisdiction of the courts of this
1327 state to enforce any obligation owed by a constituent
1328 organization, if before the merger the constituent organization
1329 was subject to suit in this state on the obligation. A surviving
1330 organization that is a foreign organization and not authorized
1331 to transact business in this state shall appoint the Secretary
1332 of State ~~Department of State~~ as its agent for service of process
1333 pursuant to s. 48.161 ~~the provisions of s. 48.181~~.

1334 Section 35. Except as otherwise expressly provided in this
1335 act and except for this section, which shall take effect upon
1336 this act becoming a law, this act shall take effect January 2,
1337 2023.

1338
1339 -----

1340 **T I T L E A M E N D M E N T**

1341 Remove everything before the enacting clause and insert:

1342 A bill to be entitled

1343 An act relating to service of process; amending s.

1344 15.16, F.S.; authorizing the Department of State to

1345 electronically receive service of process under ch.

1346 48, F.S.; amending s. 48.061, F.S.; revising

Amendment No.1

1347 procedures for service on partnerships, limited
1348 liability partnerships, and limited partnerships;
1349 amending s. 48.062, F.S.; defining the term
1350 "registered foreign limited liability company";
1351 revising procedures for service on a domestic limited
1352 liability company or registered foreign limited
1353 liability company; amending s. 48.071, F.S.; providing
1354 for service on nonresidents doing business in this
1355 state by use of a commercial firm regularly engaged in
1356 the business of document or package delivery; amending
1357 s. 48.081, F.S.; defining the term "registered foreign
1358 corporation"; revising requirements for service on a
1359 domestic corporation or registered foreign
1360 corporation; amending s. 48.091, F.S.; defining terms;
1361 requiring designation of registered agents and
1362 registered offices by certain partnerships,
1363 corporations, and companies; specifying duties of a
1364 registered agent; authorizing a person serving process
1365 to serve certain persons under specified conditions;
1366 amending s. 48.101, F.S.; providing for service on
1367 dissolved corporations, dissolved limited liability
1368 companies, dissolved limited partnerships, and
1369 dissolved limited liability partnerships; creating s.
1370 48.102, F.S.; authorizing service by other means in
1371 certain circumstances; amending s. 48.151, F.S.;

518255 - HB 545 Strike All Amendment.docx

Published On: 1/13/2022 12:15:32 PM

Amendment No.1

1372 revising the applicability of provisions relating to
1373 service on statutory agents for certain persons;
1374 amending s. 48.161, F.S.; revising provisions relating
1375 to substituted service; providing for substituted
1376 service on individuals or corporations or other
1377 business entities; specifying actions that may be
1378 considered due diligence in effectuating service;
1379 specifying when service is considered effectuated;
1380 requiring the Department of State to maintain certain
1381 records; amending s. 48.181, F.S.; defining the term
1382 "foreign business entity"; revising provisions
1383 relating to substituted service; providing for
1384 substituted service on certain nonresidents and
1385 foreign business entities and on individuals and
1386 foreign business entities concealing their
1387 whereabouts; creating s. 48.184, F.S.; providing for
1388 service of process for removal of unknown parties in
1389 possession of real property; amending s. 48.194, F.S.;
1390 revising provisions relating to service outside this
1391 state but within the United States; deleting
1392 provisions relating to service outside the United
1393 States; amending s. 49.011, F.S.; providing for
1394 constructive service on the legal mother in certain
1395 situations; creating s. 48.197, F.S.; providing for
1396 service in a foreign country; amending s. 766.106,

518255 - HB 545 Strike All Amendment.docx

Published On: 1/13/2022 12:15:32 PM

Amendment No.1

1397 F.S.; revising requirements for service of presuit
1398 notice before filing a medical negligence complaint;
1399 creating a rebuttable presumption that service was
1400 received by a prospective defendant in certain
1401 circumstances; providing court duties if service is
1402 challenged during subsequent litigation; revising
1403 provisions concerning tolling of the statute of
1404 limitations upon service of presuit notice by
1405 specified means; amending ss. 495.145, 605.0117,
1406 605.09091, 605.0910, 605.1045, 607.0504, 607.1423,
1407 607.15101, 607.1520, 617.0504, 617.1510, 617.1520,
1408 620.1117, 620.1907, 620.2105, 620.2109, 620.8915, and
1409 620.8919, F.S.; conforming cross-references and
1410 provisions to changes made by the act; providing
1411 effective dates.