

Amendment No.

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WITHDRAWN	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 Subcommittee
2 Representative Gottlieb offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (h) of subsection (1) of section
7 92.605, Florida Statutes, is amended, and subsection (10) is
8 added to that section, to read:

9 92.605 Production of certain records by Florida businesses
10 and out-of-state corporations.—

11 (1) For the purposes of this section, the term:

12 (h) "Properly served" means delivery by hand or in a
13 manner reasonably allowing for proof of delivery if delivered by
14 United States mail, overnight delivery service, or facsimile to
15 a person or entity properly registered to do business in any
16 state. In order for an out-of-state corporation to be properly

Amendment No.

17 served, the service described in this paragraph must be effected
18 on the corporation's registered agent in this state or as
19 authorized under the laws of the state where process is to be
20 served. Service on an out-of-state corporation doing business in
21 this state through the Internet may also be made at any location
22 where the corporation routinely accepts service.

23 (10) If a Florida business or an out-of-state corporation
24 refuses to comply with a properly served subpoena or does not
25 comply with the requirements of subsection (2) or (3), the
26 applicant who sought the subpoena may petition a court of
27 competent jurisdiction to compel compliance. The court may
28 address the matter as indirect criminal contempt and may punish
29 a business or corporation by a fine of between \$100 and \$1,000
30 per day for a maximum of 60 days.

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

32

33

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

35 Remove everything before the enacting clause and insert:
36 An act relating to subpoenas; amending s. 92.605, F.S.;
37 revising the definition of "properly served"; authorizing
38 an applicant to petition a court to compel compliance with
39 a subpoena; authorizing a court to address noncompliance as
40 indirect criminal contempt and impose a daily fine; and
41 providing an effective date.