

1 A bill to be entitled
2 An act relating to service of process; amending s.
3 15.16, F.S.; authorizing the Department of State to
4 electronically receive service of process under ch.
5 48, F.S.; amending s. 48.061, F.S.; revising
6 procedures for service on partnerships, limited
7 liability partnerships, and limited partnerships;
8 amending s. 48.062, F.S.; defining the term
9 "registered foreign limited liability company";
10 revising procedures for service on a domestic limited
11 liability company or registered foreign limited
12 liability company; amending s. 48.071, F.S.; providing
13 for service on nonresidents doing business in this
14 state by use of a commercial firm regularly engaged in
15 the business of document or package delivery; amending
16 s. 48.081, F.S.; defining the term "registered foreign
17 corporation"; revising requirements for service on a
18 domestic corporation or registered foreign
19 corporation; amending s. 48.091, F.S.; defining terms;
20 requiring designation of registered agents and
21 registered offices by certain partnerships,
22 corporations, and companies; specifying duties of a
23 registered agent; authorizing a person serving process
24 to serve certain persons under specified conditions;
25 amending s. 48.101, F.S.; providing for service on

26 dissolved corporations, dissolved limited liability
27 companies, dissolved limited partnerships, and
28 dissolved limited liability partnerships; creating s.
29 48.102, F.S.; authorizing service by other means in
30 certain circumstances; amending s. 48.151, F.S.;
31 revising the applicability of provisions relating to
32 service on statutory agents for certain persons;
33 amending s. 48.161, F.S.; revising provisions relating
34 to substituted service; providing for substituted
35 service on individuals or corporations or other
36 business entities; specifying actions that may be
37 considered due diligence in effectuating service;
38 specifying when service is considered effectuated;
39 requiring the department to maintain certain records;
40 amending s. 48.181, F.S.; defining the term "foreign
41 business entity"; revising provisions relating to
42 substituted service; providing for substituted service
43 on certain nonresidents and foreign business entities
44 and on individuals and foreign business entities
45 concealing their whereabouts; creating s. 48.184,
46 F.S.; providing for service of process for removal of
47 unknown parties in possession of real property;
48 amending s. 48.194, F.S.; revising provisions relating
49 to service outside this state but within the United
50 States; deleting provisions relating to service

51 outside the United States; amending s. 49.011, F.S.;

52 providing for constructive service on the legal mother

53 in certain situations; creating s. 48.197, F.S.;

54 providing for service in a foreign country; amending

55 s. 766.106, F.S.; revising requirements for service of

56 presuit notice before filing a medical negligence

57 complaint; creating a rebuttable presumption that

58 service was received by a prospective defendant in

59 certain circumstances; providing court duties if

60 service is challenged during subsequent litigation;

61 revising provisions concerning tolling of the statute

62 of limitations upon service of presuit notice by

63 specified means; amending ss. 495.145, 605.0117,

64 605.09091, 605.0910, 605.1045, 607.0504, 607.1423,

65 607.15101, 607.1520, 617.0504, 617.1510, 617.1520,

66 620.1117, 620.1907, 620.2105, 620.2109, 620.8915, and

67 620.8919, F.S.; conforming cross-references and

68 provisions to changes made by the act; providing

69 effective dates.

70

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

72

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

74 Statutes, is amended to read:

75 15.16 Reproduction of records; admissibility in evidence;

76 | electronic receipt and transmission of records; certification;
 77 | acknowledgment.—

78 | (3) The Department of State may cause to be received
 79 | electronically any records that are required or authorized to be
 80 | filed with it pursuant to chapter 48, chapter 55, chapter 117,
 81 | chapter 118, chapter 495, chapter 605, chapter 606, chapter 607,
 82 | chapter 610, chapter 617, chapter 620, chapter 621, chapter 679,
 83 | chapter 713, or chapter 865, through facsimile or other
 84 | electronic transfers, for the purpose of filing such records.
 85 | The originals of all such electronically transmitted records
 86 | must be executed in the manner provided in paragraph (5) (b). The
 87 | receipt of such electronic transfer constitutes delivery to the
 88 | department as required by law. The department may use electronic
 89 | transmissions for purposes of notice in the administration of
 90 | chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,
 91 | 621, 679, and 713 and s. 865.09. The Department of State may
 92 | collect e-mail addresses for purposes of notice and
 93 | communication in the performance of its duties and may require
 94 | filers and registrants to furnish such e-mail addresses when
 95 | presenting documents for filing.

96 | Section 2. Section 48.061, Florida Statutes, is amended to
 97 | read:

98 | 48.061 Service on partnerships, limited liability
 99 | partnerships, and limited partnerships.—

100 | (1) (a) Process against a partnership that is not a limited

101 liability partnership or a limited partnership, including a
102 limited liability limited partnership, must ~~shall~~ be served on
103 any partner and is as valid for service on the partnership as if
104 served on each individual partner.

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

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

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

119 (2)(a) Process against a domestic limited liability
120 partnership must first be served on the then-current registered
121 agent for service of process specified in its statement of
122 qualification, in its statement of qualification as amended or
123 restated, or as redesignated in its annual report or change of
124 agent filing and is as valid for service on the limited
125 liability partnership as if served on each individual partner.

126 If service cannot be made on the registered agent because the
127 domestic limited liability partnership ceases to have a
128 registered agent, or if the registered agent cannot otherwise be
129 served after one good faith attempt because of a failure to
130 comply with this chapter or chapter 620, the process may be
131 served on any partner.

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

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

138 (b) If, after due diligence, the process cannot be
139 completed under paragraph (a), the process may be served as
140 provided in s. 48.161 on the Secretary of State as an agent of
141 the domestic limited liability partnership or by order of the
142 court under s. 48.102.

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

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

158 3. After service on a general partner or the registered
159 agent, the plaintiff may proceed to judgment and execution
160 against the assets of the domestic limited partnership or of
161 that general partner, unless the domestic limited partnership is
162 a limited liability limited partnership.

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

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

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

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

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

192 ~~(2) Process against a domestic limited partnership may be~~
193 ~~served on any general partner or on the agent for service of~~
194 ~~process specified in its certificate of limited partnership or~~
195 ~~in its certificate as amended or restated and is as valid as if~~
196 ~~served on each individual member of the partnership. After~~
197 ~~service on a general partner or the agent, the plaintiff may~~
198 ~~proceed to judgment and execution against the limited~~
199 ~~partnership and all of the general partners individually. If a~~
200 ~~general partner cannot be found in this state and service cannot~~

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

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

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

221 48.062 Service on a domestic limited liability company or
 222 registered foreign limited liability company.—

223 (1) As used in this section, the term "registered foreign
 224 limited liability company" means a foreign limited liability
 225 company that has an active certificate of authority to transact

226 business in this state pursuant to a record filed with the
 227 Department of State.

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

238 (3)~~(2)~~ If service cannot be made on a registered agent of
 239 the domestic limited liability company or registered foreign
 240 limited liability company because the domestic limited liability
 241 company or registered foreign limited liability company ceases
 242 to have a registered agent, or if the registered agent of the
 243 domestic limited liability company or registered foreign limited
 244 liability company cannot otherwise be served after one good
 245 faith attempt because of a failure to comply with this chapter
 246 or chapter 605 ~~or because the limited liability company does not~~
 247 ~~have a registered agent, or if its registered agent cannot with~~
 248 ~~reasonable diligence be served, process against the limited~~
 249 ~~liability company, domestic or foreign,~~ the process may be
 250 served on any of the following:

251 (a) Any manager of a manager-managed domestic limited
 252 liability company or registered foreign limited liability
 253 company. ~~On a member of a member-managed limited liability~~
 254 ~~company;~~

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

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

269 (4)~~(3)~~ If, after due ~~reasonable~~ diligence, the ~~service of~~
 270 process cannot be completed under subsection (2) and if either:

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

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

282
283 the service of process may be served as provided in s. 48.161 on
284 effected by service upon the Secretary of State as an agent of
285 the domestic limited liability company or the registered foreign
286 limited liability company or by order of the court under s.
287 48.102 as provided for in s. 48.181.

288 (5)~~(4)~~ If the ~~address for the~~ registered agent or any
289 person listed publicly by the domestic limited liability company
290 or registered foreign limited liability company on its latest
291 annual report, as most recently amended, has an address that
292 member, or manager is a residence, a private mailbox, a virtual
293 office, or an executive office or mini suite, service on the
294 domestic limited liability company or registered foreign limited
295 liability company may be made by serving any of the following:

296 (a) The registered agent of the domestic limited liability
297 company or registered foreign limited liability company, in
298 accordance with s. 48.031.

299 (b) Any person listed publicly by the domestic limited
300 liability company or registered foreign limited liability

301 company on its latest annual report, as most recently amended,
 302 in accordance with s. 48.031.

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

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

311 (7)-(5) This section does not apply to service of process
 312 on insurance companies.

313 Section 4. Section 48.071, Florida Statutes, is amended to
 314 read:

315 48.071 Service on agents of nonresidents doing business in
 316 the state.—When any natural person or partnership not residing
 317 or having a principal place of business in this state engages in
 318 business in this state, process may be served on the person who
 319 is in charge of any business in which the defendant is engaged
 320 within this state at the time of service, including agents
 321 soliciting orders for goods, wares, merchandise, or services.
 322 Any process so served is as valid as if served personally on the
 323 nonresident person or partnership engaging in business in this
 324 state in any action against the person or partnership arising
 325 out of such business. A copy of such process with a notice of

326 service on the person in charge of such business must ~~shall~~ be
 327 sent forthwith to the nonresident person or partnership by
 328 registered mail; by ~~or~~ certified mail, return receipt requested;
 329 or by use of a commercial firm regularly engaged in the business
 330 of document or package delivery. The party seeking to effectuate
 331 service, or the attorney for such party, shall prepare. an
 332 affidavit of compliance with this section which must ~~shall~~ be
 333 filed before the return day or within such further time as the
 334 court may allow.

335 Section 5. Section 48.081, Florida Statutes, is amended to
 336 read:

337 48.081 Service on a domestic corporation or registered
 338 foreign corporation.-

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

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

347 (3) If service cannot be made on a registered agent of the
 348 domestic corporation or registered foreign corporation because
 349 the domestic corporation or registered foreign corporation
 350 ceases to have a registered agent, or if the registered agent of

351 the domestic corporation or registered foreign corporation
 352 cannot otherwise be served after one good faith attempt because
 353 of a failure to comply with this chapter, chapter 607, or
 354 chapter 617, as applicable, the process may be served on either
 355 of the following ~~Process against any private corporation,~~
 356 ~~domestic or foreign, may be served:~~

357 (a) The chair of the board of directors, ~~On the president,~~
 358 any ~~or~~ vice president, the secretary, or the treasurer ~~or other~~
 359 ~~head~~ of the domestic corporation or registered foreign
 360 corporation.

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

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

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

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

373 (a) The only person listed publicly by the domestic
 374 corporation or registered foreign corporation on its latest
 375 annual report, as most recently amended, is also the registered

376 agent on whom service was attempted under subsection (2); or
377 (b) After due diligence, service was attempted on at least
378 one person listed publicly by the domestic corporation or
379 registered foreign corporation on its latest annual report, as
380 most recently amended, and cannot be completed on such person
381 under subsection (3),

382
383 the process may be served as provided in s. 48.161 on the
384 Secretary of State as an agent of the domestic corporation or
385 registered foreign corporation or by order of the court under s.
386 48.102

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

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

400 (5)-(b) If the address for the registered agent or any

401 person listed publicly by the domestic corporation or registered
402 foreign corporation on its latest annual report, as most
403 recently amended, has an address that ~~officer, director, or~~
404 ~~principal place of business~~ is a residence, a private mailbox, a
405 virtual office, or an executive office or mini suite, service on
406 the domestic corporation or registered foreign corporation may
407 be made by serving any of the following:

408 (a) The registered agent of the domestic corporation or
409 registered foreign corporation, officer, or director in
410 accordance with s. 48.031.

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

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

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

421 ~~(7)-(4)~~ This section does not apply to service of process
422 on insurance companies.

423 ~~(5) When a corporation engages in substantial and not~~
424 ~~isolated activities within this state, or has a business office~~
425 ~~within the state and is actually engaged in the transaction of~~

426 ~~business therefrom, service upon any officer or business agent~~
427 ~~while on corporate business within this state may personally be~~
428 ~~made, pursuant to this section, and it is not necessary in such~~
429 ~~case that the action, suit, or proceeding against the~~
430 ~~corporation shall have arisen out of any transaction or~~
431 ~~operation connected with or incidental to the business being~~
432 ~~transacted within the state.~~

433 Section 6. Section 48.091, Florida Statutes, is amended to
434 read:

435 48.091 Partnerships, corporations, and limited liability
436 companies; designation of registered agent and registered
437 office.-

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

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

442 (b) "Registered foreign limited liability partnership" or
443 "registered foreign limited partnership" means a foreign limited
444 liability partnership or foreign limited partnership that has an
445 active certificate of authority to transact business in this
446 state pursuant to a record filed with the Department of State.

447 (2) Every domestic limited liability partnership; domestic
448 limited partnership, including limited liability limited
449 partnerships; domestic corporation; domestic limited liability
450 company; registered foreign limited liability partnership;

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

459 ~~(3)(2)~~ Every domestic limited liability partnership;
460 domestic limited partnership, including limited liability
461 limited partnerships; domestic corporation; domestic limited
462 liability company; registered foreign limited liability
463 partnership; registered foreign limited partnership, including
464 limited liability limited partnerships; registered foreign
465 corporation; registered foreign limited liability company; and
466 domestic or foreign general partnership that elects to designate
467 a registered agent shall cause the designated registered agent
468 to corporation shall keep the designated registered office open
469 from at least 10 a.m. to 12 noon each day except Saturdays,
470 Sundays, and legal holidays, and shall cause the designated
471 registered agent to keep one or more individuals who are, or are
472 representatives of, the designated registered agents on whom
473 ~~process may be served at the office during these hours. The~~
474 ~~corporation shall keep a sign posted in the office in some~~
475 ~~conspicuous place designating the name of the corporation and~~

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

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

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

491 Section 7. Section 48.101, Florida Statutes, is amended to
 492 read:

493 48.101 Service on dissolved corporations, dissolved
 494 limited liability companies, dissolved limited partnerships, and
 495 dissolved limited liability partnerships.-

496 (1) Process against the directors of any corporation that
 497 ~~which~~ was dissolved before July 1, 1990, as trustees of the
 498 dissolved corporation must ~~shall~~ be served on one or more of the
 499 directors of the dissolved corporation as trustees thereof and
 500 binds all of the directors of the dissolved corporation as

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

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

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

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

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

518 (b) In addition, provided that service was first properly
519 attempted on the registered agent pursuant to s. 48.062(2), but
520 was not successful, service may then be attempted as required
521 under s. 48.062(3). In addition to the persons listed in s.
522 48.062(3), service on a dissolved domestic limited liability
523 company may be made on the person appointed as the liquidator,
524 trustee, or receiver under s. 605.0709.

525 (c) A party attempting to serve a dissolved domestic

526 limited liability company under this section may petition the
527 court to appoint one of the persons specified in s. 605.0709(5)
528 to receive service of process on behalf of the limited liability
529 company.

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

532 Section 8. Section 48.102, Florida Statutes, is created to
533 read:

534 48.102 Service by other means.—If, after due diligence, a
535 party seeking to effectuate service is unable to effectuate
536 personal service of process on a domestic or foreign
537 corporation; a domestic or foreign general partnership,
538 including a limited liability partnership; a domestic or foreign
539 limited partnership, including a limited liability limited
540 partnership; or a domestic or foreign limited liability company,
541 the court, upon motion and a showing of such inability, may
542 authorize service in any other manner that the party seeking to
543 effectuate service shows will be reasonably effective to give
544 the entity on which service is sought to be effectuated actual
545 notice of the suit. Such other manners of service may include
546 service electronically by e-mail or other technology, by any
547 person authorized to serve process in accordance with this
548 chapter, or by an attorney.

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

551 48.151 Service on statutory agents for certain persons.—

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

554 Section 10. Section 48.161, Florida Statutes, is amended
 555 to read:

556 48.161 Method of substituted service on nonresident.—

557 (1) When authorized by law, substituted service of process
 558 on a nonresident individual or a corporation or other business
 559 entity incorporated or formed under the laws of any other state,
 560 territory, or commonwealth, or the laws of any foreign country,
 561 ~~may or a person who conceals his or her whereabouts by serving a~~
 562 ~~public officer designated by law shall~~ be made by sending
 563 ~~leaving~~ a copy of the process to the office of the Secretary of
 564 State by personal delivery; by registered mail; with a fee of
 565 ~~\$8.75 with the public officer or in his or her office or by~~
 566 ~~mailing the copies by certified mail,~~ return receipt requested;
 567 by use of a commercial firm regularly engaged in the business of
 568 document or package delivery; or by electronic transmission ~~to~~
 569 ~~the public officer with the fee~~. The service is sufficient
 570 service on a party that ~~defendant who~~ has appointed or is deemed
 571 to have appointed the Secretary of State a public officer as
 572 such party's ~~his or her~~ agent for the service of process. The
 573 Secretary of State shall keep a record of all process served on
 574 the Secretary of State showing the day and hour of service.

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

576 | be sent forthwith by the party effectuating service or by such
577 | party's attorney by registered mail; by ~~registered or~~ certified
578 | mail, return receipt requested; or by use of a commercial firm
579 | regularly engaged in the business of document or package
580 | delivery. In addition, if the parties have recently and
581 | regularly used e-mail or other electronic means to communicate
582 | between themselves, the notice of service and a copy of the
583 | process must be sent by such electronic means or, if the party
584 | is being served by substituted service, the notice of service
585 | and a copy of the process must be served at such party's last
586 | known physical address and, if applicable, last known electronic
587 | address. The party effectuating service shall file proof of
588 | service or return receipts showing delivery to the other party
589 | by mail or courier and by electronic means, if electronic means
590 | were used, unless the party is actively refusing or rejecting
591 | the delivery of the notice. An ~~by the plaintiff or his or her~~
592 | attorney to the defendant, and the defendant's return receipt
593 | and the affidavit of compliance of the party effectuating
594 | service ~~plaintiff~~ or such party's his or her attorney must of
595 | ~~compliance~~ shall be filed within 40 days after ~~on or before~~ the
596 | date ~~return day~~ of service on the Secretary of State ~~process~~ or
597 | within such additional time as the court allows. The affidavit
598 | of compliance must set forth the facts that justify substituted
599 | service under this section and that show due diligence was
600 | exercised in attempting to locate and effectuate personal

601 service on the party before using substituted service under this
602 section. The party effectuating service does not need to allege
603 in its original or amended complaint the facts required to be
604 set forth in the affidavit of compliance.

605 (3) When an individual or a business entity conceals its
606 whereabouts, the party seeking to effectuate service, after
607 exercising due diligence to locate and effectuate personal
608 service, may use substituted service pursuant to subsection (1)
609 in connection with any action in which the court has
610 jurisdiction over such individual or business entity. The party
611 seeking to effectuate service must also comply with subsection
612 (2); however, a return receipt or other proof showing acceptance
613 of receipt of the notice of service and a~~7~~, or the notice and
614 copy of the shall be served on the defendant, if found within
615 the state, by an officer authorized to serve legal process by
616 the concealed party need not be filed, or if found without the
617 state, by a sheriff or a deputy sheriff of any county of this
618 state or any duly constituted public officer qualified to serve
619 like process in the state or jurisdiction where the defendant is
620 found. The officer's return showing service shall be filed on or
621 before the return day of the process or within such time as the
622 court allows. The fee paid by the plaintiff to the public
623 officer shall be taxed as cost if he or she prevails in the
624 action. The public officer shall keep a record of all process
625 served on him or her showing the day and hour of service.

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

628 1. Made diligent inquiry and exerted an honest and
629 conscientious effort appropriate to the circumstances to acquire
630 the information necessary to effectuate personal service;

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

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

636 (b) In making the determination as to whether the party
637 effectuating service of process on any party who is a natural
638 person used due diligence, there is a rebuttable presumption
639 that the serving party exercised due diligence by making three
640 good faith attempts to serve the other party during such times
641 when and such locations where such party is reasonably likely to
642 be found, as determined through resources reasonably available
643 to the party seeking to secure service of process.

644 (5) ~~(2)~~ If any individual ~~person~~ on whom service of process
645 is authorized under subsection (1) dies, service may be made in
646 the same manner on his or her administrator, executor, curator,
647 or personal representative ~~in the same manner.~~

648 (6) ~~(4)~~ The Secretary of State ~~public officer~~ may designate
649 an individual ~~some other person~~ in his or her office to accept
650 service.

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

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

656 (9)~~(3)~~ This section does not apply to persons on whom
 657 service is authorized under s. 48.151.

658 Section 11. Section 48.181, Florida Statutes, is amended
 659 to read:

660 48.181 Substituted service on nonresidents and foreign
 661 business entities ~~nonresident~~ engaging in business in state or
 662 concealing their whereabouts.-

663 (1) As used in this section, the term "foreign business
 664 entity" means any corporation or other business entity that is
 665 incorporated, formed, or existing under the laws of any other
 666 state, territory, or commonwealth, or the laws of any foreign
 667 country.

668 (2) The acceptance by any individual ~~person or persons,~~
 669 ~~individually or associated together as a copartnership or any~~
 670 ~~other form or type of association,~~ who is a resident are
 671 ~~residents~~ of any other state, territory, or commonwealth, or of
 672 any foreign ~~or~~ country, or by any foreign business entity and
 673 ~~all foreign corporations, and any person who is a resident of~~
 674 ~~the state and who subsequently becomes a nonresident of the~~
 675 ~~state or conceals his or her whereabouts,~~ of the privilege

676 extended by law to nonresidents ~~and others~~ to operate, conduct,
677 engage in, or carry on a business or business venture in this
678 ~~the~~ state, or to have an office or agency in this ~~the~~ state, is
679 deemed to constitute ~~constitutes~~ an appointment by the
680 individual or persons ~~and~~ foreign business entity ~~corporations~~
681 of the Secretary of State of this ~~the~~ state as its ~~their~~ agent
682 on whom ~~all~~ process in any action or proceeding against the
683 individual or foreign business entity ~~them~~, or any combination
684 thereof ~~of them~~, arising out of any transaction or operation
685 connected with or incidental to the business or business venture
686 may be served as substituted service in accordance with this
687 chapter. The acceptance of the privilege is signification of the
688 agreement of the respective individual or persons ~~and~~ foreign
689 business entity ~~corporations~~ that the process served against it
690 in accordance with this chapter ~~them which is so served~~ is of
691 the same validity as if served personally on the individual
692 ~~persons~~ or foreign business entity ~~corporations~~.

693 (3)-(2) If a foreign business entity ~~corporation~~ has
694 registered to do business ~~a resident agent or officer~~ in this
695 ~~the~~ state and has maintained its registration in an active
696 status or otherwise continued to have a registered agent,
697 personal service of process must first ~~shall be attempted~~ ~~served~~
698 on the foreign business entity in the manner and order of
699 priority described in this chapter as applicable to the foreign
700 business entity. If, after due diligence, the party seeking to

701 effectuate service of process is unable to effectuate service of
 702 process on the registered agent or other official as provided in
 703 this chapter, the party may use substituted service of process
 704 on the Secretary of State ~~resident agent or officer.~~

705 (4) Any individual or foreign business entity that
 706 conceals its whereabouts is deemed to have appointed the
 707 Secretary of State as its agent on whom all process may be
 708 served in any action or proceeding against it, or any
 709 combination thereof, arising out of any transaction or operation
 710 connected with or incidental to any business or business venture
 711 carried on in this state by such individual or foreign business
 712 entity.

713 (5)~~(3)~~ Any individual or foreign business entity that
 714 ~~person, firm, or corporation which~~ sells, consigns, or leases by
 715 any means whatsoever tangible or intangible personal property,
 716 through brokers, jobbers, wholesalers, or distributors to any
 717 individual person, firm, or corporation, or other business
 718 entity in this state is conclusively presumed to be both engaged
 719 in substantial and not isolated activities within this state and
 720 operating, conducting, engaging in, or carrying on a business or
 721 business venture in this state.

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

724 Section 12. Section 48.184, Florida Statutes, is created
 725 to read:

726 48.184 Service of process for removal of unknown parties
 727 in possession.—

728 (1) This section applies only to actions governed by s.
 729 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent
 730 that such actions seek relief for the removal of unknown parties
 731 in possession of real property. The provisions of this section
 732 are cumulative to other provisions of law or rules of court
 733 about service of process, and all other such provisions are
 734 cumulative to this section.

735 (2) A summons must be issued in the name of "Unknown Party
 736 in Possession" when the name of an occupant of real property is
 737 not known to the plaintiff and the property occupied by the
 738 unknown party is identified in the complaint and summons. A
 739 separate summons must be issued for each such unknown occupant.

740 (3) The plaintiff shall attempt to serve the summons on
 741 any unknown occupant of the property described in the summons
 742 and complaint. If service on the unknown occupant is not
 743 effectuated on the first attempt, at least two additional
 744 attempts must be made. The three attempts to obtain service must
 745 be made once during business hours, once during nonbusiness
 746 hours, and once during a weekend. The process server shall make
 747 an inquiry as to the name of the unknown occupant at the time of
 748 service. The return of service must note the name of the
 749 occupant if obtained by the process server or state that the
 750 name of the occupant could not be obtained after inquiry. If the

751 name of the occupant becomes known to the plaintiff through the
752 return of service or otherwise, without notice or hearing
753 thereon, all subsequent proceedings must be conducted under the
754 true name of such occupant and all prior proceedings are deemed
755 amended accordingly.

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

758 (a) By attaching the summons and complaint to a
759 conspicuous location on the premises involved in the
760 proceedings.

761 (b) Upon issuance of the summons, by the plaintiff
762 providing the clerk of the court with one additional copy of the
763 summons and complaint for each unknown occupant and a prestamped
764 envelope for each unknown occupant addressed to the unknown
765 occupant at the address of the premises involved in the
766 proceedings. The clerk of the court shall immediately mail a
767 copy of the summons and complaint by first-class mail, note the
768 fact of mailing in the docket, and file a certificate in the
769 court file of the fact and date of mailing. The clerk of the
770 court shall charge such fees for such services as provided by
771 law.

772 (5) Service is effective on the unknown occupant in
773 possession on the later of the date that personal service is
774 made, the date of attaching the summons and complaint to a
775 conspicuous location on the premises, or upon mailing by the

776 clerk.

777 (6) The judgment and writ of possession must refer to any
 778 unknown occupant in possession by name if the name is shown on
 779 the return of service or is otherwise known to the plaintiff. If
 780 the name of any unknown occupant in possession is not shown on
 781 the return of service or otherwise known to the plaintiff and
 782 service has been effectuated as provided in this section, the
 783 judgment and writ of possession must refer to each such person
 784 as "Unknown Party in Possession," and the writ of possession
 785 must be executed by the sheriff by dispossessing the occupants
 786 and placing the plaintiff in possession of the property.

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

789 48.194 Personal service in another ~~outside~~ state,
 790 territory, or commonwealth of the United States.—

791 (1) Except as otherwise provided herein, service of
 792 process on a party in another ~~persons outside of this state,~~
 793 territory, or commonwealth of the United States must ~~shall~~ be
 794 made in the same manner as service within this state by any
 795 person authorized to serve process in the state where service
 796 shall be made ~~the person is served~~. No order of court is
 797 required. A ~~court may consider~~ the return-of-service form
 798 described in s. 48.21, or any other competent evidence, shall be
 799 filed with the court stating the time, manner, and place of
 800 service. The court may consider such evidence in determining

801 whether service has been properly made. ~~Service of process on~~
 802 ~~persons outside the United States may be required to conform to~~
 803 ~~the provisions of the Hague Convention on the Service Abroad of~~
 804 ~~Judicial and Extrajudicial Documents in Civil or Commercial~~
 805 ~~Matters.~~

806 (2) When ~~Where~~ in rem or quasi in rem relief is sought in
 807 a foreclosure proceeding as defined by s. 702.09, and the
 808 address of the person to be served is known, service of process
 809 on a person in another state, territory, or commonwealth ~~outside~~
 810 ~~of the United States~~ ~~this state where the address of the person~~
 811 ~~to be served is known~~ may be made by registered mail as follows:

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

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

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

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

825 49.011 Service of process by publication; cases in which

826 | allowed.—Service of process by publication may be made in any
 827 | court on any party identified in s. 49.021 in any action or
 828 | proceeding:

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

830 | (a) The legal father in a paternity action in which
 831 | another man is alleged to be the biological father, in which
 832 | case it is necessary to serve process on the legal father in
 833 | order to establish paternity with regard to the alleged
 834 | biological father; or

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

836 | Section 15. Section 48.197, Florida Statutes, is created
 837 | to read:

838 | 48.197 Service in a foreign country.—

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

842 | (a) By any internationally agreed-upon means of service
 843 | reasonably calculated to give actual notice of the proceedings,
 844 | such as those authorized by the Hague Convention on the Service
 845 | Abroad of Judicial and Extrajudicial Documents in Civil or
 846 | Commercial Matters.

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

851 1. As prescribed by the foreign country's law for service
 852 in that country in an action in its courts of general
 853 jurisdiction;

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

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

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

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

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

866 (2) Service of process may be effectuated in a foreign
 867 country upon a minor or an incompetent person in the manner
 868 prescribed by subparagraph (1) (b) 1., subparagraph (1) (b) 2., or
 869 paragraph (1) (c).

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

873 766.106 Notice before filing action for medical
 874 negligence; presuit screening period; offers for admission of
 875 liability and for arbitration; informal discovery; review.—

876 (2) PRESUIT NOTICE.—

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

882 1. United States Postal Service certified mail, return
883 receipt requested;

884 2. United States Postal Service mail with a tracking
885 number;

886 3. An interstate commercial mail carrier or delivery
887 service; or

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

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

894 2. If service is challenged during subsequent litigation,
895 an evidentiary hearing must be held by the court to determine
896 whether the prospective defendant or a person legally related to
897 the prospective defendant was provided notice pursuant to this
898 subsection and, if so, the date of such service. If service is
899 challenged under this subparagraph, it must be challenged in the
900 first response to the complaint, and if:

901 a. The court determines that service was properly made at
 902 the prospective defendant's address as listed on the state
 903 licensing agency website or an address on file with the
 904 Secretary of State; and

905 b. The prospective defendant proves by the greater weight
 906 of the evidence that neither the prospective defendant nor a
 907 person legally related to the prospective defendant at the time
 908 of service knew or should have known of the service,
 909

910 the court shall stay the case for a presuit investigation period
 911 pursuant to s. 766.106 and the statute of limitations and
 912 statute of repose shall be tolled from the time service was
 913 properly made at the prospective defendant's address as listed
 914 on the state licensing agency website or an address on file with
 915 the Secretary of State. The tolling shall end at the conclusion
 916 of the presuit investigation period provided for in this
 917 subsection and the stay of litigation shall automatically end at
 918 the conclusion of the presuit investigation period ~~by certified~~
 919 ~~mail, return receipt requested, of intent to initiate litigation~~
 920 ~~for medical negligence.~~

921 (c) Notice to each prospective defendant must include, if
 922 available, a list of all known health care providers seen by the
 923 claimant for the injuries complained of subsequent to the
 924 alleged act of negligence, all known health care providers
 925 during the 2-year period before ~~prior to~~ the alleged act of

926 negligence who treated or evaluated the claimant, copies of all
 927 of the medical records relied upon by the expert in signing the
 928 affidavit, and the executed authorization form provided in s.
 929 766.1065.

930 ~~(d)(b)~~ Following the initiation of a suit alleging medical
 931 negligence with a court of competent jurisdiction, and service
 932 of the complaint upon a prospective defendant, the claimant
 933 shall provide a copy of the complaint to the Department of
 934 Health and, if the complaint involves a facility licensed under
 935 chapter 395, the Agency for Health Care Administration. The
 936 requirement of providing the complaint to the Department of
 937 Health or the Agency for Health Care Administration does not
 938 impair the claimant's legal rights or ability to seek relief for
 939 his or her claim. The Department of Health or the Agency for
 940 Health Care Administration shall review each incident that is
 941 the subject of the complaint and determine whether it involved
 942 conduct by a licensee which is potentially subject to
 943 disciplinary action, in which case, for a licensed health care
 944 practitioner, ~~the provisions of s. 456.073 applies~~ apply and,
 945 for a licensed facility, ~~the provisions of part I of chapter 395~~
 946 applies ~~apply~~.

947 (3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

948 (a) A ~~ne~~ suit may not be filed for a period of 90 days
 949 after notice is delivered ~~mailed~~ to any prospective defendant.
 950 During the 90-day period, the prospective defendant or the

951 prospective defendant's insurer or self-insurer shall conduct a
952 review as provided in s. 766.203(3) to determine the liability
953 of the prospective defendant. Each insurer or self-insurer shall
954 have a procedure for the prompt investigation, review, and
955 evaluation of claims during the 90-day period. This procedure
956 must ~~shall~~ include one or more of the following:

- 957 1. Internal review by a duly qualified claims adjuster;
958 2. Creation of a panel comprised of an attorney
959 knowledgeable in the prosecution or defense of medical
960 negligence actions, a health care provider trained in the same
961 or similar medical specialty as the prospective defendant, and a
962 duly qualified claims adjuster;
963 3. A contractual agreement with a state or local
964 professional society of health care providers, which maintains a
965 medical review committee; or
966 4. Any other similar procedure which fairly and promptly
967 evaluates the pending claim.

968
969 Each insurer or self-insurer shall investigate the claim in good
970 faith, and both the claimant and prospective defendant shall
971 cooperate with the insurer in good faith. If the insurer
972 requires, a claimant must ~~shall~~ appear before a pretrial
973 screening panel or before a medical review committee and shall
974 submit to a physical examination, if required. Unreasonable
975 failure of any party to comply with this section justifies

976 dismissal of claims or defenses. There shall be no civil
 977 liability for participation in a pretrial screening procedure if
 978 done without intentional fraud.

979 (4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of
 980 intent to initiate litigation must ~~shall~~ be served within the
 981 time limits set forth in s. 95.11. However, upon mailing of the
 982 notice of intent to initiate litigation, as provided in
 983 subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph
 984 (2)(a)3., and during the 90-day period provided in subsection
 985 (3), the statute of limitations is tolled as to all prospective
 986 ~~potential~~ defendants. If the notice of intent to initiate
 987 litigation is served by a process server, as provided in
 988 subparagraph (2)(a)4., the statute of limitations is tolled upon
 989 the process server's first attempt to serve the prospective
 990 defendant and continues during the 90-day period as to all
 991 prospective defendants. Upon stipulation by the parties, the 90-
 992 day period may be extended and the statute of limitations is
 993 tolled during any such extension. Upon receiving notice of
 994 termination of negotiations in an extended period, the claimant
 995 shall have 60 days or the remainder of the period of the statute
 996 of limitations, whichever is greater, within which to file suit.
 997 As used in this section, the terms "prospective" and "potential"
 998 are interchangeable as synonyms.

999 Section 17. Section 495.145, Florida Statutes, is amended
 1000 to read:

1001 495.145 Forum for actions regarding registration.—An
 1002 action seeking cancellation of a registration of a mark
 1003 registered under this chapter may be brought in any court of
 1004 competent jurisdiction in this state. Service of process on a
 1005 nonresident registrant may be made in accordance with ss. 48.161
 1006 and 48.181 ~~s. 48.181~~. The department may ~~shall~~ not be made a
 1007 party to cancellation proceedings.

1008 Section 18. Section 605.0117, Florida Statutes, is amended
 1009 to read:

1010 605.0117 Serving ~~Service of~~ process, giving notice, or
 1011 making a demand.—

1012 (1) Process against a limited liability company or
 1013 registered foreign limited liability company may be served in
 1014 accordance with s. 48.062 and chapter 48 or chapter 49 ~~with~~
 1015 ~~process required or authorized by law by serving on its~~
 1016 ~~registered agent.~~

1017 ~~(2) If a limited liability company or registered foreign~~
 1018 ~~limited liability company ceases to have a registered agent or~~
 1019 ~~if its registered agent cannot with reasonable diligence be~~
 1020 ~~served, the process required or permitted by law may instead be~~
 1021 ~~served:~~

1022 ~~(a) On a member of a member-managed limited liability~~
 1023 ~~company or registered foreign limited liability company; or~~

1024 ~~(b) On a manager of a manager-managed limited liability~~
 1025 ~~company or registered foreign limited liability company.~~

1026 ~~(3) If the process cannot be served on a limited liability~~
 1027 ~~company or registered foreign limited liability company pursuant~~
 1028 ~~to subsection (1) or subsection (2), the process may be served~~
 1029 ~~on the secretary of state as an agent of the company.~~

1030 ~~(4) Service of process on the secretary of state may be~~
 1031 ~~made by delivering to and leaving with the department duplicate~~
 1032 ~~copies of the process.~~

1033 ~~(5) Service is effectuated under subsection (3) on the~~
 1034 ~~date shown as received by the department.~~

1035 ~~(6) The department shall keep a record of each process~~
 1036 ~~served pursuant to this section and record the time of and the~~
 1037 ~~action taken regarding the service.~~

1038 (2)~~(7)~~ Any notice or demand on a limited liability company
 1039 or registered foreign limited liability company under this
 1040 chapter may be given or made to any member of a member-managed
 1041 limited liability company or registered foreign limited
 1042 liability company or to any manager of a manager-managed limited
 1043 liability company or registered foreign limited liability
 1044 company; to the registered agent of the limited liability
 1045 company or registered foreign limited liability company at the
 1046 registered office of the limited liability company or registered
 1047 foreign limited liability company in this state; or to any other
 1048 address in this state which ~~that~~ is in fact the principal office
 1049 of the limited liability company or registered foreign limited
 1050 liability company in this state.

1051 (3) A registered series of a foreign series limited
 1052 liability company may be served in the same manner as a
 1053 registered limited liability company.

1054 (4)~~(8)~~ This section does not affect the right to serve
 1055 process, give notice, or make a demand in any other manner
 1056 provided by law.

1057 Section 19. Subsection (1) of section 605.09091, Florida
 1058 Statutes, is amended to read:

1059 605.09091 Judicial review of denial of reinstatement.—

1060 (1) If the department denies a foreign limited liability
 1061 company's application for reinstatement after revocation of its
 1062 certificate of authority, the department must ~~shall~~ serve the
 1063 foreign limited liability company, pursuant to s. 605.0117(2) ~~s.~~
 1064 ~~605.0117(7)~~, with a written notice that explains the reason or
 1065 reasons for the denial.

1066 Section 20. Paragraphs (f) and (g) of subsection (1) and
 1067 subsection (2) of section 605.0910, Florida Statutes, are
 1068 amended to read:

1069 605.0910 Withdrawal and cancellation of certificate of
 1070 authority.—

1071 (1) To cancel its certificate of authority to transact
 1072 business in this state, a foreign limited liability company must
 1073 deliver to the department for filing a notice of withdrawal of
 1074 certificate of authority. The certificate of authority is
 1075 canceled when the notice becomes effective pursuant to s.

1076 605.0207. The notice of withdrawal of certificate of authority
 1077 must be signed by an authorized representative and state the
 1078 following:

1079 (f) A mailing address and an e-mail address to which a
 1080 party seeking to effectuate service of process ~~the department~~
 1081 may send mail a copy of any process served on the Secretary of
 1082 State under paragraph (e).

1083 (g) A commitment to notify the department in the future of
 1084 any change in its mailing address or e-mail address.

1085 (2) After the withdrawal of the foreign limited liability
 1086 company is effective, service of process on the Secretary of
 1087 State using the procedures set forth in s. 48.161 ~~under this~~
 1088 ~~section~~ is service on the foreign limited liability company.
 1089 ~~Upon receipt of the process, the department shall mail a copy of~~
 1090 ~~the process to the foreign limited liability company at the~~
 1091 ~~mailing address set forth under paragraph (1)(f).~~

1092 Section 21. Paragraph (f) of subsection (2) of section
 1093 605.1045, Florida Statutes, is amended to read:

1094 605.1045 Articles of conversion.—

1095 (2) The articles of conversion must contain the following:

1096 (f) If the converted entity is a foreign entity that does
 1097 not have a certificate of authority to transact business in this
 1098 state, a mailing address and an e-mail address to which a party
 1099 seeking to effectuate service of process ~~the department~~ may send
 1100 any process served on the Secretary of State ~~department~~ pursuant

1101 to s. 605.0117 and chapter 48.

1102 Section 22. Section 607.0504, Florida Statutes, is amended
 1103 to read:

1104 607.0504 Serving Service of process, giving notice, or
 1105 making a demand on a corporation.—

1106 (1) A corporation may be served with process required or
 1107 authorized by law in accordance with s. 48.081 and chapter 48 or
 1108 chapter 49 by serving on its registered agent.

1109 ~~(2) If a corporation ceases to have a registered agent or~~
 1110 ~~if its registered agent cannot with reasonable diligence be~~
 1111 ~~served, the process required or permitted by law may instead be~~
 1112 ~~served on the chair of the board, the president, any vice~~
 1113 ~~president, the secretary, or the treasurer of the corporation at~~
 1114 ~~the principal office of the corporation in this state.~~

1115 ~~(3) If the process cannot be served on a corporation~~
 1116 ~~pursuant to subsection (1) or subsection (2), the process may be~~
 1117 ~~served on the secretary of state as an agent of the corporation.~~

1118 ~~(4) Service of process on the secretary of state shall be~~
 1119 ~~made by delivering to and leaving with the department duplicate~~
 1120 ~~copies of the process.~~

1121 ~~(5) Service is effectuated under subsection (3) on the~~
 1122 ~~date shown as received by the department.~~

1123 ~~(6) The department shall keep a record of each process~~
 1124 ~~served on the secretary of state pursuant to this subsection and~~
 1125 ~~record the time of and the action taken regarding the service.~~

1126 (2)~~(7)~~ Any notice or demand on a corporation under this
 1127 chapter may be given or made to the chair of the board, the
 1128 president, any vice president, the secretary, or the treasurer
 1129 of the corporation; to the registered agent of the corporation
 1130 at the registered office of the corporation in this state; or to
 1131 any other address in this state which ~~that~~ is in fact the
 1132 principal office of the corporation in this state.

1133 (3)~~(8)~~ This section does not affect the right to serve
 1134 process, give notice, or make a demand in any other manner
 1135 provided by law.

1136 Section 23. Subsection (1) of section 607.1423, Florida
 1137 Statutes, is amended to read:

1138 607.1423 Judicial review of denial of reinstatement.—

1139 (1) If the department denies a corporation's application
 1140 for reinstatement after administrative dissolution, the
 1141 department must ~~shall~~ serve the corporation under ~~either~~ s.
 1142 607.0504(1) ~~or (2)~~ with a written notice that explains the
 1143 reason or reasons for denial.

1144 Section 24. Section 607.15101, Florida Statutes, is
 1145 amended to read:

1146 607.15101 Serving ~~Service of~~ process, giving notice, or
 1147 making a demand on a foreign corporation.—

1148 (1) A foreign corporation may be served with process
 1149 required or authorized by law in accordance with s. 48.081 and
 1150 chapter 48 or chapter 49 ~~by serving on its registered agent.~~

1151 ~~(2) If a foreign corporation ceases to have a registered~~
 1152 ~~agent or if its registered agent cannot with reasonable~~
 1153 ~~diligence be served, the process required or permitted by law~~
 1154 ~~may instead be served on the chair of the board, the president,~~
 1155 ~~any vice president, the secretary, or the treasurer of the~~
 1156 ~~foreign corporation at the principal office of the foreign~~
 1157 ~~corporation in this state.~~

1158 ~~(3) If the process cannot be served on a foreign~~
 1159 ~~corporation pursuant to subsection (1) or subsection (2), the~~
 1160 ~~process may be served on the secretary of state as an agent of~~
 1161 ~~the foreign corporation.~~

1162 ~~(4) Service of process on the secretary of state may be~~
 1163 ~~made by delivering to and leaving with the department duplicate~~
 1164 ~~copies of the process.~~

1165 ~~(5) Service is effectuated under subsection (3) on the~~
 1166 ~~date shown as received by the department.~~

1167 ~~(6) The department shall keep a record of each process~~
 1168 ~~served on the secretary of state pursuant to this section and~~
 1169 ~~record the time of and the action taken regarding the service.~~

1170 (2)(7) Any notice or demand on a foreign corporation under
 1171 this chapter may be given or made to the chair of the board,
 1172 the president, any vice president, the secretary, or the
 1173 treasurer of the foreign corporation; to the registered agent of
 1174 the foreign corporation at the registered office of the foreign
 1175 corporation in this state; or to any other address in this state

1176 which ~~that~~ is in fact the principal office of the foreign
 1177 corporation in this state.

1178 ~~(3)-(8)~~ This section does not affect the right to serve
 1179 process, give notice, or make a demand in any other manner
 1180 provided by law.

1181 Section 25. Paragraphs (f) and (g) of subsection (1) and
 1182 subsection (2) of section 607.1520, Florida Statutes, are
 1183 amended to read:

1184 607.1520 Withdrawal and cancellation of certificate of
 1185 authority for foreign corporation.—

1186 (1) To cancel its certificate of authority to transact
 1187 business in this state, a foreign corporation must deliver to
 1188 the department for filing a notice of withdrawal of certificate
 1189 of authority. The certificate of authority is canceled when the
 1190 notice of withdrawal becomes effective pursuant to s. 607.0123.
 1191 The notice of withdrawal of certificate of authority must be
 1192 signed by an officer or director and state the following:

1193 (f) A mailing address and an e-mail address to which a
 1194 party seeking to effectuate service of process ~~the secretary of~~
 1195 ~~state~~ may send ~~mail~~ a copy of any process served on the
 1196 Secretary of State under paragraph (e).

1197 (g) A commitment to notify the department in the future of
 1198 any change in its mailing address or e-mail address.

1199 (2) After the withdrawal of the foreign corporation is
 1200 effective, service of process on the Secretary of State using

1201 ~~the procedures in s. 48.161 under this section is service on the~~
 1202 ~~foreign corporation. Upon receipt of the process, the secretary~~
 1203 ~~of state shall mail a copy of the process to the foreign~~
 1204 ~~corporation at the mailing address set forth under paragraph~~
 1205 ~~(1)(f).~~

1206 Section 26. Subsections (1) and (3) of section 617.0504,
 1207 Florida Statutes, are amended to read:

1208 617.0504 Serving ~~Service~~ of process, giving notice, or
 1209 making a demand on a corporation.—

1210 (1) Process against any corporation may be served in
 1211 accordance with s. 48.081 and chapter 48 or chapter 49.

1212 (3) This section does not prescribe the only means, or
 1213 necessarily the required means, of serving process, giving
 1214 notice, or making a demand on a corporation.

1215 Section 27. Section 617.1510, Florida Statutes, is amended
 1216 to read:

1217 617.1510 Serving ~~Service~~ of process, giving notice, or
 1218 making a demand on a foreign corporation.—

1219 (1) Process against a foreign corporation may be served in
 1220 accordance with s. 48.081 and chapter 48 or chapter 49 ~~The~~
 1221 ~~registered agent of a foreign corporation authorized to conduct~~
 1222 ~~its affairs in this state is the corporation's agent for service~~
 1223 ~~of process, notice, or demand required or permitted by law to be~~
 1224 ~~served on the foreign corporation.~~

1225 ~~(2) A foreign corporation may be served by registered or~~

1226 ~~certified mail, return receipt requested, addressed to the~~
1227 ~~secretary of the foreign corporation at its principal office~~
1228 ~~shown in its application for a certificate of authority or in~~
1229 ~~its most recent annual report if the foreign corporation:~~

1230 ~~(a) Has no registered agent or its registered agent cannot~~
1231 ~~with reasonable diligence be served;~~

1232 ~~(b) Has withdrawn from conducting its affairs in this~~
1233 ~~state under s. 617.1520; or~~

1234 ~~(c) Has had its certificate of authority revoked under s.~~
1235 ~~617.1531.~~

1236 ~~(3) Service is perfected under subsection (2) at the~~
1237 ~~earliest of:~~

1238 ~~(a) The date the foreign corporation receives the mail;~~
1239 ~~(b) The date shown on the return receipt, if signed on~~
1240 ~~behalf of the foreign corporation; or~~

1241 ~~(c) Five days after its deposit in the United States mail,~~
1242 ~~as evidenced by the postmark, if mailed postpaid and correctly~~
1243 ~~addressed.~~

1244 ~~(4) This section does not prescribe the only means, or~~
1245 ~~necessarily the required means, of serving a foreign~~
1246 ~~corporation. Process against any foreign corporation may also be~~
1247 ~~served in accordance with chapter 48 or chapter 49.~~

1248 (2)~~(5)~~ Any notice to or demand on a foreign corporation
1249 made pursuant to this act may be made in accordance with the
1250 procedures for notice to or demand on domestic corporations

1251 | under s. 617.0504.

1252 | Section 28. Subsections (2) and (3) of section 617.1520,
1253 | Florida Statutes, are amended to read:

1254 | 617.1520 Withdrawal of foreign corporation.—

1255 | (2) A foreign corporation authorized to conduct its
1256 | affairs in this state may apply for a certificate of withdrawal
1257 | by delivering an application to the Department of State for
1258 | filing. The application must ~~shall~~ be made on forms prescribed
1259 | and furnished by the Department of State and must ~~shall~~ set
1260 | forth all of the following:

1261 | (a) The name of the foreign corporation and the
1262 | jurisdiction under the law under ~~of~~ which it is incorporated.;

1263 | (b) That it is not conducting its affairs in this state
1264 | and that it surrenders its authority to conduct its affairs in
1265 | this state.;

1266 | (c) That it revokes the authority of its registered agent
1267 | to accept service on its behalf and appoints the Secretary of
1268 | State ~~Department of State~~ as its agent for service of process
1269 | based on a cause of action arising during the time it was
1270 | authorized to conduct its affairs in this state.;

1271 | (d) A mailing address and an e-mail address to which a
1272 | party seeking to effectuate service of process ~~the Department of~~
1273 | ~~State~~ may send ~~mail~~ a copy of any process served on it under
1274 | paragraph (c).; ~~and~~

1275 | (e) A commitment to notify the Department of State in the

1276 future of any change in its mailing address or e-mail address.

1277 (3) After the withdrawal of the corporation is effective,
 1278 service of process in accordance with s. 48.161 ~~on the~~
 1279 ~~Department of State under this section~~ is service on the foreign
 1280 corporation. ~~Upon receipt of the process, the Department of~~
 1281 ~~State shall mail a copy of the process to the foreign~~
 1282 ~~corporation at the mailing address set forth under subsection~~
 1283 ~~(2).~~

1284 Section 29. Section 620.1117, Florida Statutes, is amended
 1285 to read:

1286 620.1117 Serving Service of process, giving notice, or
 1287 making a demand on a limited partnership or a foreign limited
 1288 partnership.-

1289 (1) Service of process on a limited partnership or foreign
 1290 limited partnership must be made in accordance with s. 48.061
 1291 and chapter 48 or chapter 49 ~~A registered agent appointed by a~~
 1292 ~~limited partnership or foreign limited partnership is an agent~~
 1293 ~~of the limited partnership or foreign limited partnership for~~
 1294 ~~service of any process, notice, or demand required or permitted~~
 1295 ~~by law to be served upon the limited partnership or foreign~~
 1296 ~~limited partnership.~~

1297 (2) Any notice or demand on a limited partnership or
 1298 foreign limited partnership under this chapter may be given or
 1299 made to any general partner of the limited partnership or
 1300 foreign limited partnership, to the registered agent of the

1301 limited partnership or foreign limited partnership at the
 1302 registered office in this state, or to any other address in this
 1303 state which is in fact the principal office of the limited
 1304 partnership or foreign limited partnership in this state ~~If a~~
 1305 ~~limited partnership or foreign limited partnership does not~~
 1306 ~~appoint or maintain a registered agent in this state or the~~
 1307 ~~registered agent cannot with reasonable diligence be found at~~
 1308 ~~the address of the registered office, the Department of State~~
 1309 ~~shall be an agent of the limited partnership or foreign limited~~
 1310 ~~partnership upon whom process, notice, or demand may be served.~~

1311 ~~(3) Service of any process, notice, or demand on the~~
 1312 ~~Department of State may be made by delivering to and leaving~~
 1313 ~~with the Department of State duplicate copies of the process,~~
 1314 ~~notice, or demand.~~

1315 ~~(4) Service is effected under subsection (3) upon the date~~
 1316 ~~shown as having been received by the Department of State.~~

1317 ~~(5) The Department of State shall keep a record of each~~
 1318 ~~process, notice, and demand served pursuant to this section and~~
 1319 ~~record the time of, and the action taken regarding, the service.~~

1320 (3)(6) This section does not affect the right to serve
 1321 process, give notice, or make a demand in any other manner
 1322 provided by law.

1323 Section 30. Subsection (5) of section 620.1907, Florida
 1324 Statutes, is amended to read:

1325 620.1907 Cancellation of certificate of authority; effect

1326 of failure to have certificate.-

1327 (5) If a foreign limited partnership transacts business in
 1328 this state without a certificate of authority or cancels its
 1329 certificate of authority, it may be served under s. 48.061(5)(b)
 1330 ~~the foreign limited partnership shall appoint the Department of~~
 1331 ~~State as its agent for service of process for rights of action~~
 1332 ~~arising out of the transaction of business in this state.~~

1333 Section 31. Subsections (3) and (4) of section 620.2105,
 1334 Florida Statutes, are amended to read:

1335 620.2105 Effect of conversion.-

1336 (3) A converted organization that is a foreign
 1337 organization consents to the jurisdiction of the courts of this
 1338 state to enforce any obligation owed by the converting limited
 1339 partnership, if before the conversion the converting limited
 1340 partnership was subject to suit in this state on the obligation.
 1341 A converted organization that is a foreign organization and not
 1342 authorized to transact business in this state appoints the
 1343 Secretary of State ~~Department of State~~ as its agent for service
 1344 of process for purposes of enforcing an obligation under this
 1345 subsection and any appraisal rights of limited partners under
 1346 ss. 620.2113-620.2124 to the extent applicable to the
 1347 conversion. Service on the Secretary of State ~~Department of~~
 1348 ~~State~~ under this subsection is made in the same manner and with
 1349 the same consequences as in ss. 48.161 and 620.1117 ~~s.~~
 1350 ~~620.1117(3) and (4).~~

1351 (4) A copy of the statement of conversion, certified by
 1352 the Secretary of State ~~Department of State~~, may be filed in any
 1353 county of this state in which the converting organization holds
 1354 an interest in real property.

1355 Section 32. Subsection (2) of section 620.2109, Florida
 1356 Statutes, is amended to read:

1357 620.2109 Effect of merger.—

1358 (2) A surviving organization that is a foreign
 1359 organization consents to the jurisdiction of the courts of this
 1360 state to enforce any obligation owed by a constituent
 1361 organization, if before the merger the constituent organization
 1362 was subject to suit in this state on the obligation. A surviving
 1363 organization that is a foreign organization and not authorized
 1364 to transact business in this state shall appoint the Secretary
 1365 of State ~~Department of State~~ as its agent for service of process
 1366 for the purposes of enforcing an obligation under this
 1367 subsection and any appraisal rights of limited partners under
 1368 ss. 620.2113-620.2124 to the extent applicable to the merger.
 1369 Service on the Secretary of State ~~Department of State~~ under this
 1370 subsection is made in the same manner and with the same
 1371 consequences as in ss. 48.161 and 620.1117 ~~s. 620.1117(3) and~~
 1372 ~~(4)~~.

1373 Section 33. Subsections (3) and (4) of section 620.8915,
 1374 Florida Statutes, are amended to read:

1375 620.8915 Effect of conversion.—

1376 (3) A converted organization that is a foreign
 1377 organization consents to the jurisdiction of the courts of this
 1378 state to enforce any obligation owed by the converting
 1379 partnership, if before the conversion the converting partnership
 1380 was subject to suit in this state on the obligation. A converted
 1381 organization that is a foreign organization and not authorized
 1382 to transact business in this state shall appoint the Secretary
 1383 of State ~~Department of State~~ as its agent for service of process
 1384 for purposes of enforcing an obligation under this subsection.
 1385 Service on the Secretary of State ~~Department of State~~ under this
 1386 subsection is ~~shall be~~ made in the same manner and with the same
 1387 consequences as provided in s. 48.161 ~~s. 48.181~~.

1388 (4) A copy of the certificate of conversion, certified by
 1389 the Secretary of State ~~Department of State~~, may be filed in any
 1390 county of this state in which the converting organization holds
 1391 an interest in real property.

1392 Section 34. Subsection (2) of section 620.8919, Florida
 1393 Statutes, is amended to read:

1394 620.8919 Effect of merger.—

1395 (2) A surviving organization that is a foreign
 1396 organization consents to the jurisdiction of the courts of this
 1397 state to enforce any obligation owed by a constituent
 1398 organization, if before the merger the constituent organization
 1399 was subject to suit in this state on the obligation. A surviving
 1400 organization that is a foreign organization and not authorized

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1401 to transact business in this state shall appoint the Secretary
1402 of State ~~Department of State~~ as its agent for service of process
1403 pursuant to s. 48.161 ~~the provisions of s. 48.181~~.

1404 Section 35. Except as otherwise expressly provided in this
1405 act and except for this section, which shall take effect upon
1406 this act becoming a law, this act shall take effect January 2,
1407 2023.