

CHAPTER 2022-190

Committee Substitute for Committee Substitute for Senate Bill No. 1062

An act relating to service of process; amending s. 15.16, F.S.; authorizing the Department of State to electronically receive service of process under ch. 48, F.S.; amending s. 48.061, F.S.; revising procedures for service on partnerships, limited liability partnerships, and limited partnerships; amending s. 48.062, F.S.; defining the term “registered foreign limited liability company”; revising procedures for service on a domestic limited liability company or registered foreign limited liability company; amending s. 48.071, F.S.; providing for service on nonresidents doing business in this state by use of a commercial firm regularly engaged in the business of document or package delivery; amending s. 48.081, F.S.; defining the term “registered foreign corporation”; revising requirements for service on a domestic corporation or registered foreign corporation; amending s. 48.091, F.S.; defining terms; requiring designation of registered agents and registered offices by certain partnerships, corporations, and companies; specifying duties of a registered agent; authorizing a person serving process to serve certain persons under specified conditions; amending s. 48.101, F.S.; providing for service on dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships; creating s. 48.102, F.S.; authorizing service by other means in certain circumstances; amending s. 48.111, F.S.; **revising provisions related to service on public agencies and officers;** authorizing service on specified persons under certain circumstances; amending s. 48.151, F.S.; revising the applicability of provisions relating to service on statutory agents for certain persons; amending s. 48.161, F.S.; revising provisions relating to substituted service; providing for substituted service on individuals or corporations or other business entities; specifying actions that may be considered due diligence in effectuating service; specifying when service is considered effectuated; requiring the Department of State to maintain certain records; amending s. 48.181, F.S.; defining the term “foreign business entity”; revising provisions relating to substituted service; providing for substituted service on certain nonresidents and foreign business entities and on individuals and foreign business entities concealing their whereabouts; creating s. 48.184, F.S.; providing for service of process for removal of unknown parties in possession of real property; amending s. 48.194, F.S.; revising provisions relating to service outside this state but within the United States; deleting provisions relating to service outside the United States; creating s. 48.197, F.S.; providing for service in a foreign country; amending s. 49.011, F.S.; providing for constructive service on the legal mother in certain situations; amending s. 766.106, F.S.; revising requirements for service of presuit notice before filing a medical negligence complaint; creating a rebuttable presumption that service was received by a prospective defendant in certain circumstances; providing court duties if

service is challenged during subsequent litigation; revising provisions concerning tolling of the statute of limitations upon service of presuit notice by specified means; specifying that the terms “prospective” and “potential” are interchangeable; amending ss. 495.145, 605.0117, 605.09091, 605.0910, 605.1045, 607.0504, 607.1423, 607.15101, 607.1520, 617.0504, 617.1510, 617.1520, 620.1117, 620.1907, 620.2105, 620.2109, 620.8915, and 620.8919, F.S.; conforming cross-references and provisions to changes made by the act; providing effective dates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) Process against a domestic limited partnership may be served on any general partner or on the agent for service of process specified in its certificate of limited partnership or in its certificate as amended or restated and is as valid as if served on each individual member of the partnership. After service on a general partner or the agent, the plaintiff may proceed to judgment and execution against the limited partnership and all of the general partners individually. If a general partner cannot be found in this state and service cannot be made on an agent because of failure to maintain such an agent or because the agent cannot be found or served with the exercise of reasonable diligence, service of process may be effected by service upon the Secretary of State as agent of the limited partnership as provided for in s. 48.181. Service of process may be made under ss. 48.071 and 48.21 on limited partnerships.~~

~~(3) Process against a foreign limited partnership may be served on any general partner found in the state or on any agent for service of process specified in its application for registration and is as valid as if served on each individual member of the partnership. If a general partner cannot be found in this state and an agent for service of process has not been appointed or, if appointed, the agent's authority has been revoked or the agent cannot be found or served with the exercise of reasonable diligence, service of process~~

may be effected by service upon the Secretary of State as agent of the limited partnership as provided for in s. 48.181, or process may be served as provided in ss. 48.071 and 48.21.

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

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

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

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

(3)(2) If service cannot be made on a registered agent of the domestic limited liability company or registered foreign limited liability company because the domestic limited liability company or registered foreign limited liability company ceases to have a registered agent, or if the registered agent of the domestic limited liability company or registered foreign limited liability company cannot otherwise be served after one good faith attempt because of a failure to comply with this chapter or chapter 605 or because the limited liability company does not have a registered agent, or if its registered agent cannot with reasonable diligence be served, process against the limited liability company, domestic or foreign, the process may be served on any of the following:

(a) Any manager of a manager-managed domestic limited liability company or registered foreign limited liability company. On a member of a member-managed limited liability company;

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

(c) Any person listed publicly by the domestic limited liability company or registered foreign limited liability company on its latest annual report, as most recently amended If a member or manager is not available during regular business hours to accept service on behalf of the limited liability company, he, she, or it may designate an employee of the limited liability company to accept such service. After one attempt to serve a member,

manager, or designated employee has been made, process may be served on the person in charge of the limited liability company during regular business hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(b) If the address for the registered agent or any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended, officer, director, or principal place of business is a residence, a private mailbox, a virtual office, or an executive office or mini suite, service on the domestic corporation or registered foreign corporation may be made by serving any of the following:

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

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

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

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

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

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

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

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

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

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

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

(2) Every domestic limited liability partnership; domestic limited partnership, including limited liability limited partnerships; domestic corporation; domestic limited liability company; registered foreign limited liability partnership; registered foreign limited partnership, including limited liability limited partnerships; registered foreign corporation; and registered foreign limited liability company Florida corporation and every foreign corporation now qualified or hereafter qualifying to transact business in this state shall designate a registered agent and registered office in accordance with chapter 605, part I of chapter 607, chapter 617, or chapter 620, as applicable.

~~(3)(2)~~ Every domestic limited liability partnership; domestic limited partnership, including limited liability limited partnerships; domestic corporation; domestic limited liability company; registered foreign limited

liability partnership; registered foreign limited partnership, including limited liability limited partnerships; registered foreign corporation; registered foreign limited liability company; and domestic or foreign general partnership that elects to designate a registered agent, shall cause the designated registered agent to corporation shall keep the designated registered office open from at least 10 a.m. to 12 noon each day except Saturdays, Sundays, and legal holidays, and shall cause the designated registered agent to keep one or more individuals who are, or are representatives of, the designated registered agents on whom process may be served at the office during these hours. The corporation shall keep a sign posted in the office in some conspicuous place designating the name of the corporation and the name of its registered agent on whom process may be served at the office during these hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.111 Service on public agencies and officers.—

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

(a) On the registered agent; or

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

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

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

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

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

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

48.151 Service on statutory agents for certain persons.—

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

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

48.161 Method of substituted service on nonresident.—

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

(2) Notice of service and a copy of the process must shall be sent forthwith by the party effectuating service or by such party's attorney by

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

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

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

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

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

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

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

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

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

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

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

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

48.181 Substituted service on nonresidents and foreign business entities nonresident engaging in business in state or concealing their whereabouts.

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

~~(2) The acceptance by any individual person or persons, individually or associated together as a copartnership or any other form or type of association, who is a resident are residents of any other state, territory, or commonwealth, or of any foreign or country, or by any foreign business entity and all foreign corporations, and any person who is a resident of the state and who subsequently becomes a nonresident of the state or conceals his or her whereabouts, of the privilege extended by law to nonresidents and others to operate, conduct, engage in, or carry on a business or business venture in this the state, or to have an office or agency in this the state, is deemed to constitute constitutes an appointment by the individual or persons and foreign business entity corporations of the Secretary of State of this the state as its their agent on whom all process in any action or proceeding against the individual or foreign business entity them, or any~~

combination thereof ~~of them~~, arising out of any transaction or operation connected with or incidental to the business or business venture may be served as substituted service in accordance with this chapter. The acceptance of the privilege is signification of the agreement of the respective individual or persons ~~and foreign business entity corporations~~ that the process served against it in accordance with this chapter ~~them which is so served~~ is of the same validity as if served personally on the individual persons or foreign business entity corporations.

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

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

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

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

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

48.184 Service of process for removal of unknown parties in possession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.197 Service in a foreign country.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) PRESUIT NOTICE.—

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

1. United States Postal Service certified mail, return receipt requested;
2. United States Postal Service mail with a tracking number;
3. An interstate commercial mail carrier or delivery service; or
4. Any person authorized by law to serve process.

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

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

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

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

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

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

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

(3) PRESUIT INVESTIGATION BY PROSPECTIVE DEFENDANT.—

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

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

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

(4) SERVICE OF PRESUIT NOTICE AND TOLLING.—The notice of intent to initiate litigation must ~~shall~~ be served within the time limits set

forth in s. 95.11. However, upon mailing of the notice of intent to initiate litigation, as provided in subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph (2)(a)3., and during the 90-day period provided in subsection (3), the statute of limitations is tolled as to all prospective potential defendants. If the notice of intent to initiate litigation is served by a process server as provided in subparagraph (2)(a)4., the statute of limitations is tolled upon the process server's first attempt to serve the prospective defendant and continues during the 90-day period as to all prospective defendants. Upon stipulation by the parties, the 90-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving notice of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit. As used in this section, the terms "prospective" and "potential" are interchangeable.

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

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

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

605.0117 Serving Service of process, giving notice, or making a demand.

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

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

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

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

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

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

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

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

(7) Any notice or demand on a limited liability company or registered foreign limited liability company under this chapter may be given or made to any member of a member-managed limited liability company or registered foreign limited liability company or to any manager of a manager-managed limited liability company or registered foreign limited liability company; to the registered agent of the limited liability company or registered foreign limited liability company at the registered office of the limited liability company or registered foreign limited liability company in this state; or to any other address in this state which ~~that~~ is in fact the principal office of the limited liability company or registered foreign limited liability company in this state.

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

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

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

605.09091 Judicial review of denial of reinstatement.—

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

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

605.0910 Withdrawal and cancellation of certificate of authority.—

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

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

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

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

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

605.1045 Articles of conversion.—

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

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

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

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

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

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

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

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

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

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

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

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

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

607.1423 Judicial review of denial of reinstatement.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

617.1520 ~~Withdrawal of foreign corporation.—~~

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

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

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

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

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

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

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

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

620.1117 Serving Service of process, giving notice, or making a demand on a limited partnership or a foreign limited partnership.—

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

(2) Any notice or demand on a limited partnership or foreign limited partnership under this chapter may be given or made to any general partner of the limited partnership or foreign limited partnership, to the registered agent of the limited partnership or foreign limited partnership at the registered office in this state, or to any other address in this state which is in fact the principal office of the limited partnership or foreign limited partnership in this state If a limited partnership or foreign limited partnership does not appoint or maintain a registered agent in this state

~~or the registered agent cannot with reasonable diligence be found at the address of the registered office, the Department of State shall be an agent of the limited partnership or foreign limited partnership upon whom process, notice, or demand may be served.~~

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

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

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

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

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

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

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

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

620.2105 Effect of conversion.—

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

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

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

620.2109 Effect of merger.—

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

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

620.8915 Effect of conversion.—

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

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

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

620.8919 Effect of merger.—

(2) A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any obligation owed by a constituent organization, if before the merger the constituent organization was subject to suit in this state on the obligation. A surviving organization

that is a foreign organization and not authorized to transact business in this state shall appoint the Secretary of State ~~Department of State~~ as its agent for service of process pursuant to s. 48.161 ~~the provisions of s. 48.181~~.

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

Approved by the Governor June 15, 2022.

Filed in Office Secretary of State June 15, 2022.