

ENROLLED

CS/HB 103

2020 Legislature

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 2 An act relating to subpoenas; amending s. 92.605,
 3 F.S.; revising the definition of the term "properly
 4 served"; authorizing an applicant to petition a court
 5 to compel compliance with a subpoena; authorizing a
 6 court to address noncompliance as indirect criminal
 7 contempt and impose a daily fine; providing an
 8 effective date.

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

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 12 Section 1. Paragraph (h) of subsection (1) of section
 13 92.605, Florida Statutes, is amended, and subsection (10) is
 14 added to that section, to read:

15 92.605 Production of certain records by Florida businesses
 16 and out-of-state corporations.—

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

18 (h) "Properly served" means delivery by hand or in a
 19 manner reasonably allowing for proof of delivery if delivered by
 20 United States mail, overnight delivery service, or facsimile to
 21 a person or entity properly registered to do business in any
 22 state. In order for an out-of-state corporation to be properly
 23 served, the service described in this paragraph must be effected
 24 on the corporation's registered agent in this state or as
 25 authorized under the laws of the state where process is to be

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26 | served. Service on an out-of-state corporation doing business in
27 | this state through the Internet may also be made at any location
28 | where the corporation routinely accepts service.

29 | (10) If a Florida business or an out-of-state corporation
30 | refuses to comply with a properly served subpoena or does not
31 | comply with the requirements of subsection (2) or subsection
32 | (3), the applicant who sought the subpoena may petition a court
33 | of competent jurisdiction to compel compliance. The court may
34 | address the matter as indirect criminal contempt and may punish
35 | a business or corporation by a fine of not less than \$100 per
36 | day and not more than \$1,000 per day for a maximum of 60 days.

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