CHAPTER 2020-43

Committee Substitute for House Bill No. 103

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

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

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

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

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

(h) "Properly served" means delivery by hand or in a manner reasonably allowing for proof of delivery if delivered by United States mail, overnight delivery service, or facsimile to a person or entity properly registered to do business in any state. In order for an out-of-state corporation to be properly served, the service described in this paragraph must be effected on the corporation's registered agent in this state or as authorized under the laws of the state where process is to be served. Service on an out-of-state corporation doing business in this state through the Internet may also be made at any location where the corporation routinely accepts service.

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

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

Approved by the Governor June 18, 2020.

Filed in Office Secretary of State June 18, 2020.