

**ANALYSIS OF PROPOSED LEGISLATION TO AMEND  
STATUTORY PROVISIONS REGARDING SERVICE OR PROCESS IN FLORIDA**

*White Paper  
Submission by the Business Law Section of The Florida Bar*

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I. Background and Introduction

In 2019, the Business Law Section of The Florida Bar (BLS) empaneled a Task Force to consider possible amendments to the statutes governing service of original process<sup>1</sup> in Florida. During the course of its review and analysis of the service of process provisions relating to corporations under Chapter 607, Florida Statutes, another BLS task force involved in a review and preparation of possible amendments to Chapter 607, Florida States, had requested the formation of a separate task force, comprised of business litigators as well as business transactional attorneys, to examine the subject of service of process on all types of business entities.

The Task Force was comprised of practitioners of diverse practices and legal backgrounds. The members conducted a detailed review of the applicable

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<sup>1</sup> Original process is considered to be an original writ or summons issued by the authority of a court as the first step in a lawsuit, including a notice to the party being served when to appear and make a defense. Contrastingly, mesne process is process issued during the course of a legal proceeding, whereas final process is considered to be a writ of execution pursuant to a judgment issued at the conclusion of a legal proceeding.

statutes, researched pertinent judicial decisions, federal law, and the law of other states and held regular periodic meetings to discuss various proposals.

As a result of its study and deliberations, the Task Force adopted several primary goals: (1) simplify the methods of service of process on business entities to eliminate redundancies and inconsistencies, (2) clarify the statutory scheme to avoid confusion, (3) better elucidate the methods for effectuating service of process in foreign countries, and (4) modernize the methods and procedures for service of process on business entities, while ensuring compliance with fundamental notions of due process.

## II. Consolidation of Statutory Provisions regarding Service of Process on Business Entities

In addition to Chapter 48, several substantive statutes addressing the formation, governance, and operation of domestic and foreign business entities in this state also include provisions setting forth methods and procedures for service of process on those entities. In some instances, this has led to confusion among practitioners and the courts, has created uncertainty, and has complicated compliance with the requirements of service of process in actions in Florida courts. *See, e.g., Green Emerald Homes, LLC vs. Nationstar Mortg., LLC*, 210 So.3d 263, 264-265 (Fla. 2d DCA 2017) (section 605.0117(3))

authorizing plaintiff to serve a limited liability company through substituted service on the Secretary of State did not create a new, independent method of effecting substituted service, and plaintiff must still comply with the notice requirements in section 48); *Jupiter House LLC v. Deutsche Bank Nat'l Trust Co.*, 198 So.3d 1122 (Fla. 4<sup>th</sup> DCA 2016) (same); *but compare Magnolia Court, LLC v. Moon, LLC*, 299 So.3d 423 (Fla. 3d DCA 2019) (party serving Secretary of State as agent for unregistered foreign LLC under Section 605.904(6) was not required to comply with notice requirements of Chapter 48).

The Task Force believes that it would eliminate redundancies, uncertainties, and possible conflicts, as well as simplify and enhance compliance and improve the ability to effectuate valid service, if *all* of the requirements for service of process on business entities were placed within Chapter 48. Accordingly, the Task Force proposes to eliminate the provisions regarding service of process on limited partnerships under Chapter 620, limited liability companies under Chapter 605, and corporations under Chapter 607 and 617, and to instead simply cross-reference in these entity statutes to the applicable provisions under Chapter 48.

- III. Changes to the Methods of Personal Service of Process on Business Entities
  - A. Service on the Registered Agent

Section 48.062, Florida Statutes, currently provides for personal service of process to be made upon the registered agent of a limited liability company (LLC), domestic or foreign, unless such service cannot be made because (i) the LLC has failed to comply with the requirements for establishment and maintenance of a registered agent, (ii) the LLC does not have a registered agent, or (iii) the registered agent cannot with “reasonable diligence” be served. In any such instance, service may be effectuated by personally serving a member of a member-managed LLC, a manager of a manager-managed LLC, or an employee that they designate, and, 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 LLC during regular business hours. Then, if after reasonable diligence personal service of process cannot be completed, substituted process may be effectuated on the Florida Secretary of State.

As for service on corporation, personal service of process currently may be effectuated under Section 48.081 either through a hierarchy of listed officers (president, vice president, or other head of the corporation, and, in his or her absence, on the cashier, treasurer, secretary, or manager, and, in his or her absence on the any director, etc.) *or, alternatively*, on the registered agent of the corporation (emphasis added). Substituted service of process may also be

made on the Florida Secretary of State under sections 48.161 if personal service cannot be made on any of these individuals after due diligence.

The Task Force believes that it would simplify service of process to require parties to initially attempt to effectuate service through the designated registered agent in respect to all business entities, domestic or foreign, that are required to have a registered agent or are permitted to have one and elect to do so.

Moreover, a primary responsibility of a registered agent is to accept process on behalf of a business entity; thus, making the registered agent the primary designee for service of process should best ensure that those in charge of the entity receive actual notice of the lawsuit and understand the significance and consequences of the service of process.

The Task Force further proposes to expand Section 48.091, which sets forth the requirements for designation of registered agents and registered offices so as to specially apply to partnerships electing to register, limited partnerships, limited liability limited partnerships, and limited liability companies as well as to corporations.

## B. Waterfall System

Of course, we are aware that business entities may not always comply with the requirements relating to designating or maintaining their registered agents and office, so that parties, as permitted under existing law, should also have the ability when there is no such designated registered agent in place to effectuate service of process by serving responsible individuals involved in the governance and operations of the entity, which also serves to provide actual notice of the lawsuit to the entity.

The Task Force believes that while an attempt should first be made to serve the registered agent, extensive searches and repeated attempts to serve the registered agent should not be required. A single good faith attempt should suffice. See proposed amendments to Sections 48.062(2) and 48.081(2), Florida Statutes.

Moreover, the existing requirements under Section 48.081 for securing personal service on a corporation, which can require repeated attempts to serve process through a hierarchy of designated officers and directors, can be overly time consuming, burdensome, and expensive, and, in the Task Force's view, are not necessary to comply with due process standards of notice. Instead, the Task Force purposes that, if service of process cannot be made on

the registered agent after a single attempt due to failure of the business entity to comply with the requirements regarding designation and maintenance of registered agents and registered offices, then service may be made on either “the chair of the board, the president, any vice president, the secretary, or the treasurer of the corporation” or on “any person listed publicly by the [corporation] on its latest annual report, as recently amended.” See proposed Section 48.081(2)(ii), Florida Statutes. The party seeking to serve process therefore is not required to attempt *seriatim* to serve a lengthy list corporate officers or director, with the ability to serve the individual occupy the next position on the list only after attempting unsuccessfully to serve the higher-ranked individual. Instead, the proposed revised statute sets forth a list of positions among whom the party seeking to effectuate service can choose to serve without having to try to first serve any others on the list.

As for service on partnerships, since Chapter 620 now allows, but does not require, registration of general partnerships with the Florida Secretary of State and appointment of registered agents, the Task Force proposes to add a provision to section 48.061(1) allowing service of process on the registered agent, if one has been appointed. Furthermore, the Task Force proposes that a party seeking to serve a domestic limited partnership or a limited liability partnership (or a foreign

limited partnership or foreign limited liability partnership that conducts business in the state and that files a statement of foreign qualification) must first attempt service on the entity's designated agent for service of process prior to seeking to serve a general partner. See proposed Sections 48.061(2) and (3).

Finally, the provisions of Section 48.101, which by its terms expressly applies only to service on dissolved corporations, should be broadened to also apply to service on dissolved limited liability companies, limited partnerships, and limited liability partnerships.

#### IV. Serving Process through Substituted Service on the Secretary of State

##### A. Delivery of Substituted Process to the Secretary of State

Florida law has long allowed service of process to be effectuated on certain individuals and business entities through substituted process on the Secretary of State when a party is unable after due diligence to personally serve the individual or the business entity's representative. Section 48.161 provides the actual methodology for effectuating service by substituted process, whereas Section 48.181 provides the jurisdictional basis for substituted service of

process on nonresident individuals and business entities doing business in the state.<sup>2</sup>

With respect to the methodology for effectuating service of substituted process, the Task Force initially proposes to amend Section 48.161, as well as Section 15.16 (3), Florida Statutes, to permit the party seeking to effectuate service, as an alternative to using personal delivery or mail delivery to the Secretary of State as currently allowed, to submit the process to the Secretary of State, and to pay the requisite fee, electronically or to use a commercial courier service, such as UPS or Federal Express. The Task Force consulted the office of the Secretary of State, which concurs that allowing for delivery of process by these methods will be easier and more efficient, both for parties seeking to effectuate service and for the Secretary of State.

#### B. Delivery of the Notice of Service to the Opposing Party

Moreover, the Task Force believes that to better ensure the opposing party receives actual notice of the substituted service and initiation of the lawsuit, in addition to requiring that the party effectuating service send a notice and copy of

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<sup>2</sup> These statutes seem to be out of order since, from a practical standpoint, the practitioner would generally need to consider the jurisdictional basis for service of process prior to determining the methodology to effectuate service. Nevertheless, given how long these sections have been in the Florida Statutes, we decided not to change the statute numbers.

the process to the opposing party at his, her, or its last known address by registered or certified mail, as currently provided under Section 48.161(2), the statute should be amended not only to *allow* the documents to be sent by commercial courier service in lieu of delivery by mail, but to also require that the documents be sent to opposing party electronically through email or through social media, if those means have been “recently and regularly used” by the parties to communicate between themselves. In this age of almost ubiquitous electronic communications, parties often exchange, prior to the filing of a lawsuit, many emails, text messages or other electronic communications during attempts to resolve their disputes. In such instances, why shouldn’t the same method or methods of communication be used to inform the opposing party that the lawsuit has been filed and to send that party a copy of the summons and complaint?

Indeed, even in the absence of an express requirement under the statute, at least one Florida court has implied that a party using substitute service through the Secretary of State may be required to email the notice and a copy of the process to the opposing party. See *Crystal Springs Partners, Ltd. v. Michael R. Band, P.A.*, 132 So. 3d 1230, 1231 (Fla. 3d DCA 2014) (appellee was obligated to make an "honest and conscientious effort," using knowledge at its command,

to provide the defendant with actual notice of the lawsuit, and failure to mail a copy of the notice of process to defendant at an address for which it had contact information or to email the papers to the defendant at an email used to communicate with its director in the past invalidated the service). On the other hand, the Task Force concluded that it would be too stringent to require notice to be served electronically whenever the parties had used such a method to communicate at any time, and that imposing such a requirement could create a trap for an unwary plaintiff who may have sent only a single email, text message, or communication through social media to an opposing party years before the lawsuit was filed. Thus, we propose that the requirement to send notice of service electronically to the opposing party apply only if the parties “recently and regularly” communicated through those means.

### C. Applicability of Substituted Service

Although courts have construed Section 48.181 as broadly applicable to all business entities despite its current express limitation only to corporations, the amendments proposed by the Task Force would make this expanded application explicit. The Task Force would also specifically require that the affidavit of compliance required to be filed by the party seeking to effectuate service under

Section 48.161(2) expressly set forth the facts that justify the need for using substituted service and show that due diligence was exercised in attempting to locate and effectuate personal service on the opposing party, requirements that Florida courts have imposed even in the absence of such a statutory mandate. *See Alvarado-Fernandez v. Mazoff*, 151 So.3d 816 (Fla. 4<sup>th</sup> DCA), quoting *Wiggam v. Bamford*, 562 So.2d 389, 391 (Fla. 4<sup>th</sup> DCA 1990) (“Before using the substitute service statutes, a plaintiff must demonstrate the exercise of due diligence in attempting to locate the defendant”). The Task Force also believes that Section 48.181(2), which seems to preclude the use of substituted service if a foreign corporation has a resident agent or officer in Florida, should be clarified to state that substituted service can still be used in such circumstances, but only if service of process is first attempted in the manner required under other provisions of Chapter 48 governing personal service of process on such entities.

The Task Force also proposes to eliminate the provision allowing substituted service on the Secretary of State for any Florida resident who subsequently becomes a non-resident of this state. The provision predates the adoption of Section 48.194, Florida Statutes, which has authorized personal service effectuated outside the state on persons located outside of the state “in the

same manner as service within this state by any person authorized to serve process in the state where the person is served.” Thus, given the ability to serve such persons extra-territorially, the Task Force believes that requiring such persons to be personally served at their new location outside of the state would better comport with standards of due process. Substituted service may still be used, however, with regard to any such person who conceals his, her, or its whereabouts and refuses to accept process.

V. Ability to Seek Leave of Court to Serve Process on Business Entities by “Alternative Means” including Electronic Service

One of the more significant changes proposed by the Task Force would permit a trial court to authorize personal service on a party through alternative methods, including through email or other electronic means, if traditional methods of service have not been effective, rather than requiring the person seeking to effectuate service to resort to substituted service of process through the Secretary of State. See proposed new Section 48.102, Florida Statutes.

The ability to obtain a court-authorized alternative procedure for service of process already exists in the federal courts at least in some instances. Under Federal Rule of Civil Procedure 4(f)(3), a federal district court may authorize service of process on persons located in foreign countries by alternative means

not prohibited by international agreement. At least when other methods of service have been shown to be ineffective, federal courts in Florida have often authorized service by email or other methods of electronic service upon a showing that such alternative methods of service are reasonably calculated to give actual notice to the party. *See, e.g., Seaboard Marine, Ltd., Inc. v. Magnum Freight Corp.*, No. 17 CIV-21815, 2017 WL 7796153, at \*2 (S.D. Fla. Sept. 21, 2017) (permitting service by email where it appeared the foreign defendant had been evading service); *see generally Foreign Defendants, You've Got Mail! Substitute Service by Email Increasingly Permitted*, 11 Nat'l L.R. 149 (May 29, 2021). Moreover, although there is no provision in the federal rules explicitly authoring domestic service of process by such means, some federal courts have authorized service by email or other alternative means of service within the United States on U.S. based attorneys or agents of foreign parties or even on opposing parties themselves. *See, e.g., Bazarian Int'l Fin. Assoc., LLC v. Desarrollos Aerohotelco, C.A.*, 168 F.Supp.3d 1, 15 (D.D.C. 2016) (granting motion for alternative service by email on U.S. attorney for foreign corporation); *Transamerica Corp. v. TransAmerica Multiservices Inc.*, No. 1:18-cv-22483 (S.D. Fla. Sept. 18, 2018) (granting motion allowing electronic service

on Florida resident based on evidence that the individual was concealing his whereabouts and evading service).

Several states have also adopted provisions that permit a court to order other methods of service that meet constitutional standards regarding notice. *See, e.g.*, N.Y. C.P.L.R. Law § 308(5) (allowing the court to order any manner of service if it first finds that service is impracticable under the traditional methods set forth in the service statutes); Rule 106, Tex. R. Civ. P. (allowing courts to authorize service in any other manner, including electronically and by social media, email or other technology, that will be reasonably effective to give defendants notice of the suit); Rule 4(d)(5), Utah R. Civ. P. (authorizing courts, when other means of service are impracticable, to approve service by alternative means that are “reasonably calculated, under all the circumstances, to apprise the named parties of the action”).

The Task Force believes that allowing Florida trial courts the flexibility to approve alternative methods of personal service, including by email or through social media, under proper circumstances consistent with due process notice standards, will enhance the ability of litigants to efficiently and effectively secure

service of process on business entities and more effectively provide actual notice to them of the existence of lawsuits.

#### VI. Service of Process in Foreign Counties

Under current Florida law, Section 48.194(1) contains the only provision applicable to judicial proceedings that addresses personal service of process on persons located in foreign countries. This provision, as currently in effect, merely states that service of process on persons outside Florida must be made in the same manner as service within Florida, while cautioning that “[s]ervice of process outside the United States may be required to conform to The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.”

In contrast, Federal Rule 4(f), sets forth a much more detailed protocol required to effectuate of service of process in foreign counties.

The International Law Section of The Florida Bar (ILS) submitted to the Task Force a proposed new statutory provision, based on Federal Rule 4(f), that would govern personal service of process on persons located in foreign countries. Given the expanding role of Florida as a center for international trade and commerce and a corresponding increase in lawsuits before Florida courts dealing with disputes involving international parties, the Task Force

agrees with the ILS that adoption of a new statute providing more detailed guidance about effectuating service of process in foreign countries would be beneficial to litigants and their counsel and to the courts.

The new statute proposed by the Task Force, and supported by the ILS, Section 48.197, closely follows the language of Federal Rule 4(f), and includes a similar provision as in the rule (and as in the proposed new Section 48.102), allowing the court to authorize service of process by alternative methods, including by electronic means, that are reasonably calculated to give actual notice of the proceedings and are not prohibited by international agreement.

In addition to a proposed independent statute governing the effectuating of service of process in foreign countries, the ILS also proposed limited changes to certain other statutes (Section 48.071, 48.131, and 48.194) that would allow copies of process and notices of service to be sent to persons outside of the state by commercial courier services in addition to continuing to allow such documents to be sent by registered or certified mail. This additional option is needed since certified and registered mail is not available in certain foreign countries. The Task Force agrees with these additional amendments proposed by the ILS.

It should be noted that the amendments regarding effectuating service of process in foreign countries would not change the ability to use substituted service of process through the Secretary of State under Sections 48.181 and 48.161 on nonresident parties in any dispute arising out of business conducted within the state of Florida where the party seeking to effectuate service has been unable despite due diligence to personally serve the opposing party.

## VII. Conclusion

The Task Force believes that these proposed amendments to Chapter 48 and other statutory provisions relating to service of process would simplify the methods of service of process, eliminate redundancies and inconsistencies, provide greater clarity, and modernize methods and procedures for service of process on business entities in particular, while being cognizant of and attentive to fundamental notions of due process. We therefore respectfully request that the Executive Council of the Business Law Section approve the proposed amendments by triple motion.

15.16—    Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.

(1)—    The Department of State may cause to be made copies of any records maintained by it by miniature photographic microfilming or microphotographic processes or any other photographic, mechanical, or other process heretofore or hereafter devised, including electronic data processing.

(2)—    Photographs, nonerasable optical images, or microphotographs in the form of film, facsimiles, or prints of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs, nonerasable optical images, or microphotographs shall be admitted in evidence equally with the original photographs, nonerasable optical images, or microphotographs.

(3)—    The Department of State may cause to be received electronically any records that are required or permitted 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.

(4)—    Notwithstanding any other provision of law, the department may certify or acknowledge and electronically transmit any record maintained by it. The certification must be evidenced by a certification code on each page transmitted which must include the filing number of the document, date of transmission, and page number of the total number of pages transmitted, and a sequential certification number assigned by the department which will identify the transmission and be available for verification of any transmitted acknowledgment or certified document.

~~(5)~~ Notwithstanding any other provision of law, the Department of State shall determine for purposes of electronic filing of any document placed under its jurisdiction for filing or recordation:

~~(a)~~ The appropriate format, which must be retrievable or reproducible in typewritten or printed form and must be legible.

~~(b)~~ The manner of execution, which may include any symbol, manual, facsimile, conformed, or electronic signature adopted by a person with the present intent to authenticate a document.

~~(c)~~ The method of electronic transmission, and fee payment for such document.

~~(d)~~ The amount of any fee surcharge or discount for the use of an electronic filing format.

~~(6)~~ The Department of State may use government or private sector contractors in the promotion or provision of any electronic filing services.

~~(7)~~ The Secretary of State may issue apostilles conforming to the requirements of the international treaty known as the Hague Convention of 1961 and may charge a fee for the issuance of apostilles not to exceed \$10 per apostille. The Secretary of State has the sole authority in this state to establish, in accordance with the laws of the United States, the requirements and procedures for the issuance of apostilles.

~~(8)~~ The Department of State may use government or private sector contractors in the promotion or provision of any electronic filing services and may discount the filing fee in an amount equal to the convenience charge for such electronic filings.

48.061 Service on partnerships, limited liability partnerships, and limited partnerships, including limited liability 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, shall be served on any partner and is as valid for service on the partnership as if served on each individual partner.

(i) ~~\_\_\_\_\_~~ 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. ~~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.~~

(ii) 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, service on the agent is as valid for service on the partnership as if served on each individual partner, but, unless individual partners are served, plaintiff may only proceed to judgment and execution against the asset of the partnership.

(2) (a) Process against a domestic limited liability partnership shall first be served on the then current agent for service of process specified in its statement of qualification, in its statement of

qualification as amended or restated, or as re-designated 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.

(i) If service cannot be made on the registered agent because the 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 Chapter 620 or Chapter 48, the process may be served on any partner.

(1) If a partner

~~48.062 Service on a limited liability company.~~

~~(1) Process against a limited liability company, domestic or foreign, may be served on the registered agent designated by the 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.~~

~~(2) If service cannot be made on a registered agent of the limited liability company because of failure to comply with 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, may be served:~~

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

~~(b) On a manager of a manager-managed limited liability company; or~~

~~(c) If a member or manager is not available during regular business hours to accept service on behalf of the limited liability companypartnership, he, or she, or it may designate an employee of the limited liability company to accept such service.~~

~~(2) After one attempt to serve a member, manager, partner or designated employee has been made, process may be served on thea person in charge of the limited liability companypartnership during regular business hours.~~

(3)—b) If, after reasonable diligence, the process cannot be completed under subsection (2)(a), then process may be served as provided in s. 48.161 on the Secretary of State as an agent of the limited liability partnership or by order of court under s. 48.102.

(3) (a) Process against a domestic limited partnership, including a domestic limited liability limited partnership, shall first be served on the then current agent for service of process specified in its certificate of limited partnership, or in its certificate as amended or restated, or as re-designated 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.

(i) If service cannot be made on the registered agent because the limited liability 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 Chapter 620 or Chapter 48, the process may be served on any general partner.

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

(b) if, after reasonable diligence, the process cannot be completed under subsection (1) or subsection (2),3(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 court under s. 48.102.

(4) (a) Process against a foreign limited liability partnership that was required to comply under 620.9102 may be served as prescribed under 48.061(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 court under s. 48.102.

(5) (a) Process against a foreign limited partnership that was required to comply under 620.1902 may be served as prescribed under 48.061(3).

(b) A foreign 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 effected served pursuant to s. 48.181 or by service upon the Secretary order of court under s. 48.102.

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

(1) A domestic limited liability company or registered foreign limited liability company may be served with process required or authorized by law by serving on its registered agent of the designated by the domestic limited liability company or registered foreign limited liability company under chapter 605.

(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 as provided for in s. 48.181 cannot otherwise be served after one good faith attempt because of a failure to comply with Chapter 605 or Chapter 48, the process may be served on:

(i) any manager of a manager managed domestic limited liability company or registered foreign limited liability company;

(ii) any member of a member managed domestic limited liability company or registered foreign limited liability company; or

(iii) 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.

(3) If, after reasonable diligence, the process cannot be completed under subsection (1) 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 (1); or,

(b) after reasonable 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 (2);

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

(4) If the address for the registered agent, ~~member, or manager~~ 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 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 ~~the registered agent, member, or manager in accordance with s. 48.031~~:

(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; or

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

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

(6) A foreign limited liability company 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 court under s. 48.102.

(7) For purposes of this section, “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.

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

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 shall be sent forthwith to the nonresident person or partnership by registered ~~email~~, 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 his, her, or its attorney shall prepare an affidavit of compliance with this section, which shall be filed before the return day or within such further time as the court may allow.

48.081 Service on a domestic corporation-

~~(1) Process against any private or registered foreign corporation, domestic or foreign, may be served:.~~

~~(a) On the president or vice president, or other head of the (1) A domestic corporation;~~

~~(b) In the absence of any person described in paragraph ( or 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.~~

~~(2) If a registered 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, may be served with process may be served required or authorized by law by serving on the its registered 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. chapter 607 or 617, as the case may be.~~

~~(b) (2) 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 Chapter 48, or Chapter 607 or 617, as the case may be, the process may be served on:~~

~~(i) the chair of the board, the president, any vice president, the secretary, or the treasurer of the domestic corporation or registered foreign corporation; or~~

~~(ii) any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended.~~

~~(3) If, after reasonable diligence, the process cannot be completed under subsection (1) 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 (1); or,~~

~~(b) after reasonable 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 (2);~~

~~then 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 court under s. 48.102.~~

~~(4) If the address for the registered agent, ~~officer, director, or principal place of business~~ or any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended, is a residence, a private mailbox, a virtual~~

office, or an executive office or mini suite, service on the corporation ~~may be made by serving the registered agent, officer, or director in accordance with s. 48.031.~~ or registered corporation may be made by serving:

~~(4) This section does not apply to service a) the registered agent of process on insurance companies.~~

~~(5) When a the domestic 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.~~ or registered foreign corporation 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; or~~

~~(c) any person covering one of the positions listed in subsection (2)(i), in accordance with s. 48.031.~~

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

~~(6) A foreign corporation 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 court under s. 48.102.~~

~~(7) For purposes of this section, “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.~~

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

(1) Every ~~Florida corporation and every foreign corporation now qualified or hereafter qualifying to transact business in this state shall~~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 must designate a registered agent and registered office in accordance with ~~part I of chapter~~Chapter 607, Chapter 605, Chapter 617, or Chapter 620 as applicable, respectively.

(2) Every ~~corporation shall~~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, and every domestic or foreign general partnership that elects to designate a registered agent, must cause the designated registered agent to 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~~must~~ cause the designated registered agent to keep one or more registered agents on whom process may be served at the office during these hours. The corporation shall keep a sign posted in individuals who are, or are representatives of, the office in some conspicuous place designating the name of the corporation and the name of its~~designated~~ registered agent on whom process may be served at the office during these hours.

(3) 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 other natural person who is present at his or her office.

(4) For purposes of this section, “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. “Registered foreign corporation,” and “registered foreign limited liability company” shall have the same meanings as set forth in s. 48.081, 48.062, respectively.

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 which was dissolved before July 1, 1990, as trustees of the dissolved corporation 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 under s. 48.081(1), but was not successful as required under s. 48.081(2) then in addition to the persons listed in s. 48.081(2), service can be made on the persons appointed as the liquidator, trustee, or receiver under s. 607.1405.

\_\_\_\_\_ (c) A party attempting to serve a dissolved domestic for profit corporation under this section can petition the court to appoint one of the persons under s. 607.1405 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 under s. 48.062(1), but was not successful as required under s. 48.062(2) then in addition to the persons listed in s. 48.062(2) service on a dissolved limited liability company can be made on the persons appointed as the liquidator, trustee, or receiver under s. 605.0709, respectively.

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

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

#### 48.102 Service by Other Means.

If a party seeking to effectuate service is unable after reasonable diligence 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, as an alternative to other methods of service, the court, upon motion and a showing of such inability, may authorize service in any other manner, including electronically by social media, email, or other technology, 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.

48.131 Service on alien property custodian.

In every action or proceeding in any court or before any administrative board involving real, personal, or mixed property, or any interest therein, when service of process or notice is required or directed to be made upon any ~~person, firm~~individual or ~~corporation~~business entity located, or believed to be located, within any country or territory in the possession of or under the control of any country between which and the United States a state of war exists, in addition to the giving of the notice or service of process, a copy of the notice or process shall be sent by registered ~~or certified mail~~mail, certified mail, or by use of a commercial firm regularly engaged in the business of document or package delivery to the alien property custodian, addressed to him or her at Washington, District of Columbia; but failure to mail a copy of the notice or process to the alien property custodian does not invalidate the action or proceeding.

48.151 Service on statutory agents for certain persons.

(1) When any law designates a public officer, board, agency, or commission as the agent for service of process on any person, firm, or corporation, service of process thereunder shall be made by leaving one copy of the process with the public officer, board, agency, or commission or in the office thereof, or by mailing one copy to the public officer, board, agency, or commission. The public officer, board, agency, or commission so served shall retain a record copy and promptly

send the copy served, by registered or certified mail, to the person to be served as shown by his or her or its records. Proof of service on the public officer, board, agency, or commission shall be by a notice accepting the process which shall be issued by the public officer, board, agency, or commission promptly after service and filed in the court issuing the process. The notice accepting service shall state the date upon which the copy of the process was mailed by the public officer, board, agency, or commission to the person being served and the time for pleading prescribed by the rules of procedure shall run from this date. The service is valid service for all purposes on the person for whom the public officer, board, agency, or commission is statutory agent for service of process.

(2) This section does not apply to substituted service of process ~~on nonresidents~~[under s. 48.161 and s. 48.181.](#)

(3) The Chief Financial Officer or his or her assistant or deputy or another person in charge of the office is the agent for service of process on all insurers applying for authority to transact insurance in this state, all licensed nonresident insurance agents, all nonresident disability insurance agents licensed pursuant to s. 626.835, any unauthorized insurer under s. 626.906 or s. 626.937, domestic reciprocal insurers, fraternal benefit societies under chapter 632, warranty associations under chapter 634, prepaid limited health service organizations under chapter 636, and persons required to file statements under s. 628.461. As an alternative to service of process made by mail or personal service on the Chief Financial Officer, on his or her assistant or deputy, or on another person in charge of the office, the Department of Financial Services may create an Internet-based transmission system to accept service of process by electronic transmission of documents.

(4) The Director of the Office of Financial Regulation of the Financial Services Commission is the agent for service of process for any issuer as defined in s. 517.021, or any dealer, investment adviser, or associated person registered with that office, for any violation of any provision of chapter 517.

(5) The Secretary of State is the agent for service of process for any retailer, dealer or vendor who has failed to designate an agent for service of process as required under s. 212.151 for violations of chapter 212.

(6) For purposes of this section, records may be retained as paper or electronic copies.

48.161 Method of substituted service on nonresident or person concealing whereabouts.

(1) When authorized by law, substituted service of process on a nonresident ~~or a person who conceals his or her whereabouts by serving a public officer designated by law shall~~individual or a corporation or other business entity that is incorporated or formed under the laws of any other state, territory, or commonwealth, or the laws of any foreign country may be made by

~~leaving~~ sending a copy of the process ~~with a fee of \$8.75 with the public officer or in his or her office or by mailing the copies~~ by personal delivery, by registered mail, by certified mail ~~to the public officer with the fee,~~ return receipt requested, by use of a commercial firm regularly engaged in the business of document or package delivery, or electronic transmission to the office of the Secretary of State and by paying a fee of \$8.75. The service is sufficient service on a ~~defendant who~~ party that has appointed a ~~public officer~~ or is deemed to have appointed the Secretary of State as his, her, or herits agent for ~~the~~ service of process. ~~The fee paid to the public officer by the party seeking to effectuate service shall be taxed as costs if that party prevails in the action. 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 shall be sent forthwith by ~~registered or the party effectuating service or by his, her, or its attorney by registered mail, by certified mail by the plaintiff or his or her attorney to the defendant, and the defendant's return receipt and the,~~ return receipt requested, or by use of a commercial firm regularly engaged in the business of document or package delivery, as well as electronically by email, social media, or other electronic means if and to the extent the particular methods have been recently and regularly used by the parties to communicate between themselves, to the party being served by substituted service at his, her, or its last known physical address and, if applicable, electronic address, and return receipts or other proof of service shall be filed showing delivery to the 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 affidavit of ~~compliance of the plaintiff party effectuating service, or of his, her, or herits attorney of compliance,~~ shall be filed ~~on or before~~ within 40 days of the ~~return~~ ~~day~~ date of service on the ~~process~~ Secretary of State, or within such additional time as the court allows, ~~or the notice and~~. The affidavit of compliance shall 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 prior to using substituted service under this section. It shall not be necessary, however, for the party effectuating service 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 business entity is concealing himself, herself, or itself, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, use substituted service pursuant to subsection (1) in connection with any action in which

the court has jurisdiction over such person or business entity. In this instance, the party seeking service shall further comply with the provisions of subsection (2) of this section; however, a return receipt or other proof showing acceptance of receipt of the notice of service and a copy shall be served on the defendant, if found within the state, by an officer authorized to serve legal of the process, 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 by the party concealing himself, herself, or itself need not be filed.

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

~~(3) (5)~~ The Secretary of State may designate an individual in his or her office to accept service.

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

~~(4) The public officer may designate some other person in his or her office to accept~~

48.181 Substituted service.

~~48.181—~~ Service on ~~nonresident~~nonresidents and corporations or other business entities engaging in business in state and on persons concealing their whereabouts.

(1)~~—~~ The acceptance by any person~~individual~~ or ~~persons, individually or associated together as a copartnership or any other form or type of association,~~individuals who are residents of any other state ~~or, territory, or commonwealth, or of any foreign~~ country, ~~and all foreign corporations, and or by any person who is a resident of the state and who subsequently becomes a nonresident of the state or conceals his or her whereabouts,~~foreign business entity of the privilege extended by law to nonresidents ~~and others~~ to operate, conduct, engage in, or carry on a business or business venture in the state, or to have an office or agency in the state, ~~constitutes~~ shall be deemed to constitute an appointment by the persons~~individuals~~ and foreign ~~corporations~~business entities of the Secretary

of State of the state as their agent on whom ~~all~~ process in any action or proceeding against them, or any 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. As used in this section “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. The acceptance of the privilege is signification of the agreement of the ~~persons~~individual and foreign ~~corporations~~business entities that the process served against them ~~which is so served in~~ accordance with the provisions of this chapter is of the same validity as if served personally on the ~~persons~~individual or foreign ~~corporations~~business entities.

(2) ~~If~~ Notwithstanding any other provisions of this section, if a foreign ~~corporation~~business entity has ~~a resident agent or officer~~registered to do business in the state, and has maintained its registration in an active status,

personal service of process shall first be ~~served~~attempted on the ~~resident agent or officer~~foreign business entity in the manner and order of priority described elsewhere in this chapter as applicable to the business entity. If the party seeking to effectuate service of process is unable, after due diligence, to effectuate service of process on such registered agent or other official, the party may use substituted service of process on the Secretary of State.

(3) ~~Any person, firm, or corporation~~ (3) Any individual or business entity that conceals his, her, or its whereabouts shall be deemed to have appointed the Secretary of State as his, her, or its agent on whom all process, in any action or proceeding against his, her, or it, or any of them, arising out of any transaction or operation connected with or incidental to any business or business venture carried on in the state by such person or business entity, may be served.

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

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

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

(1) Except as otherwise provided herein, service of process on ~~persons outside of this~~party in another state, territory, or commonwealth of the United States shall be made in the same

manner as service within this state by any ~~person~~officer authorized to serve process in the state where ~~the person is served. service shall be made.~~ No order of court is required. ~~AAn affidavit of the officer shall be filed, stating the time, manner, and place of service. The~~ court may consider the ~~return of service form described in s. 48.21, affidavit,~~ or any other competent 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) Where in rem or quasi in rem relief is sought in a foreclosure proceeding as defined by s. ~~702.09, service~~ 702.09, service of process on a person in another state, territory, or commonwealth of ~~process on a person outside of this state~~the United States where the address of the person to be served is known may be made by registered mail as follows:

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

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

(3) If the registered mail which is sent as provided for in subsection (2) is returned with an endorsement or stamp showing “refused,” the party’s attorney or the party, if the party is not represented by an attorney, may serve original process by first-class mail. The failure to claim registered mail is not refusal of service within the meaning of this subsection. Service of process pursuant to this subsection shall be perfected 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 shall be mailed by first-class mail with the return address of the party’s attorney or the party, if the party is not represented by an attorney, on the envelope.

(c) Service under this subsection shall be considered obtained upon the mailing of the envelope.

(4) If service of process is obtained under subsection (2), the party's attorney or the party, if the party is not represented by an attorney, shall file an affidavit setting forth the return of service. The affidavit shall state the nature of the process; the date on which the process was mailed by registered mail; the name and address on the envelope containing the process; the fact that the process was mailed registered mail return receipt requested; who signed the return receipt, if known, and the basis for that knowledge; and the relationship between the person who signed the receipt and the person to be served, if known, and the basis for that knowledge. The return receipt from the registered mail shall be attached to the affidavit. If service of process is perfected under subsection (3), the party's attorney or the party, if the party is not represented by an attorney, shall file an affidavit setting forth the return of service. The affidavit shall state the nature of the process; the date on which the process was mailed by registered mail; the name and address on the envelope containing the process that was mailed by registered mail; the fact that the process was mailed registered mail and was returned with the endorsement or stamp "refused"; the date, if known, the process was "refused"; the date on which the process was mailed by first-class mail; the name and address on the envelope containing the process that was mailed by first-class mail; and the fact that the process was mailed by first-class mail with a return address of the party or the party's attorney on the envelope. The return envelope from the attempt to mail process by registered mail and the return envelope, if any, from the attempt to mail the envelope by first-class mail shall be attached to the affidavit.

48.197 Service in Foreign Countries.

(1) Service of process may be effectuated in a foreign county upon a party, other than a minor or an incompetent person:

(a) by any internationally agreed 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;

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

(i) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(ii) as the foreign authority directs in response to a letter rogatory or letter of request; or

(iii) unless prohibited by the foreign country's law, by:

(A) if by serving an individual by 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 that requires a signed receipt; or

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

(2) Service of process may be effectuated in a foreign country upon a minor or incompetent person in the manner prescribed by subsections, (1)(b)(i),(1)(b)(ii), or (1)(c) of this section.

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.

(1) The Department of State may cause to be made copies of any records maintained by it by miniature photographic microfilming or microphotographic processes or any other photographic, mechanical, or other process heretofore or hereafter devised, including electronic data processing.

(2) Photographs, nonerasable optical images, or microphotographs in the form of film, facsimiles, or prints of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs, nonerasable optical images, or microphotographs shall be admitted in evidence equally with the original photographs, nonerasable optical images, or microphotographs.

(3) The Department of State may cause to be received electronically any records that are required or permitted 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.

(4) Notwithstanding any other provision of law, the department may certify or acknowledge and electronically transmit any record maintained by it. The certification must be evidenced by a certification code on each page transmitted which must include the filing number of the document, date of transmission, and page number of the total number of pages transmitted, and a sequential certification number assigned by the department which will identify the transmission and be available for verification of any transmitted acknowledgment or certified document.

(5) Notwithstanding any other provision of law, the Department of State shall determine for purposes of electronic filing of any document placed under its jurisdiction for filing or recordation:

(a) The appropriate format, which must be retrievable or reproducible in typewritten or printed form and must be legible.

(b) The manner of execution, which may include any symbol, manual, facsimile, conformed, or electronic signature adopted by a person with the present intent to authenticate a document.

(c) The method of electronic transmission, and fee payment for such document.

(d) The amount of any fee surcharge or discount for the use of an electronic filing format.

(6) The Department of State may use government or private sector contractors in the promotion or provision of any electronic filing services.

(7) The Secretary of State may issue apostilles conforming to the requirements of the international treaty known as the Hague Convention of 1961 and may charge a fee for the issuance of apostilles not to exceed \$10 per apostille. The Secretary of State has the sole authority in this state to establish, in accordance with the laws of the United States, the requirements and procedures for the issuance of apostilles.

(8) The Department of State may use government or private sector contractors in the promotion or provision of any electronic filing services and may discount the filing fee in an amount equal to the convenience charge for such electronic filings.

48.061 Service on partnerships, limited liability partnerships, and limited partnerships, including limited liability 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, shall be served on any partner and is as valid for service on the partnership as if served on each individual partner.

(i) 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.

(ii) 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, service on the agent is as valid for service on the partnership as if served on each individual partner, but, unless individual partners are served, plaintiff may only proceed to judgment and execution against the asset of the partnership.

(2) (a) Process against a domestic limited liability partnership shall first be served on the then current agent for service of process specified in its statement of qualification, in its statement of qualification as amended or restated, or as re-designated 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.

(i) If service cannot be made on the registered agent because the 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 Chapter 620 or Chapter 48, 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 reasonable diligence, the process cannot be completed under subsection (2)(a), then process may be served as provided in s. 48.161 on the Secretary of State as an agent of the limited liability partnership or by order of court under s. 48.102.

(3) (a) Process against a domestic limited partnership, including a domestic limited liability partnership, shall first be served on the then current agent for service of process specified in its certificate of limited partnership, or 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.

(i) If service cannot be made on the registered agent because the limited liability 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 Chapter 620 or Chapter 48, the process may be served on any general partner.

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

(b) if, after reasonable diligence, the process cannot be completed under subsection (3)(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 court under s. 48.102.

(4) (a) Process against a foreign limited liability partnership that was required to comply under 620.9102 may be served as prescribed under 48.061(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 court under s. 48.102.

(5) (a) Process against a foreign limited partnership that was required to comply under 620.1902 may be served as prescribed under 48.061(3).

(b) A foreign 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 court under s. 48.102.

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

(1) A domestic limited liability company or registered foreign limited liability company may be served with process required or authorized by law by serving on its registered agent designated by the domestic limited liability company or registered foreign limited liability company under chapter 605.

(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 Chapter 605 or Chapter 48, the process may be served on:

(i) any manager of a manager managed domestic limited liability company or registered foreign limited liability company;

(ii) any member of a member managed domestic limited liability company or registered foreign limited liability company; or

(iii) 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.

(3) If, after reasonable diligence, the process cannot be completed under subsection (1) 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 (1); or,

(b) after reasonable 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 (2);

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

(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 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:

(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; or

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

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

(6) A foreign limited liability company 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 court under s. 48.102.

(7) For purposes of this section, “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.

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 shall be sent forthwith to the nonresident person or partnership by registered mail, 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 his, her, or its attorney shall prepare an affidavit of compliance with this section, which shall be filed before the return day or within such further time as the court may allow.

48.081 Service on a domestic corporation or registered foreign corporation.

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

(2) 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 Chapter 48, or Chapter 607 or 617, as the case may be, the process may be served on:

(i) the chair of the board, the president, any vice president, the secretary, or the treasurer of the domestic corporation or registered foreign corporation; or

(ii) any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended.

(3) If, after reasonable diligence, the process cannot be completed under subsection (1) 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 (1); or,

(b) after reasonable 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 (2);

then 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 court under s. 48.102.

(4) 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, is a residence, a private mailbox, a virtual office, or an executive office or mini suite, service on the corporation or registered corporation may be made by serving:

(a) the registered agent of the domestic corporation or registered foreign corporation 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; or

(c) any person covering one of the positions listed in subsection (2)(i), in accordance with s. 48.031.

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

(6) A foreign corporation 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 court under s. 48.102.

(7) For purposes of this section, “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.

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

(1) 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 must designate a registered agent and registered office in accordance with Chapter 607, Chapter 605, Chapter 617, or Chapter 620 as applicable, respectively.

(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, and every domestic or foreign general partnership that elects to designate a registered agent, must cause the designated registered agent to keep the designated registered office open from at least 10 a.m. to 12 noon each day except Saturdays, Sundays, and legal holidays, and must cause the designated registered agent to keep one or more individuals who are, or are representatives of, the designated registered agent on whom process may be served at the office during these hours.

(3) 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 other natural person who is present at his or her office.

(4) For purposes of this section, “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. “Registered foreign corporation,” and “registered foreign limited liability company” shall have the same meanings as set forth in s. 48.081, 48.062, respectively.

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 which was dissolved before July 1, 1990, as trustees of the dissolved corporation 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.

(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 under s. 48.081(1), but was not successful as required under s. 48.081(2) then in addition to the persons listed in s. 48.081(2), service can be made on the persons appointed as the liquidator, trustee, or receiver under s. 607.1405.

(c) A party attempting to serve a dissolved domestic for profit corporation under this section can petition the court to appoint one of the persons under s. 607.1405 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 under s. 48.062(1), but was not successful as required under s. 48.062(2) then in addition to the persons listed in s.

48.062(2) service on a dissolved limited liability company can be made on the persons appointed as the liquidator, trustee, or receiver under s. 605.0709, respectively.

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

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

#### 48.102 Service by Other Means.

If a party seeking to effectuate service is unable after reasonable diligence 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, as an alternative to other methods of service, the court, upon motion and a showing of such inability, may authorize service in any other manner, including electronically by social media, email, or other technology, 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.

48.131 Service on alien property custodian.

In every action or proceeding in any court or before any administrative board involving real, personal, or mixed property, or any interest therein, when service of process or notice is required or directed to be made upon any individual or business entity located, or believed to be located, within any country or territory in the possession of or under the control of any country between which and the United States a state of war exists, in addition to the giving of the notice or service of process, a copy of the notice or process shall be sent by registered mail, certified mail, or by use of a commercial firm regularly engaged in the business of document or package delivery to the alien property custodian, addressed to him or her at Washington, District of Columbia; but failure to mail a copy of the notice or process to the alien property custodian does not invalidate the action or proceeding.

48.151 Service on statutory agents for certain persons.

(1) When any law designates a public officer, board, agency, or commission as the agent for service of process on any person, firm, or corporation, service of process thereunder shall be made by leaving one copy of the process with the public officer, board, agency, or commission or in the office thereof, or by mailing one copy to the public officer, board, agency, or commission. The public officer, board, agency, or commission so served shall retain a record copy and promptly send the copy served, by registered or certified mail, to the person to be served as shown by his or her or its records. Proof of service on the public officer, board, agency, or commission shall be by a notice accepting the process which shall be issued by the public officer, board, agency, or commission promptly after service and filed in the court issuing the process. The notice accepting service shall state the date upon which the copy of the process was mailed by the public officer, board, agency, or commission to the person being served and the time for pleading prescribed by the rules of procedure shall run from this date. The service is valid service for all purposes on the person for whom the public officer, board, agency, or commission is statutory agent for service of process.

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

(3) The Chief Financial Officer or his or her assistant or deputy or another person in charge of the office is the agent for service of process on all insurers applying for authority to transact insurance in this state, all licensed nonresident insurance agents, all nonresident disability insurance agents licensed pursuant to s. 626.835, any unauthorized insurer under s. 626.906 or s. 626.937, domestic reciprocal insurers, fraternal benefit societies under chapter 632, warranty associations under chapter 634, prepaid limited health service organizations under chapter 636, and persons required to file statements under s. 628.461. As an alternative to service of process made by mail or personal service on the Chief Financial Officer, on his or her assistant or deputy, or on another person in charge of the office, the Department of Financial Services may create an Internet-based transmission system to accept service of process by electronic transmission of documents.

(4) The Director of the Office of Financial Regulation of the Financial Services Commission is the agent for service of process for any issuer as defined in s. 517.021, or any dealer, investment adviser, or associated person registered with that office, for any violation of any provision of chapter 517.

(5) The Secretary of State is the agent for service of process for any retailer, dealer or vendor who has failed to designate an agent for service of process as required under s. 212.151 for violations of chapter 212.

(6) For purposes of this section, records may be retained as paper or electronic copies.

48.161 Method of substituted service on nonresident or person concealing whereabouts.

(1) When authorized by law, substituted service of process on a nonresident individual or a corporation or other business entity that is incorporated or formed under the laws of any other state, territory, or commonwealth, or the laws of any foreign country may be made by sending a copy of the process by personal delivery, by registered mail, by certified mail, return receipt requested, by use of a commercial firm regularly engaged in the business of document or package delivery, or electronic transmission to the office of the Secretary of State and by paying a fee of \$8.75. The service is sufficient service on a party that has appointed or is deemed to have appointed the Secretary of State as his, her, or its agent for service of process. The fee paid to the public officer by the party seeking to effectuate service shall be taxed as costs if that party prevails in the action. 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 shall be sent forthwith by the party effectuating service or by his, her, or its attorney by registered mail, by certified mail, return receipt requested, or by use of a commercial firm regularly engaged in the business of document or package delivery, as well as electronically by email, social media, or other electronic means if

and to the extent the particular methods have been recently and regularly used by the parties to communicate between themselves, to the party being served by substituted service at his, her, or its last known physical address and, if applicable, electronic address, and return receipts or other proof of service shall be filed showing delivery to the 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 affidavit of compliance of the party effectuating service, or of his, her, or its attorney, shall be filed within 40 days of the date of service on the Secretary of State, or within such additional time as the court allows. The affidavit of compliance shall 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 prior to using substituted service under this section. It shall not be necessary, however, for the party effectuating service 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 business entity is concealing himself, herself, or itself, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, use substituted service pursuant to subsection (1) in connection with any action in which the court has jurisdiction over such person or business entity. In this instance, the party seeking service shall further comply with the provisions of subsection (2) of this section; however, a return receipt or other proof showing acceptance of receipt of the notice of service and a copy of the process by the party concealing himself, herself, or itself need not be filed.

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

(5) The Secretary of State may designate an individual in his or her office to accept service.

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

48.181 Substituted service on nonresidents and corporations or other business entities engaging in business in state and on persons concealing their whereabouts.

(1) The acceptance by any individual or individuals who are residents of any other state, territory, or commonwealth, or of any foreign country, or by any foreign business entity of the privilege extended by law to nonresidents to operate, conduct, engage in, or carry on a business or business venture in the state, or to have an office or agency in the state, shall be deemed to constitute an appointment by the individuals and foreign business entities of the Secretary of State of the state as their agent on whom process in any action or proceeding against them, or any 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. As used in this section “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. The acceptance of the privilege is signification of the agreement of the individual and foreign business entities that the process served against them in accordance with

the provisions of this chapter is of the same validity as if served personally on the individual or foreign business entities.

(2) Notwithstanding any other provisions of this section, if a foreign business entity has registered to do business in the state and has maintained its registration in an active status, personal service of process shall first be attempted on the foreign business entity in the manner and order of priority described elsewhere in this chapter as applicable to the business entity. If the party seeking to effectuate service of process is unable, after due diligence, to effectuate service of process on such registered agent or other official, the party may use substituted service of process on the Secretary of State.

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

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

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

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

(1) Except as otherwise provided herein, service of process on a party in another state, territory, or commonwealth of the United States shall be made in the same manner as service within this state by any officer authorized to serve process in the state where service shall be made. No order of court is required. An affidavit of the officer shall be filed, stating the time, manner, and place of service. The court may consider the affidavit, or any other competent evidence, in determining whether service has been properly made.

(2) Where in rem or quasi in rem relief is sought in a foreclosure proceeding as defined by s. 702.09, service of process on a person in another state, territory, or commonwealth of the United States 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 shall be placed in the mail as registered mail.

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

(3) If the registered mail which is sent as provided for in subsection (2) is returned with an endorsement or stamp showing “refused,” the party’s attorney or the party, if the party is not represented by an attorney, may serve original process by first-class mail. The failure to claim registered mail is not refusal of service within the meaning of this subsection. Service of process pursuant to this subsection shall be perfected 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 shall be mailed by first-class mail with the return address of the party’s attorney or the party, if the party is not represented by an attorney, on the envelope.

(c) Service under this subsection shall be considered obtained upon the mailing of the envelope.

(4) If service of process is obtained under subsection (2), the party’s attorney or the party, if the party is not represented by an attorney, shall file an affidavit setting forth the return of service. The affidavit shall state the nature of the process; the date on which the process was mailed by registered mail; the name and address on the envelope containing the process; the fact that the process was mailed registered mail return receipt requested; who signed the return receipt, if known, and the basis for that knowledge; and the relationship between the person who signed the receipt and the person to be served, if known, and the basis for that knowledge. The return receipt from the registered mail shall be attached to the affidavit. If service of process is perfected under subsection (3), the party’s attorney or the party, if the party is not represented by an attorney, shall file an affidavit setting forth the return of service. The affidavit shall state the nature of the process; the date on which the process was mailed by registered mail; the name and address on the envelope containing the process that was mailed by registered mail; the fact that the process was mailed registered mail and was returned with the endorsement or stamp “refused”; the date, if known, the

process was “refused”; the date on which the process was mailed by first-class mail; the name and address on the envelope containing the process that was mailed by first-class mail; and the fact that the process was mailed by first-class mail with a return address of the party or the party’s attorney on the envelope. The return envelope from the attempt to mail process by registered mail and the return envelope, if any, from the attempt to mail the envelope by first-class mail shall be attached to the affidavit.

#### 48.197 Service in Foreign Countries.

(1) Service of process may be effectuated in a foreign county upon a party, other than a minor or an incompetent person:

(a) by any internationally agreed 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;

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

(i) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(ii) as the foreign authority directs in response to a letter rogatory or letter of request; or

(iii) unless prohibited by the foreign country's law, by:

(A) if by serving an individual by 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 that requires a signed receipt; or

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

(2) Service of process may be effectuated in a foreign country upon a minor or incompetent person in the manner prescribed by subsections, (1)(b)(i), (1)(b)(ii), or (1)(c) of this section.