

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**CS/HB 59 — Service of Process**

by Civil Justice Subcommittee and Rep. Julien and others (CS/SB 328 by Judiciary Committee and Senator Margolis)

The bill authorizes sheriffs to charge a \$40 fee for processing a writ of execution (current law authorizes sheriffs to charge a \$40 fee for docketing and indexing a writ of execution) to reflect the modernization of the current practice for processing of the writs of execution. The bill allows the party requesting service to furnish the sheriff with an electronic copy of the process, which must be signed and certified by the clerk of court.

Currently, each process server must document on the copy served the date and time of service and the process server's identification number and initials. The bill specifies that the process server must place this information *on the front page* of the copy served. In addition, the person serving process must list on the return-of-service form all initial pleadings delivered and served along with the process. The return-of-service form must be filed with the court.

The bill provides that a gated residential community, including a condominium association or a cooperative, must grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.

The bill revises procedures for serving a corporation's registered agent under the alternative method in s. 48.081(3)(a), F.S. In addition, the bill imposes additional requirements on the return of execution of process to include a server's signature on the return.

The bill reduces the number of copies of process from two to one copy that must be served on a public officer, board, agency, or commission, as the agent for service of process on any person, firm, or corporation. The public officer, board, agency, or commission so served must retain a record of the process and promptly send the copy, by registered mail or certified mail, to the person to be served as shown by his or her or its records. The service of process records may be retained in a paper or an electronic copy.

The bill reduces from three to one the number of copies that must be served on the Chief Financial Officer as the process agent of an insurer. The Chief Financial Officer must retain a record of the process. The service of process records may be retained in a paper copy or an electronic copy.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 38-0; House 117-0*