

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 91 — Judicial Process

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Altman and others (CS/CS/CS/SB 462 by Rules Committee; Community Affairs Committee; Judiciary Committee; and Senator Powell)

A notice of lis pendens is a notice recorded in the official records of a county warning that the outcome of litigation involving a parcel of real property may affect the interests of future purchasers or encumbrancers, such as those who may enforce a lien against the property. This bill clarifies that a notice of lis pendens precludes the enforcement of liens or other interests against a foreclosed property until the instrument transferring title to the property is recorded. This change is a response to a recent appellate court opinion that could be read to make a purchaser of property at a foreclosure sale responsible for liens recorded on the property after the sale but before the new title is recorded.

The bill also changes the statutes regulating service of process. The bill allows a certified process server to:

- Serve any nonenforceable civil process; and
- Attach dark window tinting material to the side and back windows of a vehicle owned or leased by the certified process server.

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Additionally, the bill allows all process servers to:

- Serve the spouse of the person to be served in any county of the state, not just the county of their shared residence;
- Serve a limited liability company at additional types of addresses used as a business address, including the address of a virtual office, executive office, or mini suite; and
- Electronically sign return-of-service forms that document the date and time of service, which is a convenience currently reserved for process servers employed by a sheriff.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 109-0