



HB 1673

2003

1 A bill to be entitled

2 An act relating to service of process; amending s. 48.031,
3 F.S.; authorizing substitute service to made on certain
4 persons in charge of private mailboxes under certain
5 circumstances; authorizing posting of a criminal witness
6 subpoena under certain circumstances; providing
7 requirements; amending s. 48.081, F.S.; authorizing
8 service of process upon an employee of a registered agent
9 of a corporation; providing for alternative service of
10 process upon a corporation; amending s. 83.13, F.S.;
11 providing for delivery of an extrajurisdictional writ by
12 certain parties; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (c) is added to subsection (2) of
17 section 48.031, Florida Statutes, and subsection (3) of said
18 section is amended, to read:

19 48.031 Service of process generally; service of witness
20 subpoenas.--

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22 (c) When the only address available through public records
23 of the person or business to be served is a private mailbox,
24 substitute service may be made by leaving a copy of the process
25 with the person apparently in charge of the private mailbox,
26 only after determining that the person or business to be served
27 does maintain a mailbox at that location.

28 (3)(a) The service of process of witness subpoenas,
29 whether in criminal cases or civil actions, is to be made as
30 provided in subsection (1). However, service of a subpoena on a



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31 witness in a criminal traffic case, a misdemeanor case, or a
32 second degree or third degree felony may be made by ~~certified~~
33 United States mail directed to the witness at the last known
34 address, and such service must be mailed at least 7 days prior
35 to the date of the witness's required appearance.

36 (b) A witness subpoena in a criminal case may be posted
37 after three attempts at different time of the day or night have
38 been made at the witness' residence. Such service must be at
39 least 5 days prior to the witness' required appearance.

40 Section 2. Subsection (3) of section 48.081, Florida
41 Statutes, is amended to read:

42 48.081 Service on corporation.--

43 (3)(a) As an alternative to all of the foregoing, process
44 may be served on the agent designated by the corporation under
45 s. 48.091. However, if service cannot be made on a registered
46 agent because of failure to comply with s. 48.091, service of
47 process shall be permitted on any employee at the corporation's
48 principal place of business or on any employee of the registered
49 agent.

50 (b) If the address provided for the registered agent,
51 officer, or director or the principal place of business is a
52 residence or private mailbox, service on the corporation may be
53 made by serving the registered agent, officer, or director in
54 accordance with s. 48.031.

55 Section 3. Section 83.13, Florida Statutes, is amended to
56 read:

57 83.13 Levy of writ.--The sheriff shall execute the writ by
58 service on defendant and, upon the order of the court, by levy
59 on property distrainable for rent or advances, if found in the
60 sheriff's jurisdiction. If the property is not so found but is



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61 in another jurisdiction, the party having had the writ issued
62 ~~sheriff~~ shall deliver the writ to the proper sheriff in the
63 other jurisdiction; and the other sheriff shall execute the
64 writ, upon order of the court, by levying on the property and
65 delivering it to the sheriff of the county in which the action
66 is pending, to be disposed of according to law, unless he or she
67 is ordered by the court from which the writ emanated to hold the
68 property and dispose of it in his or her jurisdiction according
69 to law. If the plaintiff shows by a sworn statement that the
70 defendant cannot be found within the state, the levy on the
71 property suffices as service on the defendant.

72 Section 4. This act shall take effect upon becoming a law.