

By Senator Crist

12-1659-03

1 A bill to be entitled
2 An act relating to service of process; amending
3 s. 48.031, F.S.; deleting the requirement to
4 use certified mail in service of a subpoena on
5 a witness in specified types of cases; allowing
6 the posting of a criminal witness subpoena
7 under specified conditions; amending s. 83.13,
8 F.S.; allowing the party who had a distress
9 writ issued to deliver the writ to a sheriff in
10 another county; providing an effective date.

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

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14 Section 1. Subsection (3) of section 48.031, Florida
15 Statutes, is amended to read:

16 48.031 Service of process generally; service of
17 witness subpoenas.--

18 (3)(a) The service of process of witness subpoenas,
19 whether in criminal cases or civil actions, is to be made as
20 provided in subsection (1). However, service of a subpoena on
21 a witness in a criminal traffic case, a misdemeanor case, or a
22 second degree or third degree felony may be made by ~~certified~~
23 United States mail directed to the witness at the last known
24 address, and such service must be mailed at least 7 days prior
25 to the date of the witness's required appearance.

26 (b) After three attempts have been made at different
27 times of the day or night to serve a criminal witness subpoena
28 at the witness's residence, a criminal witness subpoena may be
29 posted. Such posting must be done at least 5 days before the
30 date of the witness's required appearance.

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