

By Senator Crist

12-763A-06

1 A bill to be entitled

2 An act relating to service of process; amending

3 s. 30.231, F.S.; increasing the fees charged by

4 the sheriff in civil cases for service of

5 process; providing an exception for

6 governmental agencies; amending s. 48.29, F.S.;

7 providing that the examination for

8 certification as a process server is mandatory;

9 requiring that the examination be offered at

10 least once each year; providing an effective

11 date.

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

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15 Section 1. Section 30.231, Florida Statutes, is

16 amended to read:

17 30.231 Sheriffs' fees for service of summons,

18 subpoenas, and executions.--

19 (1) The sheriffs of all counties of the state in civil

20 cases shall charge fixed, nonrefundable fees for docketing and

21 service of process, according to the following schedule:

22 (a) All summons or writs except executions: ~~\$30~~\$20

23 for each summons or writ to be served, except when more than

24 one summons or writ is issued at the same time out of the same

25 cause of action to be served upon one person or defendant at

26 the same time, in which case the sheriff shall be entitled to

27 one fee.

28 (b) All writs except executions requiring a levy or

29 seizure of property: \$50 in addition to the ~~\$30~~\$20 fee as

30 stated in paragraph (a).

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 (c) Witness subpoenas: ~~\$30~~\$20 for each witness to be
2 served.

3 (d) Executions:

4 1. Thirty ~~Twenty~~ dollars for docketing and indexing
5 each writ of execution, regardless of the number of persons
6 involved.

7 2. Fifty dollars for each levy.

8 a. A levy is considered made when any property or any
9 portion of the property listed or unlisted in the instructions
10 for levy is seized, or upon demand of the sheriff the writ is
11 satisfied by the defendant in lieu of seizure. Seizure
12 requires that the sheriff take actual possession, if
13 practicable, or, alternatively, constructive possession of the
14 property by order of the court.

15 b. When the instructions are for levy upon real
16 property, a levy fee is required for each parcel described in
17 the instructions.

18 c. When the instructions are for levy based upon
19 personal property, one fee is allowed, unless the property is
20 seized at different locations, conditional upon all of the
21 items being advertised collectively and the sale being held at
22 a single location. However, if the property seized cannot be
23 sold at one location during the same sale as advertised, but
24 requires separate sales at different locations, the sheriff is
25 then authorized to impose a levy fee for the property and sale
26 at each location.

27 3. Thirty ~~Twenty~~ dollars for advertisement of sale
28 under process.

29 4. Thirty ~~Twenty~~ dollars for each sale under process.

30 5. Thirty ~~Twenty~~ dollars for each deed, bill of sale,
31 or satisfaction of judgment.

1 (2) For levying on property and for the seizure of
2 persons, the sheriff shall be allowed anticipated expenses
3 necessary for the execution of the process directing such levy
4 or seizure and for the safekeeping of property and persons in
5 the custody of the sheriff. A reasonable cost deposit to cover
6 said fees and expenses in connection with the requested
7 services shall be deposited in advance, by the party
8 requesting the service, with the officer requested to perform
9 the service.

10 (3) It shall be the responsibility of the party
11 requesting service of process to furnish to the sheriff the
12 original or a certified copy of the process and sufficient
13 copies to be served on the parties receiving the service of
14 process. The party requesting service of process shall provide
15 the sheriff with the best known address where the person may
16 be served. Failure to perfect service at the address provided
17 does not excuse the sheriff from his or her duty to exercise
18 due diligence in locating the person to be served.

19 (4) All fees collected under paragraphs (1)(a), (b),
20 (c), and (d) shall be nonrefundable and shall be earned when
21 each original request or service of process is made, and no
22 additional fees shall be required for alias and pluries
23 documents when service was not effected on the original
24 document in that county by that sheriff.

25 (5) Notwithstanding the higher fees in paragraphs
26 (1)(a), (b), (c), and (d), the sheriff shall assess a
27 governmental agency or unit a fee of \$20 for docketing and
28 service of process.

29 ~~(6)(5)~~ All fees collected under the provisions of this
30 section shall be paid monthly into the fine and forfeiture
31 fund of the county.

1 Section 2. Subsection (3) of section 48.29, Florida
2 Statutes, is amended to read:

3 48.29 Certification of process servers.--

4 (3) A person applying to become a certified process
5 server shall:

6 (a) Be at least 18 years of age;

7 (b) Have no mental or legal disability;

8 (c) Be a permanent resident of the state;

9 (d) Submit to a background investigation, which shall
10 include the right to obtain and review the criminal record of
11 the applicant;

12 (e) Obtain and file with his or her application a
13 certificate of good conduct, which specifies there is no
14 pending criminal case against the applicant and that there is
15 no record of any felony conviction, nor a record of a
16 conviction of a misdemeanor involving moral turpitude or
17 dishonesty, with respect to the applicant within the past 5
18 years;

19 (f) ~~If prescribed by the chief judge of the circuit,~~
20 Submit to an examination testing his or her knowledge of the
21 laws and rules regarding the service of process. The content
22 of the examination and the passing grade thereon, and the
23 frequency and location at which the ~~such~~ examination is ~~shall~~
24 ~~be~~ offered shall be prescribed by the chief judge of the
25 circuit. The examination, ~~if any,~~ shall be offered at least
26 once annually;

27 (g) Execute a bond in the amount of \$5,000 with a
28 surety company authorized to do business in this state for the
29 benefit of any person wrongfully injured by any malfeasance,
30 misfeasance, neglect of duty, or incompetence of the
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1 applicant, in connection with his or her duties as a process
2 server. Such bond shall be renewable annually; and

3 (h) Take an oath of office that he or she will
4 honestly, diligently, and faithfully exercise the duties of a
5 certified process server.

6 Section 3. This act shall take effect July 1, 2006.

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9 SENATE SUMMARY

10 Increases the fees charged by the sheriff in civil cases
11 for service of process from \$20 to \$30. Provides for the
12 service-of-process fees charged to a governmental agency
13 to remain at \$20. Provides that the examination for
14 certification as a process server is mandatory.

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