

By Senator Lawson

6-1045-07

See HB 253

1 A bill to be entitled

2 An act relating to paternity actions; amending

3 s. 49.011, F.S.; providing for service of

4 process by publication in certain paternity

5 actions; amending s. 409.257, F.S.; permitting

6 service of process and orders by publication

7 upon legal fathers in paternity actions if

8 specified requirements are met; amending s.

9 742.09, F.S.; providing an exception to a ban

10 on publishing names in paternity proceedings

11 for service by publication; updating

12 terminology; providing an effective date.

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

16 Section 1. Subsection (15) is added to section 49.011,
17 Florida Statutes, to read:

18 49.011 Service of process by publication; cases in
19 which allowed.--Service of process by publication may be made
20 in any court on any person mentioned in s. 49.021 in any
21 action or proceeding:

22 (15) To determine paternity, but only as to the legal
23 father in a paternity action in which another man is alleged
24 to be the child's biological father.

25 Section 2. Section 409.257, Florida Statutes, is
26 amended to read:

27 409.257 Service of process.--

28 (1)(a) The service of initial process and orders in
29 lawsuits filed by the department, under ss. 409.2551-409.2598
30 ~~this act,~~ shall be served by the sheriff in the county where
31 the person to be served may be found or, if determined more

1 effective by the department, by any means permitted under
2 chapter 48 for service of process in a civil action. The
3 sheriff shall be reimbursed at the prevailing rate of federal
4 financial participation for service of process and orders as
5 allowed by law. The sheriff shall bill the department monthly
6 as provided for in s. 30.51(2).

7 (b) ~~In addition,~~ Process and orders may also be served
8 or executed by authorized agents of the department at the
9 department's discretion, ~~+~~ provided that the agent of the
10 department does not take any action against personal property,
11 real property, or persons.

12 (2) The department may serve process and orders upon a
13 legal father by publication as provided in chapter 49 in any
14 action or proceeding to determine paternity, provided that a
15 diligent search and inquiry concerning the legal father has
16 been made as required by s. 49.041.

17 (3) Notices and other intermediate process, except
18 witness subpoenas, shall be served by the department as
19 provided for in the Florida Rules of Civil Procedure.

20 (4) Witness subpoenas shall be served by the
21 department by United States mail as provided for in s.
22 48.031(3).

23 Section 3. Section 742.09, Florida Statutes, is
24 amended to read:

25 742.09 Publishing names; penalty.--Except for service
26 of process by publication under chapter 49, it shall be
27 unlawful for the owner, publisher, manager, or operator of any
28 newspaper, magazine, broadcast outlet ~~radio station~~, or other
29 publication of any kind whatsoever, or any other person
30 responsible therefor, or any ~~radio~~ broadcaster, to publish the
31 name of any of the parties to any court proceeding instituted

1 or prosecuted under this chapter ~~act~~; and any person violating
2 this provision commits ~~shall be guilty of~~ a misdemeanor of the
3 first degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 Section 4. This act shall take effect July 1, 2007.
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