

By Senator Crist

12-802A-07

See HB

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A bill to be entitled

An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; deleting prohibition on additional fees for certain documents; providing an effective date.

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

Section 1. Subsections (1) and (4) of section 30.231, Florida Statutes, are amended to read:

30.231 Sheriffs' fees for service of summons, subpoenas, and executions.--

(1) The sheriffs of all counties of the state in civil cases shall charge fixed, nonrefundable fees for docketing and service of process, according to the following schedule:

(a) All summons or writs except executions: ~~\$40~~\$20 for each summons or writ to be served, except when more than one summons or writ is issued at the same time out of the same cause of action to be served upon one person or defendant at the same time, in which case the sheriff shall be entitled to one fee.

(b) All writs except executions requiring a levy or seizure of property: \$50 in addition to the ~~\$40~~\$20 fee as stated in paragraph (a).

(c) Witness subpoenas: ~~\$40~~\$20 for each witness to be served.

(d) Executions:

1 1. ~~Forty Twenty~~ dollars for docketing and indexing
2 each writ of execution, regardless of the number of persons
3 involved.

4 2. Fifty dollars for each levy.

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

12 b. When the instructions are for levy upon real
13 property, a levy fee is required for each parcel described in
14 the instructions.

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

24 3. ~~Forty Twenty~~ dollars for advertisement of sale
25 under process.

26 4. ~~Forty Twenty~~ dollars for each sale under process.

27 5. ~~Forty Twenty~~ dollars for each deed, bill of sale,
28 or satisfaction of judgment.

29 (4) All fees collected under paragraphs (1)(a), (b),
30 (c), and (d) shall be nonrefundable and shall be earned when
31 each original request or service of process is made, ~~and no~~

1 ~~additional fees shall be required for alias and pluries~~
2 ~~documents when service was not effected on the original~~
3 ~~document in that county by that sheriff.~~

4 Section 2. This act shall take effect July 1, 2007.

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