

A bill to be entitled

An act relating to paternity actions; amending s. 49.011, F.S.; providing for service of process by publication in certain paternity actions; amending s. 409.257, F.S.; permitting service of process and orders by publication upon legal fathers in paternity actions if specified requirements are met; amending s. 742.09, F.S.; providing an exception to a ban on publishing names in paternity proceedings for service by publication; updating terminology; providing an effective date.

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

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

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

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

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

409.257 Service of process.--

(1) (a) The service of initial process and orders in lawsuits filed by the department, under ss. 409.2551-409.2598 ~~this act,~~ shall be served by the sheriff in the county where the

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29 person to be served may be found or, if determined more
30 effective by the department, by any means permitted under
31 chapter 48 for service of process in a civil action. The sheriff
32 shall be reimbursed at the prevailing rate of federal financial
33 participation for service of process and orders as allowed by
34 law. The sheriff shall bill the department monthly as provided
35 for in s. 30.51(2).

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

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

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

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

51 Section 3. Section 742.09, Florida Statutes, is amended to
52 read:

53 742.09 Publishing names; penalty.--Except for service of
54 process by publication under chapter 49, it shall be unlawful
55 for the owner, publisher, manager, or operator of any newspaper,
56 magazine, broadcast outlet ~~radio station,~~ or other publication

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57 | of any kind whatsoever, or any other person responsible
58 | therefor, or any ~~radio~~ broadcaster, to publish the name of any
59 | of the parties to any court proceeding instituted or prosecuted
60 | under this chapter ~~act~~; and any person violating this provision
61 | commits ~~shall be guilty of~~ a misdemeanor of the first degree,
62 | punishable as provided in s. 775.082 or s. 775.083.

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