

HB 641

2007

1 A bill to be entitled
 2 An act relating to service of process; amending s. 30.231,
 3 F.S.; increasing the fees charged by the sheriff in civil
 4 cases for service of process; deleting prohibition on
 5 additional fees for certain documents; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsections (1) and (4) of section 30.231,
 11 Florida Statutes, are amended to read:

12 30.231 Sheriffs' fees for service of summons, subpoenas,
 13 and executions.--

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

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

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

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

27 (d) Executions:

28 1. Forty ~~Twenty~~ dollars for docketing and indexing each

29 writ of execution, regardless of the number of persons involved.

30 2. Fifty dollars for each levy.

31 a. A levy is considered made when any property or any
 32 portion of the property listed or unlisted in the instructions
 33 for levy is seized, or upon demand of the sheriff the writ is
 34 satisfied by the defendant in lieu of seizure. Seizure requires
 35 that the sheriff take actual possession, if practicable, or,
 36 alternatively, constructive possession of the property by order
 37 of the court.

38 b. When the instructions are for levy upon real property,
 39 a levy fee is required for each parcel described in the
 40 instructions.

41 c. When the instructions are for levy based upon personal
 42 property, one fee is allowed, unless the property is seized at
 43 different locations, conditional upon all of the items being
 44 advertised collectively and the sale being held at a single
 45 location. However, if the property seized cannot be sold at one
 46 location during the same sale as advertised, but requires
 47 separate sales at different locations, the sheriff is then
 48 authorized to impose a levy fee for the property and sale at
 49 each location.

50 3. Forty ~~Twenty~~ dollars for advertisement of sale under
 51 process.

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

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

55 (4) All fees collected under paragraphs (1) (a), (b), (c),
 56 and (d) shall be nonrefundable and shall be earned when each

HB 641

2007

57 | original request or service of process is made, ~~and no~~
58 | ~~additional fees shall be required for alias and pluries~~
59 | ~~documents when service was not effected on the original document~~
60 | ~~in that county by that sheriff.~~

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