

1                                   A bill to be entitled  
 2           An act relating to residential tenancies; amending s.  
 3           48.27, F.S.; authorizing certified process servers to  
 4           serve writs of possession in actions for possession of  
 5           residential property; amending s. 83.62, F.S.; conforming  
 6           provisions; providing an effective date.

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

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 10           Section 1. Subsection (2) of section 48.27, Florida  
 11           Statutes, is amended to read:

12           48.27 Certified process servers.—

13           (2) (a) The addition of a person's name to the list  
 14           authorizes him or her to serve initial nonenforceable civil  
 15           process on a person found within the circuit where the process  
 16           server is certified when a civil action has been filed against  
 17           such person in the circuit court or in a county court in the  
 18           state. Upon filing an action in circuit or county court, a  
 19           person may select from the list for the circuit where the  
 20           process is to be served one or more certified process servers to  
 21           serve initial nonenforceable civil process.

22           (b) The addition of a person's name to the list authorizes  
 23           him or her to serve criminal witness subpoenas and criminal  
 24           summonses on a person found within the circuit where the process  
 25           server is certified. The state in any proceeding or  
 26           investigation by a grand jury or any party in a criminal action,  
 27           prosecution, or proceeding may select from the list for the  
 28           circuit where the process is to be served one or more certified

29 process servers to serve the subpoena or summons.

30 (c) The addition of a person's name to the list also  
 31 authorizes him or her to serve writs of possession in actions  
 32 for possession of real property pursuant to s. 83.62 on a person  
 33 found within the circuit where the process server is certified.  
 34 Upon entry of judgment in favor of the landlord and issuance of  
 35 a writ by the clerk, a person may select from the list for the  
 36 circuit where the process is to be served one or more certified  
 37 process servers to serve the writ.

38 Section 2. Section 83.62, Florida Statutes, is amended to  
 39 read:

40 83.62 Restoration of possession to landlord.—

41 (1) In an action for possession, after entry of judgment  
 42 in favor of the landlord, the clerk shall issue a writ to the  
 43 sheriff, or other person authorized by s. 48.27 to serve  
 44 process, describing the premises and commanding the sheriff to  
 45 put the landlord in possession after 24 hours' notice  
 46 conspicuously posted on the premises.

47 (2) At the time the sheriff executes the writ of  
 48 possession or at any time thereafter, the landlord or the  
 49 landlord's agent may remove any personal property found on the  
 50 premises to or near the property line. Subsequent to executing  
 51 the writ of possession, the landlord may request the sheriff to  
 52 stand by to keep the peace while the landlord changes the locks  
 53 and removes the personal property from the premises. When such a  
 54 request is made, the sheriff may charge a reasonable hourly  
 55 rate, and the person requesting the sheriff to stand by to keep  
 56 the peace shall be responsible for paying the reasonable hourly

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57 | rate set by the sheriff. Neither the sheriff nor the landlord or  
58 | the landlord's agent shall be liable to the tenant or any other  
59 | party for the loss, destruction, or damage to the property after  
60 | it has been removed.

61 |       Section 3. This act shall take effect July 1, 2011.