

1                   A bill to be entitled  
 2           An act relating to service of process; amending ss. 48.021  
 3           and 48.27, F.S.; authorizing certified process servers in  
 4           certain counties to serve writs of possession in actions  
 5           for possession of residential property; amending s. 83.62,  
 6           F.S.; authorizing a landlord to select a certified process  
 7           server to serve a writ of possession; requiring a  
 8           certified process server to provide notice of the posting  
 9           of the writ to the sheriff; conforming provisions;  
 10          providing an effective date.

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

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 14           Section 1. Subsection (1) of section 48.021, Florida  
 15 Statutes, is amended to read:

16           48.021 Process; by whom served.—

17           (1) All process shall be served by the sheriff of the  
 18 county where the person to be served is found, except initial  
 19 nonenforceable civil process, criminal witness subpoenas, and  
 20 criminal summonses may be served by a special process server  
 21 appointed by the sheriff as provided for in this section or by a  
 22 certified process server as provided for in ss. 48.25-48.31.  
 23 Civil witness subpoenas may be served by any person authorized  
 24 by rules of civil procedure. A writ of possession in an action  
 25 for possession of real property under s. 83.62 may be served by  
 26 a certified process server as provided in s. 48.27.

27           Section 2. Subsection (2) of section 48.27, Florida  
 28 Statutes, is amended to read:

29 48.27 Certified process servers.—

30 (2) (a) The addition of a person's name to the list  
 31 authorizes him or her to serve initial nonenforceable civil  
 32 process on a person found within the circuit where the process  
 33 server is certified when a civil action has been filed against  
 34 such person in the circuit court or in a county court in the  
 35 state. Upon filing an action in circuit or county court, a  
 36 person may select from the list for the circuit where the  
 37 process is to be served one or more certified process servers to  
 38 serve initial nonenforceable civil process.

39 (b) The addition of a person's name to the list authorizes  
 40 him or her to serve criminal witness subpoenas and criminal  
 41 summonses on a person found within the circuit where the process  
 42 server is certified. The state in any proceeding or  
 43 investigation by a grand jury or any party in a criminal action,  
 44 prosecution, or proceeding may select from the list for the  
 45 circuit where the process is to be served one or more certified  
 46 process servers to serve the subpoena or summons.

47 (c) The addition of a person's name to the list also  
 48 authorizes him or her to serve a writ of possession in an action  
 49 for possession of real property under s. 83.62 on a person found  
 50 within the circuit where the process server is certified. This  
 51 paragraph applies only to a county as defined in s. 125.011.

52 Section 3. Section 83.62, Florida Statutes, is amended to  
 53 read:

54 83.62 Restoration of possession to landlord.—

55 (1) In an action for possession, after entry of judgment  
 56 in favor of the landlord, the clerk shall issue a writ to the

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57 sheriff, or other person selected by the landlord and authorized  
58 by s. 48.27 to serve process, describing the premises and  
59 commanding the sheriff to put the landlord in possession after  
60 24 hours' notice conspicuously posted on the premises. Upon  
61 entry of judgment in favor of the landlord and issuance of a  
62 writ by the clerk, the landlord may select from the list for the  
63 circuit where the process is to be served one or more certified  
64 process servers to serve the writ. Upon the posting of the writ  
65 on the premises, the certified process server shall, within 12  
66 hours after the posting of the writ, provide written notice to  
67 the sheriff, including the date and time the writ was posted on  
68 the premises.

69 (2) At the time the ~~sheriff executes the~~ writ of  
70 possession is executed or at any time thereafter, the landlord  
71 or the landlord's agent may remove any personal property found  
72 on the premises to or near the property line. Subsequent to  
73 executing the writ of possession, the landlord may request the  
74 sheriff to stand by to keep the peace while the landlord changes  
75 the locks and removes the personal property from the premises.  
76 When such a request is made, the sheriff may charge a reasonable  
77 hourly rate, and the person requesting the sheriff to stand by  
78 to keep the peace shall be responsible for paying the reasonable  
79 hourly rate set by the sheriff. Neither the sheriff nor the  
80 landlord or the landlord's agent shall be liable to the tenant  
81 or any other party for the loss, destruction, or damage to the  
82 property after it has been removed.

83 Section 4. This act shall take effect July 1, 2011.