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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Judiciary (Braynon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (1) and subsection
(3) 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:

(d) Executions:

1. Forty dollars for processing ~~docketing and indexing~~ each



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

15 2. Fifty dollars for each levy.

16 a. A levy is considered made when any property or any
17 portion of the property listed or unlisted in the instructions
18 for levy is seized, or upon demand of the sheriff the writ is
19 satisfied by the defendant in lieu of seizure. Seizure requires
20 that the sheriff take actual possession, if practicable, or,
21 alternatively, constructive possession of the property by order
22 of the court.

23 b. When the instructions are for levy upon real property, a
24 levy fee is required for each parcel described in the
25 instructions.

26 c. When the instructions are for levy based upon personal
27 property, one fee is allowed, unless the property is seized at
28 different locations, conditional upon all of the items being
29 advertised collectively and the sale being held at a single
30 location. However, if the property seized cannot be sold at one
31 location during the same sale as advertised, but requires
32 separate sales at different locations, the sheriff is then
33 authorized to impose a levy fee for the property and sale at
34 each location.

35 3. Forty dollars for advertisement of sale under process.

36 4. Forty dollars for each sale under process.

37 5. Forty dollars for each deed, bill of sale, or
38 satisfaction of judgment.

39 (3) ~~It shall be the responsibility of~~ The party requesting
40 service of process must ~~to~~ furnish to the sheriff the original
41 process, or a certified copy of the process, or an electronic
42 copy of the process, which was signed and certified by the clerk



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43 of court, and sufficient copies to be served on the parties
44 receiving the service of process. The party requesting service
45 of process shall provide the sheriff with the best known address
46 where the person may be served. Failure to perfect service at
47 the address provided does not excuse the sheriff from his or her
48 duty to exercise due diligence in locating the person to be
49 served.

50 Section 2. Subsection (5) of section 48.031, Florida
51 Statutes, is amended, and subsection (7) is added to that
52 section, to read:

53 48.031 Service of process generally; service of witness
54 subpoenas.—

55 (5) A person serving process shall place, on the first page
56 of at least one of the processes ~~copy~~ served, the date and time
57 of service and his or her identification number and initials for
58 all service of process. The person serving process shall list on
59 the return-of-service form all initial pleadings delivered and
60 served along with the process. The person issuing the process
61 shall file the return-of-service form with the court.

62 (7) A gated residential community, including a condominium
63 association or a cooperative, shall grant unannounced entry into
64 the community, including its common areas and common elements,
65 to a person who is attempting to serve process on a defendant or
66 witness who resides within or is known to be within the
67 community.

68 Section 3. Paragraph (a) of subsection (3) of section
69 48.081, Florida Statutes, is amended to read:

70 48.081 Service on corporation.—

71 (3) (a) As an alternative to all of the foregoing, process



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72 may be served on the agent designated by the corporation under
73 s. 48.091. However, if service cannot be made on a registered
74 agent because of failure to comply with s. 48.091, service of
75 process shall be permitted on any employee at the corporation's
76 principal place of business or on any employee of the registered
77 agent. A person attempting to serve process pursuant to this
78 paragraph may serve the process on any employee of the
79 registered agent during the first attempt at service even if the
80 registered agent is temporarily absent from his or her office.

81 Section 4. Section 48.21, Florida Statutes, is amended to
82 read:

83 48.21 Return of execution of process.-

84 (1) Each person who effects service of process shall note
85 on a return-of-service form attached thereto, the date and time
86 when it comes to hand, the date and time when it is served, the
87 manner of service, the name of the person on whom it was served
88 and, if the person is served in a representative capacity, the
89 position occupied by the person. The return-of-service form must
90 be signed by the person who effects the service of process.
91 However, a person employed by a sheriff who effects the service
92 of process may sign the return-of-service form using an
93 electronic signature certified by the sheriff.

94 (2) A failure to state the ~~foregoing~~ facts or to include
95 the signature required by subsection (1) invalidates the
96 service, but the return is amendable to state the facts or to
97 include the signature ~~truth~~ at any time on application to the
98 court from which the process issued. On amendment, service is as
99 effective as if the return had originally stated the omitted
100 facts or included the signature. A failure to state all the



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101 facts in or to include the signature on the return shall subject
102 the person effecting service to a fine not exceeding \$10, in the
103 court's discretion.

104 Section 5. Subsection (6) of section 48.29, Florida
105 Statutes, is amended to read:

106 48.29 Certification of process servers.—

107 (6) A certified process server shall place the information
108 required ~~provided~~ in s. 48.031(5) on the first page of at least
109 one of the processes ~~copy~~ served. Return of service shall be
110 made by a certified process server on a form which has been
111 reviewed and approved by the court.

112 Section 6. This act shall take effect July 1, 2011.

113
114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete everything before the enacting clause
117 and insert:

118 A bill to be entitled
119 An act relating to service of process; amending s.
120 30.231, F.S.; authorizing a sheriff to charge a fee
121 for processing a writ of execution; authorizing a
122 person to provide the sheriff with an electronic copy
123 of a process for service; amending s. 48.031, F.S.;
124 directing a process server to place required
125 information on the first page of at least one of the
126 processes served; requiring a process server to list
127 all initial pleadings delivered and served along with
128 the process on the return-of-service form; requiring
129 the person issuing the process to file the return-of-



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130 service form with the court; granting authorized
131 process servers unannounced access to specified
132 residential areas where a defendant or witness resides
133 or is known to be; amending s. 48.081, F.S.;
134 authorizing a person attempting to serve process on
135 the registered agent of a corporation to serve the
136 process, in specified circumstances, on any employee
137 of the registered agent during the first attempt at
138 service even if the registered agent is temporarily
139 absent from his or her office; amending s. 48.21,
140 F.S.; requiring a process server to sign the return-
141 of-service form; authorizing an employee of a sheriff
142 to sign a return-of-service form electronically;
143 providing that the failure to sign a return-of-service
144 form invalidates the service and subjects the process
145 server to a fine; amending s. 48.29, F.S.; directing a
146 process server to place required information on the
147 first page of at least one of the processes served;
148 providing an effective date.