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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2011	.	
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The Committee on Judiciary (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the county where the person to be served is found, except initial nonenforceable civil process, criminal witness subpoenas, and criminal summonses may be served by a special process server appointed by the sheriff as provided for in this section or by a



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13 certified process server as provided for in ss. 48.25-48.31.
14 Civil witness subpoenas may be served by any person authorized
15 by rules of civil procedure. A writ of possession in an action
16 for possession of real property under s. 83.62 may be served by
17 a certified process server as provided in s. 48.27.

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

20 48.27 Certified process servers.—

21 (2) (a) The addition of a person's name to the list
22 authorizes him or her to serve initial nonenforceable civil
23 process on a person found within the circuit where the process
24 server is certified when a civil action has been filed against
25 such person in the circuit court or in a county court in the
26 state. Upon filing an action in circuit or county court, a
27 person may select from the list for the circuit where the
28 process is to be served one or more certified process servers to
29 serve initial nonenforceable civil process.

30 (b) The addition of a person's name to the list authorizes
31 him or her to serve criminal witness subpoenas and criminal
32 summonses on a person found within the circuit where the process
33 server is certified. The state in any proceeding or
34 investigation by a grand jury or any party in a criminal action,
35 prosecution, or proceeding 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 subpoena or summons.

38 (c) The addition of a person's name to the list also
39 authorizes him or her to serve a writ of possession in an action
40 for possession of real property under s. 83.62 on a person found
41 within the circuit where the process server is certified.



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42 Section 3. Section 83.62, Florida Statutes, is amended to
43 read:

44 83.62 Restoration of possession to landlord.—

45 (1) In an action for possession, after entry of judgment in
46 favor of the landlord, the clerk shall issue a writ to the
47 sheriff, or other person selected by the landlord and authorized
48 by s. 48.27 to serve process, describing the premises and
49 commanding the sheriff to put the landlord in possession after
50 24 hours' notice conspicuously posted on the premises. Upon
51 entry of judgment in favor of the landlord and issuance of a
52 writ by the clerk, the landlord may select from the list for the
53 circuit where the process is to be served one or more certified
54 process servers to serve the writ. Upon the posting of the writ
55 on the premises, the certified process server shall, within 12
56 hours of the posting of the writ, provide written notice to the
57 sheriff including the date and time the writ was posted on the
58 premises.

59 (2) At the time the ~~sheriff executes the writ of possession~~
60 is executed or at any time thereafter, the landlord or the
61 landlord's agent may remove any personal property found on the
62 premises to or near the property line. Subsequent to executing
63 the writ of possession, the landlord may request the sheriff to
64 stand by to keep the peace while the landlord changes the locks
65 and removes the personal property from the premises. When such a
66 request is made, the sheriff may charge a reasonable hourly
67 rate, and the person requesting the sheriff to stand by to keep
68 the peace shall be responsible for paying the reasonable hourly
69 rate set by the sheriff. Neither the sheriff nor the landlord or
70 the landlord's agent shall be liable to the tenant or any other



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71 party for the loss, destruction, or damage to the property after
72 it has been removed.

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

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75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete everything before the enacting clause
78 and insert:

79 A bill to be entitled

80 An act relating to service of process; amending ss.
81 48.021 and 48.27, F.S.; authorizing certified process
82 servers to serve writs of possession in actions for
83 possession of residential property; amending s. 83.62,
84 F.S.; authorizing a landlord to select a certified
85 process server to serve a writ of possession;
86 requiring a certified process server to provide notice
87 of the posting of the writ to the sheriff; conforming
88 provisions; providing an effective date.