

By Senator Latvala

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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.;
6 conforming 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.

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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 in
42 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 possession
48 or at any time thereafter, the landlord or the landlord's agent
49 may remove any personal property found on the premises to or
50 near the property line. Subsequent to executing the writ of
51 possession, the landlord may request the sheriff to stand by to
52 keep the peace while the landlord changes the locks and removes
53 the personal property from the premises. When such a request is
54 made, the sheriff may charge a reasonable hourly rate, and the
55 person requesting the sheriff to stand by to keep the peace
56 shall be responsible for paying the reasonable hourly rate set
57 by the sheriff. Neither the sheriff nor the landlord or the
58 landlord's agent shall be liable to the tenant or any other

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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.