

By the Committee on Judiciary; and Senator Latvala

590-01823-11

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

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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.

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

53 83.62 Restoration of possession to landlord.—

54 (1) In an action for possession, after entry of judgment in
55 favor of the landlord, the clerk shall issue a writ to the
56 sheriff, or other person selected by the landlord and authorized
57 by s. 48.27 to serve process, describing the premises and
58 commanding the sheriff to put the landlord in possession after

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

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

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