

1 A bill to be entitled
2 An act relating to service of process; amending s. 30.231,
3 F.S.; authorizing a sheriff to charge a fee for processing
4 a writ of execution; authorizing a person to provide the
5 sheriff with an electronic copy of a process for service;
6 amending s. 48.031, F.S.; directing a process server to
7 place required information on the first page of at least
8 one of the processes served; requiring a process server to
9 list all initial pleadings delivered and served along with
10 the process on the return-of-service form; requiring the
11 person issuing the process to file the return-of-service
12 form with the court; granting authorized process servers
13 unannounced access to specified residential areas where a
14 defendant or witness resides or is known to be; amending
15 s. 48.081, F.S.; authorizing a person attempting to serve
16 process on the registered agent of a corporation to serve
17 the process, in specified circumstances, on any employee
18 of the registered agent during the first attempt at
19 service even if the registered agent is temporarily absent
20 from his or her office; amending s. 48.21, F.S.; requiring
21 a process server to sign the return-of-service form;
22 authorizing an employee of a sheriff to sign a return-of-
23 service form electronically; providing that the failure to
24 sign a return-of-service form invalidates the service and
25 subjects the process server to a fine; amending s. 48.29,
26 F.S.; directing a process server to place required
27 information on the first page of at least one of the
28 processes served; providing an effective date.

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

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

2. Fifty dollars for each levy.

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

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

c. When the instructions are for levy based upon personal property, one fee is allowed, unless the property is seized at different locations, conditional upon all of the items being

57 | advertised collectively and the sale being held at a single
 58 | location. However, if the property seized cannot be sold at one
 59 | location during the same sale as advertised, but requires
 60 | separate sales at different locations, the sheriff is then
 61 | authorized to impose a levy fee for the property and sale at
 62 | each location.

63 | 3. Forty dollars for advertisement of sale under process.

64 | 4. Forty dollars for each sale under process.

65 | 5. Forty dollars for each deed, bill of sale, or
 66 | satisfaction of judgment.

67 | (3) ~~It shall be the responsibility of~~ The party requesting
 68 | service of process must ~~to~~ furnish to the sheriff the original
 69 | process, or a certified copy of the process, or an electronic
 70 | copy of the process, which was signed and certified by the clerk
 71 | of court, and sufficient copies to be served on the parties
 72 | receiving the service of process. The party requesting service
 73 | of process shall provide the sheriff with the best known address
 74 | where the person may be served. Failure to perfect service at
 75 | the address provided does not excuse the sheriff from his or her
 76 | duty to exercise due diligence in locating the person to be
 77 | served.

78 | Section 2. Subsection (5) of section 48.031, Florida
 79 | Statutes, is amended, and subsection (7) is added to that
 80 | section, to read:

81 | 48.031 Service of process generally; service of witness
 82 | subpoenas.—

83 | (5) A person serving process shall place, on the first
 84 | page of at least one of the processes ~~copy~~ served, the date and

85 time of service and his or her identification number and
 86 initials for all service of process. The person serving process
 87 shall list on the return-of-service form all initial pleadings
 88 delivered and served along with the process. The person issuing
 89 the process shall file the return-of-service form with the
 90 court.

91 (7) A gated residential community, including a condominium
 92 association or a cooperative, shall grant unannounced entry into
 93 the community, including its common areas and common elements,
 94 to a person who is attempting to serve process on a defendant or
 95 witness who resides within or is known to be within the
 96 community.

97 Section 3. Paragraph (a) of subsection (3) of section
 98 48.081, Florida Statutes, is amended to read:

99 48.081 Service on corporation.—

100 (3) (a) As an alternative to all of the foregoing, process
 101 may be served on the agent designated by the corporation under
 102 s. 48.091. However, if service cannot be made on a registered
 103 agent because of failure to comply with s. 48.091, service of
 104 process shall be permitted on any employee at the corporation's
 105 principal place of business or on any employee of the registered
 106 agent. A person attempting to serve process pursuant to this
 107 paragraph may serve the process on any employee of the
 108 registered agent during the first attempt at service even if the
 109 registered agent is temporarily absent from his or her office.

110 Section 4. Section 48.21, Florida Statutes, is amended to
 111 read:

112 48.21 Return of execution of process.—

113 (1) Each person who effects service of process shall note
 114 on a return-of-service form attached thereto, the date and time
 115 when it comes to hand, the date and time when it is served, the
 116 manner of service, the name of the person on whom it was served
 117 and, if the person is served in a representative capacity, the
 118 position occupied by the person. The return-of-service form must
 119 be signed by the person who effects the service of process.
 120 However, a person employed by a sheriff who effects the service
 121 of process may sign the return-of-service form using an
 122 electronic signature certified by the sheriff.

123 (2) A failure to state the ~~foregoing~~ facts or to include
 124 the signature required by subsection (1) invalidates the
 125 service, but the return is amendable to state the facts or to
 126 include the signature ~~truth~~ at any time on application to the
 127 court from which the process issued. On amendment, service is as
 128 effective as if the return had originally stated the omitted
 129 facts or included the signature. A failure to state all the
 130 facts in or to include the signature on the return shall subject
 131 the person effecting service to a fine not exceeding \$10, in the
 132 court's discretion.

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

135 48.29 Certification of process servers.—

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

CS/HB 59

2011

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