

By the Committee on Criminal Justice; and Senator Detert

591-03352-13

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1                   A bill to be entitled  
2           An act relating to service of process; amending s.  
3           30.231, F.S.; requiring sheriffs to charge a uniform  
4           fee for service of process; amending s. 48.031, F.S.;  
5           requiring an employer, employee, or representative or  
6           agent of an employer to permit an authorized  
7           individual to make service on an employee in a private  
8           area designated by the employer; providing criminal  
9           penalties for persons failing to comply with the  
10          process; authorizing substitute service during the  
11          first attempt of service at a business that is a sole  
12          proprietorship under certain circumstances; requiring  
13          the person requesting service or the person authorized  
14          to serve the process to file the return-of-service  
15          form; amending s. 48.081, F.S.; revising provisions  
16          relating to the address used for service on a  
17          registered agent; amending s. 56.27, F.S.; requiring  
18          the levying creditor to deliver to the sheriff an  
19          affidavit setting forth how to pay out moneys received  
20          under an execution sale; providing that the sheriff is  
21          not liable for damages under certain circumstances;  
22          providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Paragraph (a) of subsection (1) of section  
27           30.231, Florida Statutes, is amended to read:

28           30.231 Sheriffs' fees for service of summons, subpoenas,  
29           and executions.—

591-03352-13

20131268c1

30 (1) The sheriffs of all counties of the state in civil  
31 cases shall charge fixed, nonrefundable fees for ~~docketing and~~  
32 service of process, according to the following schedule:

33 (a) All summons or writs except executions: \$40 for each  
34 summons or writ to be served, ~~except when more than one summons~~  
35 ~~or writ is issued at the same time out of the same cause of~~  
36 ~~action to be served upon one person or defendant at the same~~  
37 ~~time, in which case the sheriff shall be entitled to one fee.~~

38 Section 2. Paragraph (b) of subsection (1), paragraph (b)  
39 of subsection (2), and subsection (5) of section 48.031, Florida  
40 Statutes, are amended to read:

41 48.031 Service of process generally; service of witness  
42 subpoenas.—

43 (1)

44 (b) An employer ~~Employers~~, employee, or a representative or  
45 agent of the employer, when contacted by an individual  
46 authorized to make service of process, must ~~shall~~ permit the  
47 authorized individual to make service on employees in a private  
48 area designated by the employer. If the employer, employee, or a  
49 representative or agent of the employer fails to comply with  
50 this paragraph, he or she commits a misdemeanor of the first  
51 degree, punishable as provided in s. 775.082 or s. 775.083.

52 (2)

53 (b) Substitute service may be made on an individual doing  
54 business as a sole proprietorship at his or her place of  
55 business, during regular business hours, by serving the person  
56 in charge of the business during the first attempt of service  
57 even if the owner is temporarily absent from his or her office  
58 ~~at the time of service if two or more attempts to serve the~~

591-03352-13

20131268c1

owner have been made at the place of business.

(5) A person serving process shall place, on the first page of at least one of the processes served, the date and time of service and his or her identification number and initials for all service of process. The person serving process shall list on the return-of-service form all initial pleadings delivered and served along with the process. The person requesting service or the person authorized to serve ~~issuing~~ the process shall file the return-of-service form with the court.

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

48.081 Service on corporation.—

(3)

(b) If the address ~~provided~~ for the registered agent, officer, director, or principal place of business is a residence or private mailbox, service on the corporation may be made by serving the registered agent, officer, or director in accordance with s. 48.031.

Section 4. Paragraph (d) is added to subsection (4) of section 56.27, Florida Statutes, to read:

56.27 Executions; payment of money collected.—

(4) Before the date of the first publication or posting of the notice of sale provided for under s. 56.21, at the time of the levy request to the sheriff, the levying creditor shall deliver to the sheriff an affidavit setting forth all of the following as to the judgment debtor:

(d) A statement directing the sheriff how to pay out all moneys received under an execution sale pursuant to subsections (1) and (2). The sheriff paying pursuant to the affidavit is not

591-03352-13

20131268c1

88 liable to anyone for damages arising from a wrongful levy and  
89 pay out.

90 Section 5. This act shall take effect July 1, 2013.