



173804

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/12/2014	.	
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The Committee on Judiciary (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1) and (3) of section 48.031,  
Florida Statutes, are amended to read:

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

(1) (a) Service of original process is made by delivering a  
copy of it to the person to be served with a copy of the  
complaint, petition, or other initial pleading or paper or by



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12 leaving the copies at his or her usual place of abode with any  
13 person residing therein who is 15 years of age or older and  
14 informing the person of their contents. A minor ~~Minors~~ who is  
15 ~~are~~ or has ~~have~~ been married is ~~shall be~~ served as provided in  
16 this section.

17 (b) An individual authorized to serve process pursuant to  
18 this chapter; Rule 3.030, Florida Rules of Criminal Procedure;  
19 or Rule 1.070, Florida Rules of Civil Procedure does not commit  
20 the offense of trespass on property other than a structure or  
21 conveyance under s. 810.09 and is not subject to civil liability  
22 if his or her entrance onto such property is necessary to serve  
23 process and the process server does not open a closed gate or  
24 door or cross over any fences.

25 (c) ~~(b)~~ An employer ~~Employers~~, when contacted by an  
26 individual authorized to serve ~~make service of~~ process, shall  
27 allow ~~permit~~ the authorized individual to serve an employee ~~make~~  
28 ~~service on employees~~ in a private area designated by the  
29 employer.

30 (3) (a) The service of process of witness subpoenas, whether  
31 in criminal cases or civil actions, shall be made as provided in  
32 subsection (1). However, service of a subpoena on a witness in a  
33 criminal traffic case, a misdemeanor case, or a second degree or  
34 third degree felony may be made by United States mail directed  
35 to the witness at the last known address, and the service must  
36 be mailed at least 7 days before ~~prior to~~ the date of the  
37 witness's required appearance. Failure of a witness to appear in  
38 response to a subpoena served by United States mail that is not  
39 certified may not be grounds for finding the witness in contempt  
40 of court.



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41 (b) A criminal witness subpoena commanding the witness to  
42 appear for a court appearance may be posted by a person  
43 authorized to serve process at the witness's residence if three  
44 attempts to serve the subpoena, made at different times of the  
45 day or night on different dates, have failed. A criminal witness  
46 subpoena commanding the witness to appear for a deposition may  
47 be posted at the witness's residence by a person authorized to  
48 serve process if one attempt to serve the subpoena has failed.  
49 The subpoena must be posted at least 5 days before ~~prior to~~ the  
50 date of the witness's required appearance.

51 Section 2. Subsection (4) is added to section 810.09,  
52 Florida Statutes, to read:

53 810.09 Trespass on property other than structure or  
54 conveyance.—

55 (4) This section does not apply to a person who is  
56 authorized to serve process pursuant to chapter 48; Rule 3.030,  
57 Florida Rules of Criminal Procedure; or Rule 1.070, Florida  
58 Rules of Civil Procedure if his or her entrance onto such  
59 property is necessary to serve process and the process server  
60 does not open a closed gate or door or cross over any fences.

61 Section 3. This act shall take effect July 1, 2014.

62  
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause  
66 and insert:

67 A bill to be entitled  
68 An act relating to service of process; amending s.  
69 48.031, F.S.; providing that certain individuals



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70 authorized to serve process do not commit the offense  
71 of trespass on property other than a structure or  
72 conveyance and are not subject to civil liability  
73 under certain circumstances; allowing the posting of a  
74 criminal witness subpoena under specified  
75 circumstances; amending s. 810.09, F.S.; providing  
76 that the offense of trespass on property other than a  
77 structure or conveyance is not applicable to certain  
78 persons who are authorized to serve process under  
79 certain circumstances; providing an effective date.