



179956

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Criminal Justice (Dean) recommended the following:

**Senate Amendment**

Delete lines 35 - 72

and insert:

process and the process server does not open a locked gate or door or cross over any fences.

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



179956

11 employer.

12 (3) (a) The service of process of witness subpoenas, whether  
13 in criminal cases or civil actions, shall be made as provided in  
14 subsection (1). However, service of a subpoena on a witness in a  
15 criminal traffic case, a misdemeanor case, or a second degree or  
16 third degree felony may be made by United States mail directed  
17 to the witness at the last known address, and the service must  
18 be mailed at least 7 days before ~~prior to~~ the date of the  
19 witness's required appearance. Failure of a witness to appear in  
20 response to a subpoena served by United States mail that is not  
21 certified may not be grounds for finding the witness in contempt  
22 of court.

23 (b) A criminal witness subpoena commanding the witness to  
24 appear for a court appearance may be posted by a person  
25 authorized to serve process at the witness's residence if three  
26 attempts to serve the subpoena, made at different times of the  
27 day or night on different dates, have failed. A criminal witness  
28 subpoena commanding the witness to appear for a deposition may  
29 be posted by a person authorized to serve process at the  
30 witness's residence if one attempt to serve the subpoena has  
31 failed. The subpoena must be posted at least 5 days before ~~prior~~  
32 ~~to~~ the date of the witness's required appearance.

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

35 810.09 Trespass on property other than structure or  
36 conveyance.—

37 (4) This section does not apply to a person who is  
38 authorized to serve process pursuant to chapter 48; Rule 3.030,  
39 Florida Rules of Criminal Procedure; or Rule 1.070, Florida



179956

40 Rules of Civil Procedure if his or her entrance onto such  
41 property is necessary to serve process and the process server  
42 does not open a locked gate or door or cross over any fences.