

By Senator Dean

5-00551-14

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1                   A bill to be entitled  
2           An act relating to service of process; amending s.  
3           48.031, F.S.; providing that certain individuals  
4           authorized to serve process do not commit the offense  
5           of trespass on property other than a structure or  
6           conveyance and are not subject to civil liability  
7           under certain circumstances; amending s. 810.09, F.S.;  
8           providing that the offense of trespass on property  
9           other than a structure or conveyance is not applicable  
10          to certain persons who are authorized to serve process  
11          under certain circumstances; providing an effective  
12          date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Subsection (1) of section 48.031, Florida  
17           Statutes, is amended to read:

18           48.031 Service of process generally; service of witness  
19           subpoenas.—

20           (1) (a) Service of original process is made by delivering a  
21           copy of it to the person to be served with a copy of the  
22           complaint, petition, or other initial pleading or paper or by  
23           leaving the copies at his or her usual place of abode with any  
24           person residing therein who is 15 years of age or older and  
25           informing the person of their contents. A minor ~~Minors~~ who is  
26           ~~are~~ or has ~~have~~ been married is ~~shall be~~ served as provided in  
27           this section.

28           (b) An individual authorized to serve process pursuant to  
29           this chapter; Rule 3.030, Florida Rules of Criminal Procedure;

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30 or Rule 1.070, Florida Rules of Civil Procedure does not commit  
31 the offense of trespass on property other than a structure or  
32 conveyance under s. 810.09 and is not subject to civil liability  
33 if his or her entrance onto such property is necessary to serve  
34 process.

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

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

42 810.09 Trespass on property other than structure or  
43 conveyance.—

44 (4) This section does not apply to a person who is  
45 authorized to serve process pursuant to chapter 48; Rule 3.030,  
46 Florida Rules of Criminal Procedure; or Rule 1.070, Florida  
47 Rules of Civil Procedure if his or her entrance onto such  
48 property is necessary to serve process.

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