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LEGISLATIVE ACTION

Senate

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House

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Senator Powell moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 48.021, Florida  
Statutes, is amended to read:

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the  
county where the person to be served is found, except ~~initial~~  
nonenforceable civil process, criminal witness subpoenas, and  
criminal summonses may be served by a special process server



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12 appointed by the sheriff as provided ~~for~~ in this section or by a  
13 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~  
14 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person  
15 authorized by rules of civil procedure.

16 Section 2. Subsections (2) and (5) and paragraph (a) of  
17 subsection (6) of section 48.031, Florida Statutes, are amended  
18 to read:

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

21 (2) (a) Substituted ~~Substitute~~ service ~~may be made~~ on the  
22 spouse of the person to be served may be made at any place in a  
23 ~~the~~ county by an individual authorized under s. 48.021 or s.  
24 48.27 to serve process in that county, if the cause of action is  
25 not an adversarial adversary proceeding between the spouse and  
26 the person to be served, if the spouse requests such service or  
27 the spouse is also a party to the action, and if the spouse and  
28 person to be served reside ~~are residing~~ together in the same  
29 dwelling, regardless of whether such dwelling is located in the  
30 county where substituted service is made.

31 (b) Substituted ~~Substitute~~ service may be made on an  
32 individual doing business as a sole proprietorship at his or her  
33 place of business, during regular business hours, by serving the  
34 person in charge of the business at the time of service if two  
35 attempts to serve the owner are ~~have been~~ made at the place of  
36 business.

37 (5) A person serving process shall place, on the first page  
38 only of at least one of the processes served, the date and time  
39 of service, his or her initials or signature, and, if  
40 applicable, his or her identification number ~~and initials for~~



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41 ~~all service of process. The person serving process shall list on~~  
42 ~~the return-of-service form all initial pleadings delivered and~~  
43 ~~served along with the process. The person requesting service or~~  
44 the person authorized to serve the process shall file the  
45 return-of-service form with the court.

46 (6) (a) If the only address for a person to be served which  
47 is discoverable through public records is a private mailbox, a  
48 virtual office, or an executive office or mini suite,  
49 substituted ~~substitute~~ service may be made by leaving a copy of  
50 the process with the person in charge of the private mailbox,  
51 virtual office, or executive office or mini suite, but only if  
52 the process server determines that the person to be served  
53 maintains a mailbox, a virtual office, or an executive office or  
54 mini suite at that location.

55 Section 3. Subsection (4) of section 48.062, Florida  
56 Statutes, is amended to read:

57 48.062 Service on a limited liability company.—

58 (4) If the address ~~provided~~ for the registered agent,  
59 member, or manager is a residence, a ~~or~~ private mailbox, a  
60 virtual office, or an executive office or mini suite, service on  
61 the domestic or foreign limited liability company, ~~domestic or~~  
62 ~~foreign,~~ may be made by serving the registered agent, member, or  
63 manager in accordance with s. 48.031.

64 Section 4. Subsection (1) of section 48.194, Florida  
65 Statutes, is amended to read:

66 48.194 Personal service outside state.—

67 (1) Except as otherwise provided herein, service of process  
68 on persons outside of this state shall be made in the same  
69 manner as service within this state by any person ~~officer~~



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70 authorized to serve process in the state where the person is  
71 served. No order of court is required. ~~An affidavit of the~~  
72 ~~officer shall be filed, stating the time, manner, and place of~~  
73 ~~service.~~ A The court may consider the return-of-service form  
74 described in s. 48.21 affidavit, or any other competent  
75 evidence, in determining whether service has been properly made.  
76 Service of process on persons outside the United States may be  
77 required to conform to the provisions of the Hague Convention on  
78 the Service Abroad of Judicial and Extrajudicial Documents in  
79 Civil or Commercial Matters.

80 Section 5. Subsection (1) of section 48.21, Florida  
81 Statutes, is amended to read:

82 48.21 Return of execution of process.—

83 (1) Each person who effects service of process shall note  
84 on a return-of-service form attached thereto, the date and time  
85 when it comes to hand, the date and time when it is served, the  
86 manner of service, the name of the person on whom it was served,  
87 and, if the person is served in a representative capacity, the  
88 position occupied by the person. The return-of-service form must  
89 list all pleadings served and be signed by the person who  
90 effects the service of process. However, a person who is  
91 authorized under this chapter to serve process and ~~employed by a~~  
92 ~~sheriff~~ who effects such ~~the~~ service of process may sign the  
93 return-of-service form using an electronic signature ~~certified~~  
94 ~~by the sheriff.~~

95 Section 6. Paragraphs (b) and (d) of subsection (1) of  
96 section 48.23, Florida Statutes, is amended to read:

97 48.23 Lis pendens.—

98 (1)



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99 (b)1. An action that is filed for specific performance or  
100 that is not based on a duly recorded instrument has no effect,  
101 except as between the parties to the proceeding, on the title  
102 to, or on any lien upon, the real or personal property unless a  
103 notice of lis pendens has been recorded and has not expired or  
104 been withdrawn or discharged.

105 2. Any person acquiring for value an interest in, or lien  
106 upon, the real or personal property during the pendency of an  
107 action described in subparagraph 1., other than a party to the  
108 proceeding or the legal successor by operation of law, or  
109 personal representative, heir, or devisee of a deceased party to  
110 the proceeding, shall take such interest or lien exempt from all  
111 claims against the property that were filed in such action by  
112 the party who failed to record a notice of lis pendens or whose  
113 notice expired or was withdrawn or discharged, and from any  
114 judgment entered in the proceeding, notwithstanding the  
115 provisions of s. 695.01, as if such person had no actual or  
116 constructive notice of the proceeding or of the claims made  
117 therein or the documents forming the causes of action against  
118 the property in the proceeding.

119 (d) Except for the interest of persons in possession or  
120 easements of use, the recording of such notice of lis pendens,  
121 provided that during the pendency of the proceeding it has not  
122 expired pursuant to subsection (2) or been withdrawn or  
123 discharged, constitutes a bar to the enforcement against the  
124 property described in the notice of all interests and liens,  
125 including, but not limited to, federal tax liens and levies,  
126 unrecorded at the time of recording the notice unless the holder  
127 of any such unrecorded interest or lien intervenes in such



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128 proceedings within 30 days after the recording of the notice. If  
129 the holder of any such unrecorded interest or lien does not  
130 intervene in the proceedings and if such proceedings are  
131 prosecuted to a judicial sale of the property described in the  
132 notice, the property shall be forever discharged from all such  
133 unrecorded interests and liens. A valid recorded notice of lis  
134 pendens of such proceedings prosecuted to a judicial sale  
135 remains in effect through the recording of any instrument  
136 transferring title to the property pursuant to the final  
137 judgment unless it expires, is withdrawn, or it is otherwise  
138 discharged. If the notice of lis pendens expires or is withdrawn  
139 or discharged, the expiration, withdrawal, or discharge of the  
140 notice does not affect the validity of any unrecorded interest  
141 or lien.

142 Section 7. The changes made by this act to s. 48.23,  
143 Florida Statutes, are intended to clarify existing law and shall  
144 apply to actions pending on the effective date of this act.

145 Section 8. Paragraph (a) of subsection (2) of section  
146 48.27, Florida Statutes, is amended to read:

147 48.27 Certified process servers.—

148 (2) (a) The addition of a person's name to the list  
149 authorizes him or her to serve ~~initial~~ nonenforceable civil  
150 process on a person found within the circuit where the process  
151 server is certified when a civil action is ~~has been~~ filed  
152 against such person in the circuit court or in a county court in  
153 the state. Upon filing an action in circuit or county court, a  
154 person may select from the list for the circuit where the  
155 process is to be served one or more certified process servers to  
156 serve ~~initial~~ nonenforceable civil process.



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157 Section 9. Section 316.29545, Florida Statutes, is amended  
158 to read:

159 316.29545 Window sunscreening exclusions; medical  
160 exemption; certain law enforcement vehicles, process server  
161 vehicles, and private investigative service vehicles exempt.-

162 (1) The department shall issue medical exemption  
163 certificates to persons who are afflicted with Lupus, any  
164 autoimmune disease, or other medical conditions which require a  
165 limited exposure to light, which certificates shall entitle the  
166 person to whom the certificate is issued to have sunscreening  
167 material on the windshield, side windows, and windows behind the  
168 driver which is in violation of the requirements of ss.

169 316.2951-316.2957. The department shall consult with the Medical  
170 Advisory Board established in s. 322.125 for guidance with  
171 respect to the autoimmune diseases and other medical conditions  
172 which shall be included on the form of the medical certificate  
173 authorized by this section. At a minimum, the medical exemption  
174 certificate shall include a vehicle description with the make,  
175 model, year, vehicle identification number, medical exemption  
176 decal number issued for the vehicle, and the name of the person  
177 or persons who are the registered owners of the vehicle. A  
178 medical exemption certificate shall be nontransferable and shall  
179 become null and void upon the sale or transfer of the vehicle  
180 identified on the certificate.

181 (2) The department shall exempt all law enforcement  
182 vehicles used in undercover or canine operations from the window  
183 sunscreening requirements of ss. 316.2951-316.2957.

184 (3) The department shall exempt from the window  
185 sunscreening restrictions of ss. 316.2953, 316.2954, and



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186 316.2956 vehicles that are owned or leased by process servers  
187 certified pursuant to s. 48.29 and private investigators or  
188 private investigative agencies licensed under chapter 493.

189 (4) The department may charge a fee in an amount sufficient  
190 to defray the expenses of issuing a medical exemption  
191 certificate as described in subsection (1).

192 (5) The department is authorized to promulgate rules for  
193 the implementation of this section.

194 Section 10. This act shall take effect upon becoming a law.

195

196 ===== T I T L E A M E N D M E N T =====

197 And the title is amended as follows:

198 Delete everything before the enacting clause  
199 and insert:

200 A bill to be entitled  
201 An act relating to judicial process; amending s.  
202 48.021, F.S.; revising authority of special process  
203 servers; revising a cross-reference; requiring that  
204 civil witness subpoenas be served by certain persons;  
205 amending s. 48.031, F.S.; revising requirements for  
206 substituted service on the spouse of the person to be  
207 served; revising requirements for documenting service  
208 of process; conforming terminology; amending s.  
209 48.062, F.S.; revising requirements for service on  
210 limited liability companies; amending s. 48.194, F.S.;  
211 revising provisions specifying who may serve process  
212 outside of the state; revising requirements for  
213 documenting that service has been properly made  
214 outside the state; amending s. 48.21, F.S.; revising





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215 requirements for return-of-service forms; authorizing  
216 certain persons to electronically sign return-of-  
217 service forms; amending s. 48.23, F.S.; providing that  
218 a person who acquires for a value a lien on property  
219 during the course of specified legal actions takes  
220 such lien free of claims in certain circumstances;  
221 specifying the effect of a valid, recorded notice of  
222 lis pendens in certain circumstances involving a  
223 judicial sale; providing applicability; amending s.  
224 48.27, F.S.; revising authority of certified process  
225 servers; conforming terminology; amending s.  
226 316.29545, F.S.; exempting certified process servers  
227 from certain window sunscreening restrictions;  
228 providing an effective date.