



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2019	.	
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The Committee on Judiciary (Powell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 60 - 62  
and insert:

Section 2. The changes made by this act to s. 48.23, Florida Statutes, are intended to clarify existing law and shall apply to actions pending on the effective date of this act.

Section 3. 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



12 county where the person to be served is found, except ~~initial~~  
13 nonenforceable civil process, criminal witness subpoenas, and  
14 criminal summonses may be served by a special process server  
15 appointed by the sheriff as provided ~~for~~ in this section or by a  
16 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~  
17 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person  
18 authorized by rules of civil procedure.

19 Section 4. Subsections (2) and (5) and paragraph (a) of  
20 subsection (6) of section 48.031, Florida Statutes, are amended  
21 to read:

22 48.031 Service of process generally; service of witness  
23 subpoenas.—

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

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

40 (5) A person serving process shall place, on the first page



447100

41 only of at least one of the processes served, the date and time  
42 of service, his or her initials or signature, and, if  
43 applicable, his or her identification number ~~and initials for~~  
44 ~~all service of process. The person serving process shall list on~~  
45 ~~the return-of-service form all initial pleadings delivered and~~  
46 ~~served along with the process.~~ The person requesting service or  
47 the person authorized to serve the process shall file the  
48 return-of-service form with the court.

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

58 Section 5. Subsection (4) of section 48.062, Florida  
59 Statutes, is amended to read:

60 48.062 Service on a limited liability company.—

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

67 Section 6. Subsection (1) of section 48.194, Florida  
68 Statutes, is amended to read:

69 48.194 Personal service outside state.—



447100

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

83 Section 7. Subsection (1) of section 48.21, Florida  
84 Statutes, is amended to read:

85 48.21 Return of execution of process.-

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

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447100

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

100 And the title is amended as follows:

101 Delete lines 2 - 9

102 and insert:

103 An act relating to judicial process; amending s.  
104 48.23, F.S.; providing that a person who acquires for  
105 value a lien on property during the course of  
106 specified legal actions takes such lien free of claims  
107 in certain circumstances; specifying the effect of a  
108 valid, recorded notice of lis pendens in certain  
109 circumstances involving a judicial sale; providing  
110 applicability; amending s. 48.021, F.S.; revising  
111 authority of special process servers; revising a  
112 cross-reference; requiring that civil witness  
113 subpoenas be served by certain persons; amending s.  
114 48.031, F.S.; revising requirements for substituted  
115 service on the spouse of the person to be served;  
116 revising requirements for documenting service of  
117 process; conforming terminology; amending s. 48.062,  
118 F.S.; revising requirements for service on limited  
119 liability companies; amending s. 48.194, F.S.;  
120 revising provisions specifying who may serve process  
121 outside of the state; revising requirements for  
122 documenting that service has been properly made  
123 outside the state; amending s. 48.21, F.S.; revising  
124 requirements for return-of-service forms; authorizing  
125 certain persons to electronically sign return-of-  
126 service forms; providing an effective date.