

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Altman offered the following:

**Amendment (with title amendment)**

Remove lines 60-63 and insert:

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

9 Section 3. Subsection (1) of section 48.021, Florida  
10 Statutes, is amended to read:

11 48.021 Process; by whom served.—

12 (1) All process shall be served by the sheriff of the  
13 county where the person to be served is found, except ~~initial~~  
14 nonenforceable civil process, criminal witness subpoenas, and  
15 criminal summonses may be served by a special process server  
16 appointed by the sheriff as provided ~~for~~ in this section or by a

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17 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~  
18 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person  
19 authorized by rules of civil procedure.

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

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

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

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

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

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

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

61 48.062 Service on a limited liability company.-

62 (4) If the address ~~provided~~ for the registered agent,  
63 member, or manager is a residence, a ~~or~~ private mailbox, a  
64 virtual office, or an executive office or mini suite, service on  
65 the domestic or foreign limited liability company, ~~domestic or~~

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Published On: 2/12/2019 6:24:01 PM

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66 ~~foreign~~, may be made by serving the registered agent, member, or  
67 manager in accordance with s. 48.031.

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

70 48.194 Personal service outside state.—

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

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

86 48.21 Return of execution of process.—

87 (1) Each person who effects service of process shall note  
88 on a return-of-service form attached thereto, the date and time  
89 when it comes to hand, the date and time when it is served, the  
90 manner of service, the name of the person on whom it was served,

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91 and, if the person is served in a representative capacity, the  
92 position occupied by the person. The return-of-service form must  
93 list all pleadings served and be signed by the person who  
94 effects the service of process. However, a person who is  
95 authorized under this chapter to serve process and ~~employed by a~~  
96 ~~sheriff~~ who effects such ~~the~~ service of process may sign the  
97 return-of-service form using an electronic signature ~~certified~~  
98 ~~by the sheriff~~.

99 Section 8. This act shall take effect upon becoming law.

100 -----  
101  
102 **T I T L E A M E N D M E N T**

103 Remove everything before the enacting clause and insert:

104 A bill to be entitled

105 An act relating to judicial process; amending s.  
106 48.23, F.S.; providing that a person who acquires for  
107 value a lien on property during the course of  
108 specified legal actions takes such lien free of claims  
109 in certain circumstances; specifying the effect of a  
110 valid, recorded notice of lis pendens in certain  
111 circumstances involving a judicial sale; providing  
112 applicability; amending s. 48.021, F.S.; revising  
113 authority of special process servers; revising a  
114 cross-reference; requiring that civil witness  
115 subpoenas be served by certain persons; amending s.

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116 48.031, F.S.; revising requirements for substituted  
117 service on the spouse of the person to be served;  
118 revising requirements for documenting service of  
119 process; conforming terminology; amending s. 48.062,  
120 F.S.; revising requirements for service on limited  
121 liability companies; amending s. 48.194, F.S.;  
122 revising provisions specifying who may serve process  
123 outside of the state; revising requirements for  
124 documenting that service has been properly made  
125 outside the state; amending s. 48.21, F.S.; revising  
126 requirements for return-of-service forms; authorizing  
127 certain persons to electronically sign return-of-  
128 service forms; providing an effective date.