

1                   A bill to be entitled  
2           An act relating to judicial process; amending s.  
3           48.23, F.S.; providing that a person who acquires for  
4           value a lien on property during the course of  
5           specified legal actions takes such lien free of claims  
6           in certain circumstances; specifying the effect of a  
7           valid, recorded notice of lis pendens in certain  
8           circumstances involving a judicial sale; providing  
9           applicability; amending s. 48.021, F.S.; revising  
10          authority of special process servers; revising a  
11          cross-reference; requiring that civil witness  
12          subpoenas be served by certain persons; amending s.  
13          48.031, F.S.; revising requirements for substituted  
14          service on the spouse of the person to be served;  
15          revising requirements for documenting service of  
16          process; conforming terminology; amending s. 48.062,  
17          F.S.; revising requirements for service on limited  
18          liability companies; amending s. 48.194, F.S.;  
19          revising provisions specifying who may serve process  
20          outside of the state; revising requirements for  
21          documenting that service has been properly made  
22          outside the state; amending s. 48.21, F.S.; revising  
23          requirements for return-of-service forms; authorizing  
24          certain persons to electronically sign return-of-  
25          service forms; amending s. 316.29545, F.S.; exempting

26 certified process servers from certain window  
 27 suncreening restrictions; providing an effective  
 28 date.

30 Be It Enacted by the Legislature of the State of Florida:

31  
 32 Section 1. Paragraphs (b) and (d) of subsection (1) of  
 33 section 48.23, Florida Statutes, are amended to read:

34 48.23 Lis pendens.—

35 (1)

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 41 been withdrawn or discharged.

42 2. Any person acquiring for value an interest in, or lien  
 43 upon, the real or personal property during the pendency of an  
 44 action described in subparagraph 1., other than a party to the  
 45 proceeding or the legal successor by operation of law, or  
 46 personal representative, heir, or devisee of a deceased party to  
 47 the proceeding, shall take such interest or lien exempt from all  
 48 claims against the property that were filed in such action by  
 49 the party who failed to record a notice of lis pendens or whose  
 50 notice expired or was withdrawn or discharged, and from any

51 judgment entered in the proceeding, notwithstanding the  
52 provisions of s. 695.01, as if such person had no actual or  
53 constructive notice of the proceeding or of the claims made  
54 therein or the documents forming the causes of action against  
55 the property in the proceeding.

56 (d) Except for the interest of persons in possession or  
57 easements of use, the recording of such notice of lis pendens,  
58 provided that during the pendency of the proceeding it has not  
59 expired pursuant to subsection (2) or been withdrawn or  
60 discharged, constitutes a bar to the enforcement against the  
61 property described in the notice of all interests and liens,  
62 including, but not limited to, federal tax liens and levies,  
63 unrecorded at the time of recording the notice unless the holder  
64 of any such unrecorded interest or lien intervenes in such  
65 proceedings within 30 days after the recording of the notice. If  
66 the holder of any such unrecorded interest or lien does not  
67 intervene in the proceedings and if such proceedings are  
68 prosecuted to a judicial sale of the property described in the  
69 notice, the property shall be forever discharged from all such  
70 unrecorded interests and liens. A valid recorded notice of lis  
71 pendens of such proceedings prosecuted to a judicial sale  
72 remains in effect through the recording of any instrument  
73 transferring title to the property pursuant to the final  
74 judgment unless it expires, is withdrawn, or it is otherwise  
75 discharged. If the notice of lis pendens expires or is withdrawn

76 or discharged, the expiration, withdrawal, or discharge of the  
 77 notice does not affect the validity of any unrecorded interest  
 78 or lien.

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

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

84 48.021 Process; by whom served.—

85 (1) All process shall be served by the sheriff of the  
 86 county where the person to be served is found, except ~~initial~~  
 87 nonenforceable civil process, criminal witness subpoenas, and  
 88 criminal summonses may be served by a special process server  
 89 appointed by the sheriff as provided ~~for~~ in this section or by a  
 90 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~  
 91 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person  
 92 authorized by rules of civil procedure.

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

96 48.031 Service of process generally; service of witness  
 97 subpoenas.—

98 (2) (a) Substituted ~~Substitute~~ service ~~may be made~~ on the  
 99 spouse of the person to be served may be made at any place in a  
 100 ~~the~~ county by an individual authorized under s. 48.021 or s.

101 48.27 to serve process in that county, if the cause of action is  
102 not an ~~adversarial adversary~~ proceeding between the spouse and  
103 the person to be served, if the spouse requests such service ~~or~~  
104 the spouse is also a party to the action, and if the spouse and  
105 person to be served ~~reside~~ are residing together in the same  
106 dwelling, regardless of whether such dwelling is located in the  
107 county where substituted service is made.

108 (b) Substituted ~~Substitute~~ service may be made on an  
109 individual doing business as a sole proprietorship at his or her  
110 place of business, during regular business hours, by serving the  
111 person in charge of the business at the time of service if two  
112 attempts to serve the owner are ~~have been~~ made at the place of  
113 business.

114 (5) A person serving process shall place, on the first  
115 page only of at least one of the processes served, the date and  
116 time of service, his or her initials or signature, and, if  
117 applicable, his or her identification number and initials for  
118 ~~all service of process. The person serving process shall list on~~  
119 ~~the return-of-service form all initial pleadings delivered and~~  
120 ~~served along with the process.~~ The person requesting service or  
121 the person authorized to serve the process shall file the  
122 return-of-service form with the court.

123 (6) (a) If the only address for a person to be served which  
124 is discoverable through public records is a private mailbox, a  
125 virtual office, or an executive office or mini suite,

126 substituted ~~substitute~~ service may be made by leaving a copy of  
127 the process with the person in charge of the private mailbox,  
128 virtual office, or executive office or mini suite, but only if  
129 the process server determines that the person to be served  
130 maintains a mailbox, a virtual office, or an executive office or  
131 mini suite at that location.

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

134 48.062 Service on a limited liability company.—

135 (4) If the address ~~provided~~ for the registered agent,  
136 member, or manager is a residence, a ~~or~~ private mailbox, a  
137 virtual office, or an executive office or mini suite, service on  
138 the domestic or foreign limited liability company, ~~domestic or~~  
139 ~~foreign,~~ may be made by serving the registered agent, member, or  
140 manager in accordance with s. 48.031.

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

143 48.194 Personal service outside state.—

144 (1) Except as otherwise provided herein, service of  
145 process on persons outside of this state shall be made in the  
146 same manner as service within this state by any person ~~officer~~  
147 authorized to serve process in the state where the person is  
148 served. No order of court is required. A ~~An affidavit of the~~  
149 ~~officer shall be filed, stating the time, manner, and place of~~  
150 ~~service. The court may consider the~~ return-of-service form

151 described in s. 48.21 affidavit, or any other competent  
152 evidence, in determining whether service has been properly made.  
153 Service of process on persons outside the United States may be  
154 required to conform to the provisions of the Hague Convention on  
155 the Service Abroad of Judicial and Extrajudicial Documents in  
156 Civil or Commercial Matters.

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

159 48.21 Return of execution of process.—

160 (1) Each person who effects service of process shall note  
161 on a return-of-service form attached thereto, the date and time  
162 when it comes to hand, the date and time when it is served, the  
163 manner of service, the name of the person on whom it was served,  
164 and, if the person is served in a representative capacity, the  
165 position occupied by the person. The return-of-service form must  
166 list all pleadings and documents served and be signed by the  
167 person who effects the service of process. However, a person who  
168 is authorized under this chapter to serve process and employed  
169 by a sheriff who effects such the service of process may sign  
170 the return-of-service form using an electronic signature  
171 ~~certified by the sheriff.~~

172 Section 8. Section 316.29545, Florida Statutes, is amended  
173 to read:

174 316.29545 Window suncreening exclusions; medical  
175 exemption; certain law enforcement vehicles, process server

176 | vehicles, and private investigative service vehicles exempt.—

177 |       (1) The department shall issue medical exemption  
178 | certificates to persons who are afflicted with Lupus, any  
179 | autoimmune disease, or other medical conditions which require a  
180 | limited exposure to light, which certificates shall entitle the  
181 | person to whom the certificate is issued to have sunscreening  
182 | material on the windshield, side windows, and windows behind the  
183 | driver which is in violation of the requirements of ss.  
184 | 316.2951-316.2957. The department shall consult with the Medical  
185 | Advisory Board established in s. 322.125 for guidance with  
186 | respect to the autoimmune diseases and other medical conditions  
187 | which shall be included on the form of the medical certificate  
188 | authorized by this section. At a minimum, the medical exemption  
189 | certificate shall include a vehicle description with the make,  
190 | model, year, vehicle identification number, medical exemption  
191 | decal number issued for the vehicle, and the name of the person  
192 | or persons who are the registered owners of the vehicle. A  
193 | medical exemption certificate shall be nontransferable and shall  
194 | become null and void upon the sale or transfer of the vehicle  
195 | identified on the certificate.

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

199 |       (3) The department shall exempt from the window  
200 | sunscreening restrictions of ss. 316.2953, 316.2954, and



201 316.2956 vehicles that are owned or leased by process servers  
202 certified pursuant to s. 48.29 or by private investigators or  
203 private investigative agencies licensed under chapter 493.

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

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

209 Section 9. This act shall take effect upon becoming a law.