

By Senator Pizzo

38-00584-20

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1 A bill to be entitled
2 An act relating to a declared state of emergency;
3 creating s. 48.205, F.S.; prohibiting specified
4 service of process during specified times relating to
5 a declared state of emergency; providing immunity from
6 liability for certain persons; defining the term
7 "emergency declaration period"; creating s. 83.684,
8 F.S.; tolling specified time periods for certain
9 evictions under certain circumstances; requiring a
10 court to stay certain eviction proceedings under
11 certain circumstances; defining the term "emergency
12 declaration period"; providing an effective date.

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

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16 Section 1. Section 48.205, Florida Statutes, is created to
17 read:

18 48.205 Service of process during a state of emergency.—A
19 writ, process, warrant, order, or judgment relating to a
20 residential eviction, as provided in part II of chapter 83, may
21 not be served or executed during a state of emergency declared
22 by the President of the United States or the Governor or a
23 governing body of a political subdivision of the state under
24 chapter 252. This prohibition remains in effect for 15 days
25 after the expiration or termination of the state of emergency,
26 or, if the state of emergency is extended by the applicable
27 authority, for 15 days after the expiration or termination of
28 the extension. A sheriff or other person authorized to make
29 service of process under the Florida Rules of Civil Procedure is

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30 not liable for failing to serve or execute such writ, process,
31 warrant, order, or judgment during the emergency declaration
32 period. For purposes of this section, the term "emergency
33 declaration period" includes the period of time stated in the
34 declaration of the state of emergency, and any extensions
35 thereof, and 15 days after the expiration of such period of
36 time.

37 Section 2. Section 83.684, Florida Statutes, is created to
38 read:

39 83.684 Actions for rent or possession during a state of
40 emergency.—A declaration of a state of emergency issued by the
41 President of the United States or the Governor or a governing
42 body of a political subdivision of the state under chapter 252
43 tolls any statutory time periods relating to the eviction of a
44 residential tenant under this part during the emergency
45 declaration period. The court shall on its own motion stay any
46 eviction proceeding under this part during the emergency
47 declaration period. For purposes of this section, the term
48 "emergency declaration period" includes the period of time
49 stated in the declaration of the state of emergency, and any
50 extensions thereof, and 15 days after the expiration of such
51 period of time.

52 Section 3. This act shall take effect July 1, 2020.