

By Senator Pizzo

38-01014-21

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

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Section 48.205, Florida Statutes, is created to  
19           read:

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

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30 termination of the extension. A sheriff or other person  
31 authorized to make service of process under the Florida Rules of  
32 Civil Procedure is not liable for failing to serve or execute  
33 such writ, process, warrant, order, or judgment during the  
34 emergency declaration period. For purposes of this section, the  
35 term "emergency declaration period" includes the period of time  
36 stated in the declaration of the state of emergency, and any  
37 extensions thereof, and 15 days after the expiration of such  
38 period of time.

39 Section 2. Section 83.684, Florida Statutes, is created to  
40 read:

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

54 Section 3. This act shall take effect July 1, 2021.