

By Senator Fine

19-00771-25

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1 A bill to be entitled  
2 An act relating to service of process; amending s.  
3 48.021, F.S.; requiring that all process be served by  
4 the sheriff of the county where the person to be  
5 served is found; deleting provisions relating to other  
6 persons authorized to serve process; amending s.  
7 48.031, F.S.; authorizing sheriffs to serve spouses  
8 with certain substituted service at any place in the  
9 county; deleting provisions authorizing other persons  
10 to serve process; repealing s. 48.27, F.S., relating  
11 to certified process servers authorized by sheriffs;  
12 repealing s. 48.29, F.S., relating to certification of  
13 process servers authorized by judges; repealing s.  
14 48.31, F.S., relating to removal of such certified  
15 process servers and false return of service; amending  
16 ss. 113.07 and 316.29545, F.S.; conforming provisions  
17 to changes made by the act; reenacting s. 48.196(2),  
18 F.S., relating to service of process in connection  
19 with actions under the Florida International  
20 Commercial Arbitration Act, to incorporate the  
21 amendment made to s. 48.021, F.S., in a reference  
22 thereto; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Section 48.021, Florida Statutes, is amended to  
27 read:

28 48.021 Process; by whom served.—

29 ~~(1)~~ All process must ~~shall~~ be served by the sheriff of the

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30 county where the person to be served is found, ~~except~~  
31 ~~nonenforceable civil process, criminal witness subpoenas, and~~  
32 ~~criminal summonses may be served by a special process server~~  
33 ~~appointed by the sheriff as provided in this section or by a~~  
34 ~~certified process server as provided in s. 48.27. Civil witness~~  
35 ~~subpoenas shall be served by any person authorized by rules of~~  
36 ~~civil procedure.~~

37 (2) (a) ~~The sheriff of each county may, in his or her~~  
38 ~~discretion, establish an approved list of natural persons~~  
39 ~~designated as special process servers. The sheriff shall add to~~  
40 ~~such list the names of those natural persons who have met the~~  
41 ~~requirements provided for in this section. Each natural person~~  
42 ~~whose name has been added to the approved list is subject to~~  
43 ~~annual recertification and reappointment by the sheriff. The~~  
44 ~~sheriff shall prescribe an appropriate form for application for~~  
45 ~~appointment. A reasonable fee for the processing of the~~  
46 ~~application shall be charged.~~

47 (b) ~~A person applying to become a special process server~~  
48 ~~shall:~~

- 49 1. ~~Be at least 18 years of age.~~
- 50 2. ~~Have no mental or legal disability.~~
- 51 3. ~~Be a permanent resident of the state.~~
- 52 4. ~~Submit to a background investigation that includes the~~  
53 ~~right to obtain and review the criminal record of the applicant.~~
- 54 5. ~~Obtain and file with the application a certificate of~~  
55 ~~good conduct that specifies there is no pending criminal case~~  
56 ~~against the applicant and that there is no record of any felony~~  
57 ~~conviction, nor a record of a misdemeanor involving moral~~  
58 ~~turpitude or dishonesty, with respect to the applicant within~~

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59 the past 5 years.

60 ~~6. Submit to an examination testing the applicant's~~  
61 ~~knowledge of the laws and rules regarding the service of~~  
62 ~~process. The content of the examination and the passing grade~~  
63 ~~thereon, and the frequency and the location at which the~~  
64 ~~examination is offered must be prescribed by the sheriff. The~~  
65 ~~examination must be offered at least once annually.~~

66 ~~7. Take an oath that the applicant will honestly,~~  
67 ~~diligently, and faithfully exercise the duties of a special~~  
68 ~~process server.~~

69 ~~(c) The sheriff may prescribe additional rules and~~  
70 ~~requirements directly related to subparagraphs (b)1.-7.~~  
71 ~~regarding the eligibility of a person to become a special~~  
72 ~~process server or to have his or her name maintained on the list~~  
73 ~~of special process servers.~~

74 ~~(d) An applicant who completes the requirements of this~~  
75 ~~section must be designated as a special process server provided~~  
76 ~~that the sheriff of the county has determined that the~~  
77 ~~appointment of special process servers is necessary or~~  
78 ~~desirable. Each special process server must be issued an~~  
79 ~~identification card bearing his or her identification number,~~  
80 ~~printed name, signature and photograph, and an expiration date.~~  
81 ~~Each identification card must be renewable annually upon proof~~  
82 ~~of good standing.~~

83 ~~(e) The sheriff shall have the discretion to revoke an~~  
84 ~~appointment at any time that he or she determines a special~~  
85 ~~process server is not fully and properly discharging the duties~~  
86 ~~as a special process server. The sheriff shall institute a~~  
87 ~~program to determine whether the special process servers~~

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88 ~~appointed as provided for in this section are faithfully~~  
89 ~~discharging their duties pursuant to such appointment, and a~~  
90 ~~reasonable fee may be charged for the costs of administering~~  
91 ~~such program.~~

92 ~~(3) A special process server appointed in accordance with~~  
93 ~~this section shall be authorized to serve process in only the~~  
94 ~~county in which the sheriff who appointed him or her resides and~~  
95 ~~may charge a reasonable fee for his or her services.~~

96 ~~(4) Any special process server shall be disinterested in~~  
97 ~~any process he or she serves; and if the special process server~~  
98 ~~willfully and knowingly executes a false return of service or~~  
99 ~~otherwise violates the oath of office, he or she shall be guilty~~  
100 ~~of a felony of the third degree, punishable as provided for in~~  
101 ~~s. 775.082, s. 775.083, or s. 775.084, and shall be permanently~~  
102 ~~barred from serving process in Florida.~~

103 Section 2. Paragraph (a) of subsection (2) of section  
104 48.031, Florida Statutes, is amended to read:

105 48.031 Service of process generally; service of witness  
106 subpoenas.—

107 (2) (a) Substituted service on the spouse of the person to  
108 be served may be made at any place in a county by a sheriff of  
109 such county ~~an individual authorized under s. 48.021 or s. 48.27~~  
110 ~~to serve process in that county,~~ if the cause of action is not  
111 an adversarial proceeding between the spouse and the person to  
112 be served, if the spouse requests such service or the spouse is  
113 also a party to the action, and if the spouse and person to be  
114 served reside together in the same dwelling, regardless of  
115 whether such dwelling is located in the county where substituted  
116 service is made.

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117 Section 3. Section 48.27, Florida Statutes, is repealed.

118 Section 4. Section 48.29, Florida Statutes, is repealed.

119 Section 5. Section 48.31, Florida Statutes, is repealed.

120 Section 6. Subsection (2) of section 113.07, Florida  
121 Statutes, is amended to read:

122 113.07 Bond by surety company; when required.—

123 (2) The provisions of this law do not apply to deputy  
124 sheriffs or, notaries public, ~~or special process servers~~  
125 ~~appointed to serve process under the provisions of s. 48.021.~~

126 Section 7. Subsection (3) of section 316.29545, Florida  
127 Statutes, is amended to read:

128 316.29545 Window sunscreening exclusions; medical  
129 exemption; certain law enforcement vehicles, process server  
130 vehicles, and private investigative service vehicles exempt.—

131 (3) The department shall exempt from the window  
132 sunscreening restrictions of ss. 316.2953, 316.2954, and  
133 316.2956 vehicles that are owned or leased ~~by process servers~~  
134 ~~certified pursuant to s. 48.29~~ or by private investigators or  
135 private investigative agencies licensed under chapter 493.

136 Section 8. For the purpose of incorporating the amendment  
137 made by this act to section 48.021, Florida Statutes, in a  
138 reference thereto, subsection (2) of section 48.196, Florida  
139 Statutes, is reenacted to read:

140 48.196 Service of process in connection with actions under  
141 the Florida International Commercial Arbitration Act.—

142 (2) The process served under subsection (1) shall include a  
143 copy of the application to the court together with all  
144 attachments thereto and shall be served in the following manner:

145 (a) In any manner agreed upon, whether service occurs

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146 within or without this state;

147 (b) If service is within this state:

148 1. In the manner provided in ss. 48.021 and 48.031, or

149 2. If applicable under their terms, in the manner provided  
150 in ss. 48.161, 48.183, 48.23, or chapter 49; or

151 (c) If service is outside this state:

152 1. By personal service by any person authorized to serve  
153 process in the jurisdiction where service is being made or by  
154 any person appointed to do so by any competent court in that  
155 jurisdiction;

156 2. In any other manner prescribed by the laws of the  
157 jurisdiction where service is being made for service in an  
158 action before a local court of competent jurisdiction;

159 3. In the manner provided in any applicable treaty to which  
160 the United States is a party;

161 4. In the manner prescribed by order of the court;

162 5. By any form of mail requiring a signed receipt, to be  
163 addressed and dispatched by the clerk of the court to the person  
164 being served; or

165 6. If applicable, in the manner provided in chapter 49.

166 Section 9. This act shall take effect July 1, 2025.