

1 A bill to be entitled
2 An act relating to service of process; amending s. 30.231,
3 F.S.; authorizing a sheriff to charge a fee for processing
4 a writ of execution; authorizing a person to provide the
5 sheriff with an electronic copy of a process for service;
6 amending s. 48.031, F.S.; directing a process server to
7 place required information on the first page of at least
8 one of the processes served; requiring a process server to
9 list all initial pleadings delivered and served along with
10 the process on the return-of-service form; requiring the
11 person issuing the process to file the return-of-service
12 form with the court; granting authorized process servers
13 unannounced access to specified residential areas where a
14 defendant or witness resides or is known to be; amending
15 s. 48.081, F.S.; authorizing a person attempting to serve
16 process on the registered agent of a corporation to serve
17 the process, in specified circumstances, on any employee
18 of the registered agent during the first attempt at
19 service even if the registered agent is temporarily absent
20 from his or her office; amending s. 48.151, F.S.; revising
21 the number of copies of process that must be served on
22 statutory agents for certain persons; providing that
23 records may be retained as paper or electronic copies;
24 amending s. 48.21, F.S.; requiring a process server to
25 sign the return-of-service form; authorizing an employee
26 of a sheriff to sign a return-of-service form
27 electronically; providing that the failure to sign a
28 return-of-service form invalidates the service and

29 | subjects the process server to a fine; amending s. 48.29,
 30 | F.S.; directing a process server to place required
 31 | information on the first page of at least one of the
 32 | processes served; amending s. 624.423, F.S.; reducing the
 33 | number of copies to be served on the Chief Financial
 34 | Officer or an assistant as process agent of an insurer;
 35 | providing that records may be retained as paper or
 36 | electronic copies; providing an effective date.

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38 | Be It Enacted by the Legislature of the State of Florida:

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40 | Section 1. Paragraph (d) of subsection (1) and subsection
 41 | (3) of section 30.231, Florida Statutes, are amended to read:

42 | 30.231 Sheriffs' fees for service of summons, subpoenas,
 43 | and executions.—

44 | (1) The sheriffs of all counties of the state in civil
 45 | cases shall charge fixed, nonrefundable fees for docketing and
 46 | service of process, according to the following schedule:

47 | (d) Executions:

48 | 1. Forty dollars for processing ~~docketing and indexing~~
 49 | each writ of execution, regardless of the number of persons
 50 | involved.

51 | 2. Fifty dollars for each levy.

52 | a. A levy is considered made when any property or any
 53 | portion of the property listed or unlisted in the instructions
 54 | for levy is seized, or upon demand of the sheriff the writ is
 55 | satisfied by the defendant in lieu of seizure. Seizure requires
 56 | that the sheriff take actual possession, if practicable, or,

57 | alternatively, constructive possession of the property by order
 58 | of the court.

59 | b. When the instructions are for levy upon real property,
 60 | a levy fee is required for each parcel described in the
 61 | instructions.

62 | c. When the instructions are for levy based upon personal
 63 | property, one fee is allowed, unless the property is seized at
 64 | different locations, conditional upon all of the items being
 65 | advertised collectively and the sale being held at a single
 66 | location. However, if the property seized cannot be sold at one
 67 | location during the same sale as advertised, but requires
 68 | separate sales at different locations, the sheriff is then
 69 | authorized to impose a levy fee for the property and sale at
 70 | each location.

71 | 3. Forty dollars for advertisement of sale under process.

72 | 4. Forty dollars for each sale under process.

73 | 5. Forty dollars for each deed, bill of sale, or
 74 | satisfaction of judgment.

75 | (3) ~~It shall be the responsibility of~~ The party requesting
 76 | service of process must ~~to~~ furnish to the sheriff the original
 77 | process, or a certified copy of the process, or an electronic
 78 | copy of the process, which was signed and certified by the clerk
 79 | of court, and sufficient copies to be served on the parties
 80 | receiving the service of process. The party requesting service
 81 | of process shall provide the sheriff with the best known address
 82 | where the person may be served. Failure to perfect service at
 83 | the address provided does not excuse the sheriff from his or her
 84 | duty to exercise due diligence in locating the person to be

85 served.

86 Section 2. Subsection (5) of section 48.031, Florida
 87 Statutes, is amended, and subsection (7) is added to that
 88 section, to read:

89 48.031 Service of process generally; service of witness
 90 subpoenas.—

91 (5) A person serving process shall place, on the first
 92 page of at least one of the processes ~~copy~~ served, the date and
 93 time of service and his or her identification number and
 94 initials for all service of process. The person serving process
 95 shall list on the return-of-service form all initial pleadings
 96 delivered and served along with the process. The person issuing
 97 the process shall file the return-of-service form with the
 98 court.

99 (7) A gated residential community, including a condominium
 100 association or a cooperative, shall grant unannounced entry into
 101 the community, including its common areas and common elements,
 102 to a person who is attempting to serve process on a defendant or
 103 witness who resides within or is known to be within the
 104 community.

105 Section 3. Paragraph (a) of subsection (3) of section
 106 48.081, Florida Statutes, is amended to read:

107 48.081 Service on corporation.—

108 (3) (a) As an alternative to all of the foregoing, process
 109 may be served on the agent designated by the corporation under
 110 s. 48.091. However, if service cannot be made on a registered
 111 agent because of failure to comply with s. 48.091, service of
 112 process shall be permitted on any employee at the corporation's

113 principal place of business or on any employee of the registered
 114 agent. A person attempting to serve process pursuant to this
 115 paragraph may serve the process on any employee of the
 116 registered agent during the first attempt at service even if the
 117 registered agent is temporarily absent from his or her office.

118 Section 4. Subsection (1) of section 48.151, Florida
 119 Statutes, is amended, and subsection (6) is added to that
 120 section, to read:

121 48.151 Service on statutory agents for certain persons.—

122 (1) When any law designates a public officer, board,
 123 agency, or commission as the agent for service of process on any
 124 person, firm, or corporation, service of process thereunder
 125 shall be made by leaving one copy ~~two copies~~ of the process with
 126 the public officer, board, agency, or commission or in the
 127 office thereof, or by mailing one copy ~~said copies~~ to the public
 128 officer, board, agency, or commission. The public officer,
 129 board, agency, or commission so served shall retain a record
 130 ~~file one copy in his or her or its records~~ and promptly send the
 131 ~~other~~ copy served, by registered or certified mail, to the
 132 person to be served as shown by his or her or its records. Proof
 133 of service on the public officer, board, agency, or commission
 134 shall be by a notice accepting the process which shall be issued
 135 by the public officer, board, agency, or commission promptly
 136 after service and filed in the court issuing the process. The
 137 notice accepting service shall state the date upon which the
 138 copy of the process was mailed by the public officer, board,
 139 agency, or commission to the person being served and the time
 140 for pleading prescribed by the rules of procedure shall run from

141 | this date. The service is valid service for all purposes on the
 142 | person for whom the public officer, board, agency, or commission
 143 | is statutory agent for service of process.

144 | (6) For purposes of this section, records may be retained
 145 | as paper or electronic copies.

146 | Section 5. Section 48.21, Florida Statutes, is amended to
 147 | read:

148 | 48.21 Return of execution of process.—

149 | (1) Each person who effects service of process shall note
 150 | on a return-of-service form attached thereto, the date and time
 151 | when it comes to hand, the date and time when it is served, the
 152 | manner of service, the name of the person on whom it was served
 153 | and, if the person is served in a representative capacity, the
 154 | position occupied by the person. The return-of-service form must
 155 | be signed by the person who effects the service of process.

156 | However, a person employed by a sheriff who effects the service
 157 | of process may sign the return-of-service form using an
 158 | electronic signature certified by the sheriff.

159 | (2) A failure to state the ~~foregoing~~ facts or to include
 160 | the signature required by subsection (1) invalidates the
 161 | service, but the return is amendable to state the facts or to
 162 | include the signature ~~truth~~ at any time on application to the
 163 | court from which the process issued. On amendment, service is as
 164 | effective as if the return had originally stated the omitted
 165 | facts or included the signature. A failure to state all the
 166 | facts in or to include the signature on the return shall subject
 167 | the person effecting service to a fine not exceeding \$10, in the
 168 | court's discretion.

169 Section 6. Subsection (6) of section 48.29, Florida
 170 Statutes, is amended to read:

171 48.29 Certification of process servers.—

172 (6) A certified process server shall place the information
 173 required ~~provided~~ in s. 48.031(5) on the first page of at least
 174 one of the processes ~~copy~~ served. Return of service shall be
 175 made by a certified process server on a form which has been
 176 reviewed and approved by the court.

177 Section 7. Subsection (1) of section 624.423, Florida
 178 Statutes, is amended to read:

179 624.423 Serving process.—

180 (1) Service of process upon the Chief Financial Officer as
 181 process agent of the insurer (under s. 624.422) shall be made by
 182 serving a copy ~~copies in triplicate~~ of the process upon the
 183 Chief Financial Officer or upon her or his assistant, deputy, or
 184 other person in charge of her or his office. Upon receiving such
 185 service, the Chief Financial Officer shall retain a record ~~file~~
 186 ~~one copy in her or his office, return one copy with her or his~~
 187 ~~admission of service,~~ and promptly forward one copy of the
 188 process by registered or certified mail to the person last
 189 designated by the insurer to receive the same, as provided under
 190 s. 624.422(2). For purposes of this section, records may be
 191 retained as paper or electronic copies.

192 Section 8. This act shall take effect July 1, 2011.