



Legislative Chairman

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“GATES HAVE BEEN OPENED!”

TALLAHASSEE, Fla. -- Today, Governor Scott signed House Bill 59 Service of Process (presented by Rep. John P. Julien) into law effective July 1, 2011. This bill allows process servers unannounced entry into a gated residential community, including its common areas and common elements when the person is known to be within the community and requires parties to provide the original process, and e-copy signed by the clerk to the sheriff.

This bill also amends Florida statutes related to service of process on corporations. It allows process servers to serve process on any employee of the registered agent on the first attempt, even if the registered agent is only temporarily absent. HB 59 also clarifies where a Process Server is to annotate the documents served. As we move forward in being more cognizant of a green environment, this bill allows us to only serve one hard copy of the court documents to the Department of Financial Services.

It is FAPPS' position HB 59 will allow a private process server the ability to guarantee a constitutional right to all defendants and ensure due process without unnecessary delays. Allowing a process server entrance into a gated community area as an officer of the court will create an opportunity for expediting the legal process for all parties. This process server bill will assist in preventing a gate guard from obstructing justice by giving them unequivocal authority to allow a Process Server access. When one prevents a process server entrance into a gated community, the alternative was to publish the legal notice in a newspaper that the defendant might not read therefore resulting in a judgment of foreclosure or other type of judgment without ever having been notified of the action.