



From the desk of Lance Randall
Legislative Committee
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Legislative Report

It gives me great pleasure to report that Governor Scott signed into law House Bill 59 on June 17, 2011. House Bill 59 which is titled Service of Process (presented by Rep. John P. Julien) becomes effective July 1, 2011. This bill amends certain statutes and makes the following changes that apply to our profession.

48.031 Service of process generally; service of witness subpoenas, sections (5 & 7) were amended as follows: Section (5) clarifies that the person serving process shall place on the first page of at least one of the processes served the date, time, ID number and initials for all service of process and further specifies that the return of service shall have all of the documents served at that time listed on the return of service to be filed with the court. Section (7) was added in its entirety and reads: “A gated residential community, including a condominium association or a cooperative, shall grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.”

48.081 (3a) Service on a corporation was amended to specify that service may be made upon an employee of the registered agent on the first attempt even if the registered agent is temporarily absent.

48.151 (1 & 6) Service on statutory agents for certain persons & 624.423 (1) Service of process upon the Chief Financial Officer were amended to specify that the number of required copies for service has been reduced to only one copy rather than the previous two. As we move to a greener environment, this change requires them to make and retain a copy for their records which may be retained electronically.

The above were the bulk of the changes that apply to Private Process Servers. The complete version in its entirety along with the CHAPTER 2011-159 Committee Substitute for House Bill No. 59 which was filed with the Secretary of State, please visit www.fapps.org and look under the publications and news links.

This committee wishes to acknowledge and thank Chuck Taylor whom without his wisdom and guidance we could not have accomplished this feat, Bob Levy for his tireless efforts keeping this in the forefront of the legislative’s members, Representative John P. Julien for his support and Mike Compton who has made sacrifices beyond imagination to appear at a committee meeting on a moment’s notice. I wish to personally thank the people above for being the best teachers and role models an apprentice could ever have.

Now that we have finally accomplished the above we have begun planning the next set of proposed changes in our continuous effort to maintain and preserve our professional presence in the legal community.

We have again solicited the expertise of Chuck Taylor, and intend on working very closely with M-Daps in an effort to spearhead several issues that are alleviating the need to have process served. We are concentrating on correcting a civil rule of procedure that was implemented several years ago that allows records subpoenas to be mailed rather than served.

We also wish to look into the lack of enforcement and knowledge of Obstruction of Justice including statutes 843.01 & 843.02 regarding resisting an officer with and without violence. There seems to be an alarming increase of attacks on process servers which we feel needs to be addressed sooner rather than later.

We welcome any suggestions, comments and volunteers. Please feel free to email myself or Mike Compton and get more involved today. The next FAPPS board meeting will be held in Jupiter on August 12 & 13, 2011. I look forward to seeing you there.

With the warmest regards;
Lance Randall