

1 A bill to be entitled
2 An act relating to service of process; amending s.
3 30.231, F.S.; requiring sheriffs to charge a uniform
4 fee for service of process; amending s. 48.031, F.S.;
5 requiring an employer, employee, or representative or
6 agent of an employer to permit an authorized
7 individual to make service on an employee in a private
8 area designated by the employer; providing criminal
9 penalties for persons failing to comply with the
10 process; authorizing substitute service during the
11 first attempt of service at a business that is a sole
12 proprietorship under certain circumstances; requiring
13 the person requesting service or the person authorized
14 to serve the process to file the return-of-service
15 form; amending s. 48.081, F.S.; revising provisions
16 relating to service on a corporation; amending s.
17 56.27, F.S.; requiring the levying creditor to deliver
18 to the sheriff an affidavit setting forth how to pay
19 out moneys received under an execution sale; providing
20 that the sheriff is not liable for damages under
21 certain circumstances; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Paragraph (a) of subsection (1) of section
26 30.231, Florida Statutes, is amended to read:

27 30.231 Sheriffs' fees for service of summons, subpoenas,
28 and executions.—

29 (1) The sheriffs of all counties of the state in civil
 30 cases shall charge fixed, nonrefundable fees for ~~docketing and~~
 31 service of process, according to the following schedule:

32 (a) All summons or writs except executions: \$40 for each
 33 summons or writ to be served, ~~except when more than one summons~~
 34 ~~or writ is issued at the same time out of the same cause of~~
 35 ~~action to be served upon one person or defendant at the same~~
 36 ~~time, in which case the sheriff shall be entitled to one fee.~~

37 Section 2. Paragraph (b) of subsection (1), paragraph (b)
 38 of subsection (2), and subsection (5) of section 48.031, Florida
 39 Statutes, are amended to read:

40 48.031 Service of process generally; service of witness
 41 subpoenas.—

42 (1)

43 (b) An employer ~~Employers~~, employee, or a representative
 44 or agent of the employer, when contacted by an individual
 45 authorized to make service of process, must ~~shall~~ permit the
 46 authorized individual to make service on employees in a private
 47 area designated by the employer. If the employer, employee, or a
 48 representative or agent of the employer fails to comply with
 49 this paragraph, he or she commits a misdemeanor of the first
 50 degree, punishable as provided in s. 775.082 or s. 775.083.

51 (2)

52 (b) Substitute service may be made on an individual doing
 53 business as a sole proprietorship at his or her place of
 54 business, during regular business hours, by serving the person
 55 in charge of the business during the first attempt of service
 56 even if the owner is temporarily absent from his or her office

57 ~~at the time of service if two or more attempts to serve the~~
58 ~~owner have been made at the place of business.~~

59 (5) A person serving process shall place, on the first
60 page of at least one of the processes served, the date and time
61 of service and his or her identification number and initials for
62 all service of process. The person serving process shall list on
63 the return-of-service form all initial pleadings delivered and
64 served along with the process. The person requesting service or
65 the person authorized to serve ~~issuing~~ the process shall file
66 the return-of-service form with the court.

67 Section 3. Paragraph (b) of subsection (3) of section
68 48.081, Florida Statutes, is amended to read:

69 48.081 Service on corporation.—

70 (3)

71 (b) If the address ~~provided~~ for the registered agent,
72 officer, director, or principal place of business is a residence
73 or private mailbox, service on the corporation may be made by
74 serving the registered agent, officer, or director in accordance
75 with s. 48.031.

76 Section 4. Paragraph (d) is added to subsection (4) of
77 section 56.27, Florida Statutes, to read:

78 56.27 Executions; payment of money collected.—

79 (4) Before the date of the first publication or posting of
80 the notice of sale provided for under s. 56.21, at the time of
81 the levy request to the sheriff, the levying creditor shall
82 deliver to the sheriff an affidavit setting forth all of the
83 following as to the judgment debtor:

84 (d) A statement directing the sheriff how to pay out all

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85 | moneys received under an execution sale pursuant to subsections
86 | (1) and (2). The sheriff paying pursuant to the affidavit is not
87 | liable to anyone for damages arising from a wrongful levy and
88 | pay out.

89 | Section 5. This act shall take effect July 1, 2013.