

By Senator Dean

5-00578-15

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1 A bill to be entitled
 2 An act relating to service of process; amending s.
 3 48.031, F.S.; authorizing a criminal witness subpoena
 4 commanding a witness to appear for a deposition to be
 5 posted at the witness's residence by an authorized
 6 person if one attempt to serve the subpoena has
 7 failed; reenacting ss. 48.196(2) and 409.257(5), F.S.,
 8 to incorporate the amendment made to s. 48.031, F.S.,
 9 in references thereto; providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Paragraph (b) of subsection (3) of section
 14 48.031, Florida Statutes, is amended to read:

15 48.031 Service of process generally; service of witness
 16 subpoenas.—

17 (3)

18 (b) A criminal witness subpoena commanding the witness to
 19 appear for a court appearance may be posted by a person
 20 authorized to serve process at the witness's residence if three
 21 attempts to serve the subpoena, made at different times of the
 22 day or night on different dates, have failed. A criminal witness
 23 subpoena commanding the witness to appear for a deposition may
 24 be posted by a person authorized to serve process at the
 25 witness's residence if one attempt to serve the subpoena has
 26 failed. The subpoena must be posted at least 5 days before ~~prior~~
 27 ~~to~~ the date of the witness's required appearance.

28 Section 2. Subsection (2) of s. 48.196 and subsection (5)
 29 of s. 409.257, Florida Statutes, are reenacted for the purpose

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30 of incorporating the amendment made by this act to s. 48.031,
31 Florida Statutes, in references thereto.

32 Section 3. This act shall take effect July 1, 2015.