

By Senator Baxley

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20171424__

1 A bill to be entitled
2 An act relating to service of process; amending s.
3 48.021, F.S.; revising authority of special process
4 servers; revising a cross-reference; requiring that
5 civil witness subpoenas be served by certain persons;
6 requiring that electronic service be made only by
7 certain authorized individuals; amending s. 48.031,
8 F.S.; revising requirements for documenting service of
9 process; amending s. 48.062, F.S.; revising
10 requirements for service on limited liability
11 companies; amending s. 48.21, F.S.; revising
12 requirements for return-of-service forms; authorizing
13 certain persons to electronically sign return-of-
14 service forms; amending s. 48.27, F.S.; revising
15 authority of certified process servers; conforming
16 terminology; creating s. 49.13, F.S.; authorizing use
17 of electronic means for constructive service by
18 publication; requiring that such electronic service by
19 publication be made only in certain circumstances by
20 certain authorized individuals; providing an effective
21 date.

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

24
25 Section 1. Subsection (1) of section 48.021, Florida
26 Statutes, is amended to read:

27 48.021 Process; by whom served.—

28 (1) All process shall be served by the sheriff of the
29 county where the person to be served is found, except initial

12-00977-17

20171424__

30 nonenforceable civil process, criminal witness subpoenas, and
 31 criminal summonses may be served by a special process server
 32 appointed by the sheriff as provided ~~for~~ in this section or by a
 33 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~
 34 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by a ~~any~~
 35 person authorized by rules of civil procedure. Electronic
 36 service of process may only be made by an individual authorized
 37 under this chapter to serve process.

38 Section 2. Subsection (5) of section 48.031, Florida
 39 Statutes, is amended to read:

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

42 (5) A person serving process shall place, on the first page
 43 only of at least one of the processes served, the date and time
 44 of service, his or her initials, and, if applicable, his or her
 45 identification number and initials for all service of process.
 46 ~~The person serving process shall list on the return of service~~
 47 ~~form all initial pleadings delivered and served along with the~~
 48 ~~process.~~ The person requesting service or the person authorized
 49 to serve the process shall file the return-of-service form with
 50 the court.

51 Section 3. Subsection (4) of section 48.062, Florida
 52 Statutes, is amended to read:

53 48.062 Service on a limited liability company.—

54 (4) If the address ~~provided~~ for the registered agent,
 55 member, or manager is a residence, a ~~or~~ private mailbox, a
 56 virtual office, or an executive office or a mini suite, service
 57 on the domestic or foreign limited liability company, ~~domestic~~
 58 ~~or foreign~~, may be made by serving the registered agent, member,

12-00977-17

20171424__

59 or manager in accordance with s. 48.031.

60 Section 4. Subsection (1) of section 48.21, Florida
61 Statutes, is amended to read:

62 48.21 Return of execution of process.—

63 (1) Each person who effects service of process shall note
64 on a return-of-service form attached thereto, the date and time
65 when it comes to hand, the date and time when it is served, the
66 manner of service, the name of the person on whom it was served
67 and, if the person is served in a representative capacity, the
68 position occupied by the person. The return-of-service form must
69 list all pleadings served and be signed by the person who
70 effects the service of process. However, a person who is
71 authorized under this chapter to serve process and ~~employed by a~~
72 ~~sheriff~~ who effects such the service of process may sign the
73 return-of-service form using an electronic signature ~~certified~~
74 ~~by the sheriff~~.

75 Section 5. Paragraph (a) of subsection (2) of section
76 48.27, Florida Statutes, is amended to read:

77 48.27 Certified process servers.—

78 (2) (a) The addition of a person's name to the list
79 authorizes him or her to serve ~~initial~~ nonenforceable civil
80 process on a person found within the circuit where the process
81 server is certified when a civil action is ~~has been~~ filed
82 against such person in the circuit court or in a county court in
83 the state. Upon filing an action in circuit or county court, a
84 person may select from the list for the circuit where the
85 process is to be served one or more certified process servers to
86 serve initial nonenforceable civil process.

87 Section 6. Section 49.13, Florida Statutes, is created to

12-00977-17

20171424__

88 read:

89 49.13 Electronic service of process.—A court may authorize
90 that service by publication be effected through e-mail, posting
91 on the social networking web page of the person to be served, or
92 other electronic means, only if:

93 (1) A party requests such authorization by motion.

94 (2) An individual authorized under chapter 48 to serve
95 process certifies in a sworn affidavit that, after reasonable
96 diligence, personal service could not be effected.

97 (3) Any such electronic service by publication is made by
98 an individual authorized under chapter 48 to serve process.

99 Section 7. This act shall take effect July 1, 2017.