

1                   A bill to be entitled  
2           An act relating to judicial process; amending s.  
3           48.23, F.S.; providing that a person who acquires for  
4           value a lien on property during the course of  
5           specified legal actions takes such lien free of claims  
6           in certain circumstances; revising provisions relating  
7           to time requirements for intervention in certain  
8           proceedings; specifying the effect of a valid,  
9           recorded notice of lis pendens in certain  
10          circumstances involving a judicial sale; providing  
11          applicability; amending s. 48.021, F.S.; revising  
12          authority of special process servers; revising a  
13          cross-reference; requiring that civil witness  
14          subpoenas be served by certain persons; amending s.  
15          48.031, F.S.; revising requirements for substituted  
16          service on the spouse of the person to be served;  
17          revising requirements for documenting service of  
18          process; conforming terminology; amending s. 48.062,  
19          F.S.; revising requirements for service on limited  
20          liability companies; amending s. 48.194, F.S.;  
21          revising provisions specifying who may serve process  
22          outside of the state; revising requirements for  
23          documenting that service has been properly made  
24          outside the state; amending s. 48.21, F.S.; revising  
25          requirements for return-of-service forms; authorizing

26 | certain persons to electronically sign return-of-  
 27 | service forms; amending s. 316.29545, F.S.; exempting  
 28 | certified process servers from certain window  
 29 | sunscreening restrictions; providing an effective  
 30 | date.

31 |  
 32 | Be It Enacted by the Legislature of the State of Florida:

33 |  
 34 | Section 1. Paragraphs (b) and (d) of subsection (1) of  
 35 | section 48.23, Florida Statutes, are amended to read:

36 | 48.23 Lis pendens.—

37 | (1)

38 | (b)1. An action that is filed for specific performance or  
 39 | that is not based on a duly recorded instrument has no effect,  
 40 | except as between the parties to the proceeding, on the title  
 41 | to, or on any lien upon, the real or personal property unless a  
 42 | notice of lis pendens has been recorded and has not expired or  
 43 | been withdrawn or discharged.

44 | 2. Any person acquiring for value an interest in, or lien  
 45 | upon, the real or personal property during the pendency of an  
 46 | action described in subparagraph 1., other than a party to the  
 47 | proceeding or the legal successor by operation of law, or  
 48 | personal representative, heir, or devisee of a deceased party to  
 49 | the proceeding, shall take such interest or lien exempt from all  
 50 | claims against the property that were filed in such action by

51 | the party who failed to record a notice of lis pendens or whose  
52 | notice expired or was withdrawn or discharged, and from any  
53 | judgment entered in the proceeding, notwithstanding the  
54 | provisions of s. 695.01, as if such person had no actual or  
55 | constructive notice of the proceeding or of the claims made  
56 | therein or the documents forming the causes of action against  
57 | the property in the proceeding.

58 | (d) Except for the interest of persons in possession or  
59 | easements of use, the recording of such notice of lis pendens,  
60 | provided that during the pendency of the proceeding it has not  
61 | expired pursuant to subsection (2) or been withdrawn or  
62 | discharged, constitutes a bar to the enforcement against the  
63 | property described in the notice of all interests and liens,  
64 | including, but not limited to, federal tax liens and levies,  
65 | unrecorded at the time of recording the notice unless the holder  
66 | of any such unrecorded interest or lien moves to intervene  
67 | ~~intervenes~~ in such proceedings within 30 days after the  
68 | recording of the notice and the court ultimately grants the  
69 | motion. If the holder of any such unrecorded interest or lien  
70 | does not intervene in the proceedings and if such proceedings  
71 | are prosecuted to a judicial sale of the property described in  
72 | the notice, the property shall be forever discharged from all  
73 | such unrecorded interests and liens. A valid recorded notice of  
74 | lis pendens of such proceedings prosecuted to a judicial sale  
75 | remains in effect through the recording of any instrument

76 transferring title to the property pursuant to the final  
 77 judgment unless it expires, is withdrawn, or it is otherwise  
 78 discharged. If the notice of lis pendens expires or is withdrawn  
 79 or discharged, the expiration, withdrawal, or discharge of the  
 80 notice does not affect the validity of any unrecorded interest  
 81 or lien.

82 Section 2. The changes made by this act to s. 48.23,  
 83 Florida Statutes, are intended to clarify existing law and shall  
 84 apply to actions pending on the effective date of this act.

85 Section 3. Subsection (1) of section 48.021, Florida  
 86 Statutes, is amended to read:

87 48.021 Process; by whom served.—

88 (1) All process shall be served by the sheriff of the  
 89 county where the person to be served is found, except ~~initial~~  
 90 nonenforceable civil process, criminal witness subpoenas, and  
 91 criminal summonses may be served by a special process server  
 92 appointed by the sheriff as provided ~~for~~ in this section or by a  
 93 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~  
 94 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person  
 95 authorized by rules of civil procedure.

96 Section 4. Subsections (2) and (5) and paragraph (a) of  
 97 subsection (6) of section 48.031, Florida Statutes, are amended  
 98 to read:

99 48.031 Service of process generally; service of witness  
 100 subpoenas.—

101           (2) (a) Substituted ~~Substitute~~ service ~~may be made~~ on the  
102 spouse of the person to be served may be made at any place in a  
103 ~~the~~ county by an individual authorized under s. 48.021 or s.  
104 48.27 to serve process in that county, if the cause of action is  
105 not an adversarial ~~adversary~~ proceeding between the spouse and  
106 the person to be served, if the spouse requests such service or  
107 the spouse is also a party to the action, and if the spouse and  
108 person to be served reside ~~are residing~~ together in the same  
109 dwelling, regardless of whether such dwelling is located in the  
110 county where substituted service is made.

111           (b) Substituted ~~Substitute~~ service may be made on an  
112 individual doing business as a sole proprietorship at his or her  
113 place of business, during regular business hours, by serving the  
114 person in charge of the business at the time of service if two  
115 attempts to serve the owner are ~~have been~~ made at the place of  
116 business.

117           (5) A person serving process shall place, on the first  
118 page only of at least one of the processes served, the date and  
119 time of service, his or her initials or signature, and, if  
120 applicable, his or her identification number ~~and initials for~~  
121 ~~all service of process. The person serving process shall list on~~  
122 ~~the return-of-service form all initial pleadings delivered and~~  
123 ~~served along with the process.~~ The person requesting service or  
124 the person authorized to serve the process shall file the  
125 return-of-service form with the court.

126 (6) (a) If the only address for a person to be served which  
 127 is discoverable through public records is a private mailbox, a  
 128 virtual office, or an executive office or mini suite,  
 129 substituted ~~substitute~~ service may be made by leaving a copy of  
 130 the process with the person in charge of the private mailbox,  
 131 virtual office, or executive office or mini suite, but only if  
 132 the process server determines that the person to be served  
 133 maintains a mailbox, a virtual office, or an executive office or  
 134 mini suite at that location.

135 Section 5. Subsection (4) of section 48.062, Florida  
 136 Statutes, is amended to read:

137 48.062 Service on a limited liability company.—

138 (4) If the address ~~provided~~ for the registered agent,  
 139 member, or manager is a residence, a ~~or~~ private mailbox, a  
 140 virtual office, or an executive office or mini suite, service on  
 141 the domestic or foreign limited liability company, ~~domestic or~~  
 142 ~~foreign,~~ may be made by serving the registered agent, member, or  
 143 manager in accordance with s. 48.031.

144 Section 6. Subsection (1) of section 48.194, Florida  
 145 Statutes, is amended to read:

146 48.194 Personal service outside state.—

147 (1) Except as otherwise provided herein, service of  
 148 process on persons outside of this state shall be made in the  
 149 same manner as service within this state by any person ~~officer~~  
 150 authorized to serve process in the state where the person is

151 served. No order of court is required. ~~A~~ An affidavit of the  
152 ~~officer shall be filed, stating the time, manner, and place of~~  
153 ~~service.~~ The court may consider the return-of-service form  
154 described in s. 48.21 ~~affidavit~~, or any other competent  
155 evidence, in determining whether service has been properly made.  
156 Service of process on persons outside the United States may be  
157 required to conform to the provisions of the Hague Convention on  
158 the Service Abroad of Judicial and Extrajudicial Documents in  
159 Civil or Commercial Matters.

160 Section 7. Subsection (1) of section 48.21, Florida  
161 Statutes, is amended to read:

162 48.21 Return of execution of process.—

163 (1) Each person who effects service of process shall note  
164 on a return-of-service form attached thereto, the date and time  
165 when it comes to hand, the date and time when it is served, the  
166 manner of service, the name of the person on whom it was served,  
167 and, if the person is served in a representative capacity, the  
168 position occupied by the person. The return-of-service form must  
169 list all pleadings and documents served and be signed by the  
170 person who effects the service of process. However, a person who  
171 is authorized under this chapter to serve process and ~~employed~~  
172 ~~by a sheriff~~ who effects such ~~the~~ service of process may sign  
173 the return-of-service form using an electronic signature  
174 ~~certified by the sheriff.~~

175 Section 8. Section 316.29545, Florida Statutes, is amended

176 to read:

177 316.29545 Window suncreening exclusions; medical  
 178 exemption; certain law enforcement vehicles, process server  
 179 vehicles, and private investigative service vehicles exempt.-

180 (1) The department shall issue medical exemption  
 181 certificates to persons who are afflicted with Lupus, any  
 182 autoimmune disease, or other medical conditions which require a  
 183 limited exposure to light, which certificates shall entitle the  
 184 person to whom the certificate is issued to have suncreening  
 185 material on the windshield, side windows, and windows behind the  
 186 driver which is in violation of the requirements of ss.

187 316.2951-316.2957. The department shall consult with the Medical  
 188 Advisory Board established in s. 322.125 for guidance with  
 189 respect to the autoimmune diseases and other medical conditions  
 190 which shall be included on the form of the medical certificate  
 191 authorized by this section. At a minimum, the medical exemption  
 192 certificate shall include a vehicle description with the make,  
 193 model, year, vehicle identification number, medical exemption  
 194 decal number issued for the vehicle, and the name of the person  
 195 or persons who are the registered owners of the vehicle. A  
 196 medical exemption certificate shall be nontransferable and shall  
 197 become null and void upon the sale or transfer of the vehicle  
 198 identified on the certificate.

199 (2) The department shall exempt all law enforcement  
 200 vehicles used in undercover or canine operations from the window



201 | sunscreensing requirements of ss. 316.2951-316.2957.

202 |       (3) The department shall exempt from the window  
203 | sunscreensing restrictions of ss. 316.2953, 316.2954, and  
204 | 316.2956 vehicles that are owned or leased by process servers  
205 | certified pursuant to s. 48.29 or by private investigators or  
206 | private investigative agencies licensed under chapter 493.

207 |       (4) The department may charge a fee in an amount  
208 | sufficient to defray the expenses of issuing a medical exemption  
209 | certificate as described in subsection (1).

210 |       (5) The department is authorized to promulgate rules for  
211 | the implementation of this section.

212 |       Section 9. This act shall take effect upon becoming a law.