

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 amending s. 48.031, F.S.; revising requirements for
7 substituted service on the spouse of the person to be
8 served; revising requirements for documenting service
9 of process; conforming terminology; amending s.
10 48.062, F.S.; revising requirements for service on
11 limited liability companies; amending s. 48.194, F.S.;
12 revising provisions specifying who may serve process
13 outside of the state; revising requirements for
14 documenting that service has been properly made
15 outside the state; amending s. 48.21, F.S.; revising
16 requirements for return-of-service forms; authorizing
17 certain persons to electronically sign return-of-
18 service forms; amending s. 48.27, F.S.; revising
19 authority of certified process servers; conforming
20 terminology; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (1) of section 48.021, Florida
25 Statutes, is amended to read:

26 48.021 Process; by whom served.—

27 (1) All process shall be served by the sheriff of the
 28 county where the person to be served is found, except initial
 29 nonenforceable civil process, criminal witness subpoenas, and
 30 criminal summonses may be served by a special process server
 31 appointed by the sheriff as provided ~~for~~ in this section or by a
 32 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~
 33 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person
 34 authorized by rules of civil procedure.

35 Section 2. Subsections (2) and (5) and paragraph (a) of
 36 subsection (6) of section 48.031, Florida Statutes, are amended
 37 to read:

38 48.031 Service of process generally; service of witness
 39 subpoenas.—

40 (2) (a) Substituted ~~Substitute~~ service ~~may be made~~ on the
 41 spouse of the person to be served may be made at any place in a
 42 ~~the~~ county by an individual authorized under s. 48.021 or s.
 43 48.27 to serve process in that county, if the cause of action is
 44 not an adversarial ~~adversary~~ proceeding between the spouse and
 45 the person to be served, if the spouse requests such service or
 46 the spouse is also a party to the action, and if the spouse and
 47 person to be served reside ~~are residing~~ together in the same
 48 dwelling, regardless of whether such dwelling is located in the
 49 county where substituted service is made.

50 (b) Substituted ~~Substitute~~ service may be made on an

51 individual doing business as a sole proprietorship at his or her
52 place of business, during regular business hours, by serving the
53 person in charge of the business at the time of service if two
54 attempts to serve the owner are ~~have been~~ made at the place of
55 business.

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

65 (6) (a) If the only address for a person to be served which
66 is discoverable through public records is a private mailbox, a
67 virtual office, or an executive office or mini suite,
68 substituted ~~substitute~~ service may be made by leaving a copy of
69 the process with the person in charge of the private mailbox,
70 virtual office, or executive office or mini suite, but only if
71 the process server determines that the person to be served
72 maintains a mailbox, a virtual office, or an executive office or
73 mini suite at that location.

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

76 48.062 Service on a limited liability company.—

77 (4) If the address ~~provided~~ for the registered agent,
 78 member, or manager is a residence, a ~~or~~ private mailbox, a
 79 virtual office, or an executive office or mini suite, service on
 80 the domestic or foreign limited liability company, ~~domestic or~~
 81 ~~foreign,~~ may be made by serving the registered agent, member, or
 82 manager in accordance with s. 48.031.

83 Section 4. Subsection (1) of section 48.194, Florida
 84 Statutes, is amended to read:

85 48.194 Personal service outside state.—

86 (1) Except as otherwise provided herein, service of
 87 process on persons outside of this state shall be made in the
 88 same manner as service within this state by any person ~~officer~~
 89 authorized to serve process in the state where the person is
 90 served. No order of court is required. ~~An affidavit of the~~
 91 ~~officer shall be filed, stating the time, manner, and place of~~
 92 ~~service. A~~ The court may consider the return-of-service form
 93 described in s. 48.21 affidavit, or any other competent
 94 evidence, in determining whether service has been properly made.
 95 Service of process on persons outside the United States may be
 96 required to conform to the provisions of the Hague Convention on
 97 the Service Abroad of Judicial and Extrajudicial Documents in
 98 Civil or Commercial Matters.

99 Section 5. Subsection (1) of section 48.21, Florida
 100 Statutes, is amended to read:

101 48.21 Return of execution of process.—

102 (1) Each person who effects service of process shall note
 103 on a return-of-service form attached thereto, ~~the~~ the date and time
 104 when it comes to hand, the date and time when it is served, the
 105 manner of service, the name of the person on whom it was served,
 106 and, if the person is served in a representative capacity, the
 107 position occupied by the person. The return-of-service form must
 108 list all pleadings served and be signed by the person who
 109 effects the service of process. However, a person who is
 110 authorized under this chapter to serve process and ~~employed by a~~
 111 ~~sheriff~~ who effects such ~~the~~ service of process may sign the
 112 return-of-service form using an electronic signature ~~certified~~
 113 ~~by the sheriff~~.

114 Section 6. Paragraph (a) of subsection (2) of section
 115 48.27, Florida Statutes, is amended to read:

116 48.27 Certified process servers.—

117 (2) (a) The addition of a person's name to the list
 118 authorizes him or her to serve ~~initial~~ nonenforceable civil
 119 process on a person found within the circuit where the process
 120 server is certified when a civil action is ~~has been~~ filed
 121 against such person in the circuit court or in a county court in
 122 the state. Upon filing an action in circuit or county court, a
 123 person may select from the list for the circuit where the
 124 process is to be served one or more certified process servers to
 125 serve ~~initial~~ nonenforceable civil process.

126 | Section 7. This act shall take effect July 1, 2018. |