

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 to allow an authorized  
6           individual to make service on an employee in a private  
7           area designated by the employer; providing a civil  
8           fine for employers failing to comply with the process;  
9           revising provisions relating to substitute service if  
10          a specified number of attempts of service have been  
11          made at a business that is a sole proprietorship under  
12          certain circumstances; requiring the person requesting  
13          service or the person authorized to serve the process  
14          to file the return-of-service form; amending s.  
15          48.081, F.S.; revising provisions relating to service  
16          on a corporation; amending s. 56.27, F.S.; providing  
17          that a sheriff may rely on the affidavit submitted by  
18          the levying creditor; providing that the sheriff may  
19          apply for instructions from the court regarding the  
20          distribution of proceeds from a levy sale; providing  
21          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) Employers, when contacted by an individual authorized  
 44 to make service of process, must allow ~~shall permit~~ the  
 45 authorized individual to make service on employees in a private  
 46 area designated by the employer. An employer who fails to comply  
 47 with this paragraph commits a noncriminal violation, punishable  
 48 by a fine of up to \$1,000.

49 (2)

50 (b) Substitute service may be made on an individual doing  
 51 business as a sole proprietorship at his or her place of  
 52 business, during regular business hours, by serving the person  
 53 in charge of the business at the time of service if two ~~or more~~  
 54 attempts to serve the owner have been made at the place of  
 55 business.

56 (5) A person serving process shall place, on the first

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

64 | Section 3. Paragraph (b) of subsection (3) of section  
65 | 48.081, Florida Statutes, is amended to read:

66 | 48.081 Service on corporation.—

67 | (3)

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

73 | Section 4. Subsection (5) of section 56.27, Florida  
74 | Statutes, is amended, and subsection (6) is added to that  
75 | section, to read:

76 | 56.27 Executions; payment of money collected.—

77 | (5) A sheriff may rely upon the affidavit submitted as  
78 | required by this section, and a sheriff paying money received  
79 | under an execution in accordance with the information contained  
80 | in the affidavit under subsection (4) is not liable to anyone  
81 | for damages arising from a wrongful levy or wrongful  
82 | distribution of funds.

83 | (6) This section does not preclude a sheriff who is  
84 | uncertain as to whom to disburse the proceeds of the levy sale

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85 from applying for instructions from the court that entered the  
86 judgment that is the basis of the judgment lien or the  
87 appropriate court where the property subject to the levy was  
88 located at the time of the levy, provided the sheriff serves by  
89 process permitted under chapter 48 or by certified mail, return  
90 receipt requested, a copy of any such application and notice of  
91 hearing on the levying creditor, judgment debtor, and any other  
92 parties identified in the affidavit.

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