

ENROLLED

HB 627

2014 Legislature

1  
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; providing that such  
5 uniform fee does not include the cost of docketing;  
6 amending s. 48.031, F.S.; requiring an employer to  
7 allow an authorized individual to make service on an  
8 employee in a private area designated by the employer;  
9 providing a civil fine for employers who fail to  
10 comply with the process; revising provisions relating  
11 to substitute service if a specified number of  
12 attempts of service have been made at a business that  
13 is a sole proprietorship under certain circumstances;  
14 requiring the person requesting service or the person  
15 authorized to serve the process to file the return-of-  
16 service form; amending s. 48.081, F.S.; revising a  
17 provision related to service on a corporation;  
18 amending s. 56.27, F.S.; providing that a sheriff may  
19 rely on the affidavit submitted by the levying  
20 creditor; authorizing a sheriff to apply for  
21 instructions from the court regarding the distribution  
22 of proceeds from the sale of a levied property;  
23 providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
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ENROLLED

HB 627

2014 Legislature

27 Section 1. Subsection (1) of section 30.231, Florida  
 28 Statutes, is amended to read:

29 30.231 Sheriffs' fees for service of summons, subpoenas,  
 30 and executions.—

31 (1) The sheriffs of all counties of the state in civil  
 32 cases shall charge fixed, nonrefundable fees for ~~docketing and~~  
 33 service of process, according to the following schedule:

34 (a) All summons or writs except executions: \$40 for each  
 35 summons or writ to be served, ~~except when more than one summons~~  
 36 ~~or writ is issued at the same time out of the same cause of~~  
 37 ~~action to be served upon one person or defendant at the same~~  
 38 ~~time, in which case the sheriff shall be entitled to one fee.~~

39 (b) All writs except executions requiring a levy or  
 40 seizure of property: \$50 in addition to the \$40 fee as stated in  
 41 paragraph (a).

42 (c) Witness subpoenas: \$40 for each witness to be served.

43 (d) Executions:

44 1. Forty dollars for processing each writ of execution,  
 45 regardless of the number of persons involved.

46 2. Fifty dollars for each levy.

47 a. A levy is considered made when any property or any  
 48 portion of the property listed or unlisted in the instructions  
 49 for levy is seized, or upon demand of the sheriff the writ is  
 50 satisfied by the defendant in lieu of seizure. Seizure requires  
 51 that the sheriff take actual possession, if practicable, or,  
 52 alternatively, constructive possession of the property by order

ENROLLED

HB 627

2014 Legislature

53 of the court.

54 b. When the instructions are for levy upon real property,  
55 a levy fee is required for each parcel described in the  
56 instructions.

57 c. When the instructions are for levy based upon personal  
58 property, one fee is allowed, unless the property is seized at  
59 different locations, conditional upon all of the items being  
60 advertised collectively and the sale being held at a single  
61 location. However, if the property seized cannot be sold at one  
62 location during the same sale as advertised, but requires  
63 separate sales at different locations, the sheriff may ~~is~~ then  
64 ~~authorized to~~ impose a levy fee for the property and sale at  
65 each location.

66 3. Forty dollars for advertisement of sale under process.

67 4. Forty dollars for each sale under process.

68 5. Forty dollars for each deed, bill of sale, or  
69 satisfaction of judgment.

70 Section 2. Paragraph (b) of subsection (1), paragraph (b)  
71 of subsection (2), and subsection (5) of section 48.031, Florida  
72 Statutes, are amended to read:

73 48.031 Service of process generally; service of witness  
74 subpoenas.—

75 (1)

76 (b) An employer ~~Employers~~, when contacted by an individual  
77 authorized to serve ~~make service of~~ process, shall allow ~~permit~~  
78 the authorized individual to serve an employee ~~make service on~~

ENROLLED

HB 627

2014 Legislature

79 ~~employees~~ in a private area designated by the employer. An  
 80 employer who fails to comply with this paragraph commits a  
 81 noncriminal violation, punishable by a fine of up to \$1,000.

82 (2)

83 (b) Substitute service may be made on an individual doing  
 84 business as a sole proprietorship at his or her place of  
 85 business, during regular business hours, by serving the person  
 86 in charge of the business at the time of service if two ~~or more~~  
 87 attempts to serve the owner have been made at the place of  
 88 business.

89 (5) A person serving process shall place, on the first  
 90 page of at least one of the processes served, the date and time  
 91 of service and his or her identification number and initials for  
 92 all service of process. The person serving process shall list on  
 93 the return-of-service form all initial pleadings delivered and  
 94 served along with the process. The person requesting service or  
 95 the person authorized to serve ~~issuing~~ the process shall file  
 96 the return-of-service form with the court.

97 Section 3. Paragraph (b) of subsection (3) of section  
 98 48.081, Florida Statutes, is amended to read:

99 48.081 Service on corporation.—

100 (3)

101 (b) If the address ~~provided~~ for the registered agent,  
 102 officer, director, or principal place of business is a residence  
 103 or private mailbox, service on the corporation may be made by  
 104 serving the registered agent, officer, or director in accordance

ENROLLED

HB 627

2014 Legislature

105 with s. 48.031.

106 Section 4. Subsection (5) of section 56.27, Florida  
 107 Statutes, is amended, and subsection (6) is added to that  
 108 section, to read:

109 56.27 Executions; payment of money collected.—

110 (5) A sheriff may rely on the affidavit submitted as  
 111 required under this section, and a sheriff paying money received  
 112 under an execution in accordance with the information contained  
 113 in the affidavit required under subsection (4) is not liable to  
 114 anyone for damages arising from a wrongful levy or wrongful  
 115 distribution of funds.

116 (6) A sheriff who is uncertain as to whom to disburse the  
 117 proceeds from the sale of the levied property may apply for  
 118 instructions from:

119 (a) The court that entered the judgment that is the basis  
 120 of the judgment lien; or

121 (b) The appropriate court where the levied property was  
 122 located at the time of the levy,

123  
 124 if the sheriff serves, by process pursuant to chapter 48, by  
 125 certified mail, or by return receipt requested, a copy of his or  
 126 her application and the notice of hearing on the levying  
 127 creditor, the judgment debtor, and any other parties identified  
 128 in the affidavit.

129 Section 5. This act shall take effect July 1, 2014.