



Florida Association of Professional Process Servers

2019 Legislature - HB 91
has been signed by Governor DeSantis
Effective date: June 7, 2019

The Florida Association of Professional Process Servers (FAPPS) has been working for the past 3 years with our Lobbyist, Robert M. Levy and Associates, to propose changes to the Florida Statutes. Case law has confirmed in all instances that the statutes are to be strictly construed. Each suggested revision to Chapter 48 proposed and now passed has been in an effort to streamline wording to ensure compliance. Process Servers are required to comply with not only Chapter 48, but the Rules of Civil Procedure.

Here is a summary of the changes to Chapter 48 that are now in effect.

48.021 (1) Civil Witness Subpoenas – “shall” be served by any person authorized by the rules of civil procedure.

48.031 (2) (a) Substituted Service upon a spouse. Service may be made upon a spouse if;

- It is not an adversary proceeding between the spouse and the party to be served
- If the spouse requests the service or the spouse is also a party to the action
- They reside together in the same dwelling, regardless of whether such dwelling is located in the county where substituted service is made.

Summary: The spouse does not have to request service if they are also a party to the action. You may serve them anywhere as long as you are licensed or authorized to serve where the service is made and they still reside together.

48.031 (2) (b) Substituted service on a sole proprietorship (d/b/a) - language clarification.

Two attempts must be made before serving the person in charge of the business in the sole proprietors absence.

48.031 (5) The statute now reads you must place the date and hour of service, your initials or signature, and, IF APPLICABLE, your identification number.

Summary: This change was created to address issues in counties where process servers are serving by Motion and Order (or out of state) and do not have an identification number. It also re-affirms that you only have to place the required information on the first page of the process served. This does not change the requirement to follow the Rules of Civil Procedure to also include the date and hour of service on the original process filed with the return of service or affidavit.

48.062 (4) Updated the statute to remove the word “provided” and include virtual office, executive office and mini suite.

48.194 (1) Updated the statute to change the word from “officer” to “person” authorized to serve process.

48.21 Return of Service – updated to clarify language that all pleadings and documents served must be listed on the return of service. Electronic signatures are now permitted.

Reminder: If your jurisdiction requires a notarized affidavit you will not be able to utilize an electronic signature. This also includes counties where the process server is serving by Motion and Order. Rules of Civil Procedure require that an Affidavit is required when serving by Motion and Order.

F.S. 316.29545 Process Servers now are covered under the exemption for window screening.

If you have any questions regarding the changes to the statute please contact the administration office at (321) 952-0820 or email administrator@fapps.org.

Thank you to Legislative Chairman, Mike Compton, the Legislative Committee members, Robert M. Levy and Associates, and the Board of FAPPS lead by President Margaret Zawacki for their dedication and efforts in getting this bill passed.

We would also like to acknowledge and thank our bill sponsors, Senator Bobby Powell and Representative Thad Altman. This would not have been possible without their support.

All information regarding the changes to the law can be found at www.fapps.org and our Facebook page www.facebook.com/FAPPSonFB. We will publish a color coded PDF of the bill showing each of the changes the first part of the week. This will be published at <https://www.fapps.org/Legislation.aspx>. In the meantime we will send a separate email with the bill attachment.

We will discuss the changes in depth at the Professional Beach Getaway in Daytona Beach. This is a free seminar that will be held after our board meeting and luncheon on Saturday, August 17, 2019. Everyone is invited to attend the weekend event. Details and reservation link for the hotel are on the website.

**Diana Wardwell, AFPS
Administrator
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Mike Compton, FAPPS Legislative Chair and Marty Bowen, Robert M. Levy & Associates presenting FAPPS Award of Appreciation for Senator Bobby Powell (left photo) and Representative Thad Altman (right photo).





[Link for Meeting Information](#)



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OF PROFESSIONAL
PROCESS SERVERS**



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