

HB 291

2011

1 A bill to be entitled
2 An act relating to residential tenancies; amending s.
3 48.27, F.S.; authorizing certified process servers to
4 serve writs of possession in actions for possession of
5 residential property; amending s. 83.62, F.S.; conforming
6 provisions; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Subsection (2) of section 48.27, Florida
11 Statutes, is amended to read:

12 48.27 Certified process servers.—

13 (2)(a) The addition of a person's name to the list
14 authorizes him or her to serve initial nonenforceable civil
15 process on a person found within the circuit where the process
16 server is certified when a civil action has been filed against
17 such person in the circuit court or in a county court in the
18 state. Upon filing an action in circuit or county court, a
19 person may select from the list for the circuit where the
20 process is to be served one or more certified process servers to
21 serve initial nonenforceable civil process.

22 (b) The addition of a person's name to the list authorizes
23 him or her to serve criminal witness subpoenas and criminal
24 summonses on a person found within the circuit where the process
25 server is certified. The state in any proceeding or
26 investigation by a grand jury or any party in a criminal action,
27 prosecution, or proceeding may select from the list for the
28 circuit where the process is to be served one or more certified

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process servers to serve the subpoena or summons.

(c) The addition of a person's name to the list also authorizes him or her to serve writs of possession in actions for possession of real property pursuant to s. 83.62 on a person found within the circuit where the process server is certified. Upon entry of judgment in favor of the landlord and issuance of a writ by the clerk, a person may select from the list for the circuit where the process is to be served one or more certified process servers to serve the writ.

Section 2. Section 83.62, Florida Statutes, is amended to read:

83.62 Restoration of possession to landlord.—

(1) In an action for possession, after entry of judgment in favor of the landlord, the clerk shall issue a writ to the sheriff, or other person authorized by s. 48.27 to serve process, describing the premises and commanding the sheriff to put the landlord in possession after 24 hours' notice conspicuously posted on the premises.

(2) At the time the sheriff executes the writ of possession or at any time thereafter, the landlord or the landlord's agent may remove any personal property found on the premises to or near the property line. Subsequent to executing the writ of possession, the landlord may request the sheriff to stand by to keep the peace while the landlord changes the locks and removes the personal property from the premises. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by to keep the peace shall be responsible for paying the reasonable hourly

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57 | rate set by the sheriff. Neither the sheriff nor the landlord or
58 | the landlord's agent shall be liable to the tenant or any other
59 | party for the loss, destruction, or damage to the property after
60 | it has been removed.

61 | Section 3. This act shall take effect July 1, 2011.