

HB 667

2015

1 A bill to be entitled

2 An act relating to service of process; amending s.
3 48.031, F.S.; authorizing a criminal witness subpoena
4 commanding a witness to appear for a deposition to be
5 posted at the witness's residence by an authorized
6 person if one attempt to serve the subpoena has
7 failed; reenacting ss. 48.196(2) and 409.257(5), F.S.,
8 relating to service of process in actions under the
9 Florida International Commercial Arbitration Act and
10 of witness subpoenas served by the Department of
11 Children and Families in paternity or child support
12 proceedings, respectively, to incorporate the
13 amendment made to s. 48.031, F.S., in references
14 thereto; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (3) of section
19 48.031, Florida Statutes, is amended to read:

20 48.031 Service of process generally; service of witness
21 subpoenas.—

22 (3)

23 (b) A criminal witness subpoena commanding the witness to
24 appear for a court appearance may be posted by a person
25 authorized to serve process at the witness's residence if three
26 attempts to serve the subpoena, made at different times of the

27 | day or night on different dates, have failed. A criminal witness
 28 | subpoena commanding the witness to appear for a deposition may
 29 | be posted by a person authorized to serve process at the
 30 | witness's residence if one attempt to serve the subpoena has
 31 | failed. The subpoena must be posted at least 5 days before ~~prior~~
 32 | ~~to~~ the date of the witness's required appearance.

33 | Section 2. For the purpose of incorporating the amendment
 34 | made by this act to section 48.031, Florida Statutes, in a
 35 | reference thereto, subsection (2) of section 48.196, Florida
 36 | Statutes, is reenacted to read:

37 | 48.196 Service of process in connection with actions under
 38 | the Florida International Commercial Arbitration Act.—

39 | (2) The process served under subsection (1) shall include
 40 | a copy of the application to the court together with all
 41 | attachments thereto and shall be served in the following manner:

42 | (a) In any manner agreed upon, whether service occurs
 43 | within or without this state;

44 | (b) If service is within this state:

45 | 1. In the manner provided in ss. 48.021 and 48.031, or

46 | 2. If applicable under their terms, in the manner provided
 47 | in ss. 48.161, 48.183, 48.23, or chapter 49; or

48 | (c) If service is outside this state:

49 | 1. By personal service by any person authorized to serve
 50 | process in the jurisdiction where service is being made or by
 51 | any person appointed to do so by any competent court in that
 52 | jurisdiction;

53 2. In any other manner prescribed by the laws of the
54 jurisdiction where service is being made for service in an
55 action before a local court of competent jurisdiction;
56 3. In the manner provided in any applicable treaty to
57 which the United States is a party;
58 4. In the manner prescribed by order of the court;
59 5. By any form of mail requiring a signed receipt, to be
60 addressed and dispatched by the clerk of the court to the person
61 being served; or
62 6. If applicable, in the manner provided in chapter 49.
63 Section 3. For the purpose of incorporating the amendment
64 made by this act to section 48.031, Florida Statutes, in a
65 reference thereto, subsection (5) of section 409.257, Florida
66 Statutes, is reenacted to read:
67 409.257 Service of process.—
68 (5) Witness subpoenas shall be served by the department by
69 United States mail as provided for in s. 48.031(3).
70 Section 4. This act shall take effect July 1, 2015.