

CHAPTER 2015-59

Senate Bill No. 672

An act relating to service of process; amending s. 48.031, F.S.; authorizing a criminal witness subpoena commanding a witness to appear for a deposition to be posted at the witness's residence by an authorized person if one attempt to serve the subpoena has failed; reenacting ss. 48.196(2) and 409.257(5), F.S., to incorporate the amendment made to s. 48.031, F.S., in references thereto; providing an effective date.

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

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

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

(3)

(b) A criminal witness subpoena commanding the witness to appear for a court appearance may be posted by a person authorized to serve process at the witness's residence if three attempts to serve the subpoena, made at different times of the day or night on different dates, have failed. A criminal witness subpoena commanding the witness to appear for a deposition may be posted by a person authorized to serve process at the witness's residence if one attempt to serve the subpoena has failed. The subpoena must be posted at least 5 days before ~~prior to~~ the date of the witness's required appearance.

Section 2. Subsection (2) of s. 48.196 and subsection (5) of s. 409.257, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 48.031, Florida Statutes, in references thereto.

Section 3. This act shall take effect July 1, 2015.

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.