

By Senator Rodriguez

39-01225-21

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1                                   A bill to be entitled  
2       An act relating to service of process; amending s.  
3       48.031, F.S.; requiring employers to facilitate  
4       service by making employees available to accept  
5       service; increasing penalties for employers who fail  
6       to facilitate service; requiring persons in charge of  
7       private mailboxes, virtual offices, and executive  
8       offices or mini suites to confirm whether a person to  
9       be served maintains a private mailbox, virtual office,  
10      or executive office or mini suite at that location;  
11      providing penalties for a person in charge who refuses  
12      to make such confirmation; amending ss. 48.062 and  
13      48.081, F.S.; authorizing service on the registered  
14      agents of limited liability companies and corporations  
15      and other specified persons at any hour at a residence  
16      or personal mailbox; specifying that service is not  
17      required to be first attempted during the hours a  
18      corporation's registered office is required to be  
19      open; amending s. 48.27, F.S.; authorizing certified  
20      process servers to serve any nonenforceable civil  
21      process; amending ss. 48.111 and 1001.40, F.S.;  
22      authorizing municipal, state, and county agencies,  
23      boards, commissions, departments, or subdivisions, and  
24      school districts to designate one or more employees to  
25      accept service in lieu of specified officers and  
26      members; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraph (b) of subsection (1) and subsection  
31 (6) of section 48.031, Florida Statutes, are amended to read:

32 48.031 Service of process generally; service of witness  
33 subpoenas.—

34 (1)

35 (b) An employer, when contacted by an individual authorized  
36 to serve process, shall facilitate service of process by making  
37 the employee available to accept service and allow the  
38 authorized individual to serve the ~~an~~ employee in a private area  
39 designated by the employer. An employer who fails to comply with  
40 this paragraph commits a ~~noncriminal~~ violation of s. 843.02,  
41 ~~punishable by a fine of up to \$1,000.~~

42 (6) (a) If the only address for a person to be served which  
43 is discoverable through public records is a private mailbox, a  
44 virtual office, or an executive office or mini suite,  
45 substituted service may be made by leaving a copy of the process  
46 with the person in charge of the private mailbox, virtual  
47 office, or executive office or mini suite, but only if the  
48 process server determines that the person to be served maintains  
49 a mailbox, a virtual office, or an executive office or mini  
50 suite at that location.

51 (b) If the process server presents the name and address of  
52 the person to be served to the person in charge of the private  
53 mailbox, the virtual office, or the executive office or mini  
54 suite, the person in charge must confirm whether the person to  
55 be served maintains a private mailbox, a virtual office, or an  
56 executive office or mini suite at that location. Refusal by the  
57 person in charge to make such confirmation is a violation of s.  
58 843.02.

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59        ~~(c)(b)~~ For purposes of this subsection, the term "virtual  
60 office" means an office that provides communications services,  
61 such as telephone or facsimile services, and address services  
62 without providing dedicated office space, and where all  
63 communications are routed through a common receptionist. The  
64 term "executive office or mini suite" means an office that  
65 provides communications services, such as telephone and  
66 facsimile services, a dedicated office space, and other  
67 supportive services, and where all communications are routed  
68 through a common receptionist.

69        Section 2. Subsection (4) of section 48.062, Florida  
70 Statutes, is amended to read:

71        48.062 Service on a limited liability company.—

72        (4) (a) If the address for the registered agent, member, or  
73 manager is a residence, a private mailbox, a virtual office, or  
74 an executive office or mini suite, service on the domestic or  
75 foreign limited liability company may be made by serving the  
76 registered agent, member, or manager in accordance with s.  
77 48.031.

78        (b) If the address for the registered agent, member, or  
79 manager is a residence or a private mailbox, the service may be  
80 made at any hour and does not first need to be attempted during  
81 the hours a corporation's registered office is required to be  
82 open under s. 48.091(2).

83        Section 3. Paragraph (b) of subsection (3) of section  
84 48.081, Florida Statutes, is amended to read:

85        48.081 Service on corporation.—

86        (3)

87        (b) 1. If the address for the registered agent, officer,

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88 director, or principal place of business is a residence, a  
89 private mailbox, a virtual office, or an executive office or  
90 mini suite, service on the corporation may be made by serving  
91 the registered agent, officer, or director in accordance with s.  
92 48.031.

93 2. If the address for the registered agent, officer, or  
94 director is a residence or a private mailbox, the service may be  
95 made at any hour and does not first need to be attempted during  
96 the hours a corporation's registered office is required to be  
97 open under s. 48.091(2).

98 Section 4. Paragraph (a) of subsection (2) of section  
99 48.27, Florida Statutes, is amended to read:

100 48.27 Certified process servers.—

101 (2) (a) The addition of a person's name to the list  
102 authorizes him or her to serve ~~initial~~ nonenforceable civil  
103 process on a person found within the circuit where the process  
104 server is certified when a civil action has been filed against  
105 such person in the circuit court or in a county court in the  
106 state. Upon filing an action in circuit or county court, a  
107 person may select from the list for the circuit where the  
108 process is to be served one or more certified process servers to  
109 serve ~~initial~~ nonenforceable civil process.

110 Section 5. Section 48.111, Florida Statutes, is amended to  
111 read:

112 48.111 Service on public agencies and officers.—

113 (1) Process against any municipal corporation, agency,  
114 board, or commission, department, or subdivision of the state or  
115 any county which has a governing board, council, or commission  
116 or which is a body corporate shall be served:

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117 (a) On the president, mayor, chair, or other head thereof;  
118 and in his or her absence;

119 (b) On the vice president, vice mayor, or vice chair, or in  
120 the absence of all of the above;

121 (c) On any member of the governing board, council, or  
122 commission.

123 (2) Process against any public agency, board, commission,  
124 or department not a body corporate or having a governing board  
125 or commission shall be served on the public officer being sued  
126 or the chief executive officer of the agency, board, commission,  
127 or department.

128 (3) In any suit in which the Department of Revenue or its  
129 successor is a party, process against the department shall be  
130 served on the executive director of the department. This  
131 procedure is to be in lieu of any other provision of general  
132 law, and shall designate said department to be the only state  
133 agency or department to be so served.

134 (4) A public agency, board, commission, department, or  
135 subdivision described in subsection (1), subsection (2), or  
136 subsection (3) may designate one or more of its employees to  
137 accept service in lieu of the public officers and members  
138 described in subsection (1), subsection (2), or subsection (3).

139 Section 6. Section 1001.40, Florida Statutes, is amended to  
140 read:

141 1001.40 District school board to constitute a corporation.—

142 (1) The governing body of each school district shall be a  
143 district school board. Each district school board is constituted  
144 a body corporate by the name of "The School Board of ....  
145 County, Florida."

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146       (2) (a) In all suits against district school boards, service  
147 of process must ~~shall~~ be made ~~had~~ on the chair of the district  
148 school board or, if he or she cannot be found, on the district  
149 school superintendent as executive officer of the district  
150 school board or, in the absence of the chair and the district  
151 school superintendent, on another member of the district school  
152 board.

153       (b) A school district may designate one or more district  
154 employees to accept service of process in lieu of the school  
155 board officers and members described in paragraph (a).

156       Section 7. This act shall take effect July 1, 2021.