

By Senator Rodriguez

39-00771-22

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

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (1) and subsection (6) of section 48.031, Florida Statutes, are amended to read:

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

(1)

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

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

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

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59 843.02.

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

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

72 48.062 Service on a limited liability company.—

73 (4)(a) If the address for the registered agent, member, or
74 manager is a residence, a private mailbox, a virtual office, or
75 an executive office or mini suite, service on the domestic or
76 foreign limited liability company may be made by serving the
77 registered agent, member, or manager in accordance with s.
78 48.031.

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

84 Section 3. Paragraph (b) of subsection (3) of section
85 48.081, Florida Statutes, is amended to read:

86 48.081 Service on corporation.—

87 (3)

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88 (b)1. If the address for the registered agent, officer,
89 director, or principal place of business is a residence, a
90 private mailbox, a virtual office, or an executive office or
91 mini suite, service on the corporation may be made by serving
92 the registered agent, officer, or director in accordance with s.
93 48.031.

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

99 Section 4. Paragraph (a) of subsection (2) of section
100 48.27, Florida Statutes, is amended to read:

101 48.27 Certified process servers.-

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

111 Section 5. Subsection (4) is added to section 48.111,
112 Florida Statutes, to read:

113 48.111 Service on public agencies and officers.-

114 (4) A public agency, board, commission, department, or
115 subdivision described in subsection (1), subsection (2), or
116 subsection (3) may designate one or more of its employees to

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117 accept service in lieu of the public officers and members
118 described in subsection (1), subsection (2), or subsection (3).

119 Section 6. Section 1001.40, Florida Statutes, is amended to
120 read:

121 1001.40 District school board to constitute a corporation.—

122 (1) The governing body of each school district shall be a
123 district school board. Each district school board is constituted
124 a body corporate by the name of "The School Board of
125 County, Florida."

126 (2) (a) In all suits against district school boards, service
127 of process must ~~shall~~ be made ~~had~~ on the chair of the district
128 school board or, if he or she cannot be found, on the district
129 school superintendent as executive officer of the district
130 school board or, in the absence of the chair and the district
131 school superintendent, on another member of the district school
132 board.

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

136 Section 7. This act shall take effect July 1, 2022.