

By Senator Rodriguez

40-01682A-23

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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 the person in charge of a
4 private mailbox, a virtual office, or an executive
5 office or mini suite to confirm to a process server
6 that the person to be served maintains a private
7 mailbox, a virtual office, or an executive office or
8 mini suite at that location; prohibiting such person
9 in charge from refusing to verify if the person
10 maintains a private mailbox, a virtual office, or an
11 executive office or a mini suite; providing criminal
12 penalties; amending s. 48.061, F.S.; authorizing
13 service of process on a registered agent, partner, or
14 other specified person or entity if certain conditions
15 exist; amending s. 48.091, F.S.; revising the hours
16 during the day that the office of a registered agent
17 of specified entities must be open to accept service
18 of process; amending s. 48.184, F.S.; requiring that
19 service be attempted at least twice if unknown
20 occupants are in possession of a property; specifying
21 that the attempts of service must be made on different
22 days at specified times; requiring that service be
23 made in a specified manner if certain conditions
24 exist; amending s. 1001.40, F.S.; providing that
25 service may be made on any employee of a district
26 school board at its main office in suits against the
27 district school board, under certain circumstances;
28 providing an effective date.
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40-01682A-23

20231460__

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

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32 Section 1. Present paragraph (b) of subsection (6) of
33 section 48.031, Florida Statutes, is redesignated as paragraph
34 (c), and a new paragraph (b) is added to that subsection, to
35 read:

36 48.031 Service of process generally; service of witness
37 subpoenas.—

38 (6)

39 (b) If the process server presents the name and address of
40 the person to be served to the person in charge of the private
41 mailbox, virtual office, or executive office or mini suite, the
42 person in charge must confirm whether the person to be served
43 maintains a private mailbox, virtual office, or executive office
44 or mini suite at that location. A person who refuses to make
45 such confirmation commits a violation of s. 843.02.

46 Section 2. Subsection (6) is added to section 48.061,
47 Florida Statutes, as amended by chapter 2022-190, Laws of
48 Florida, to read:

49 48.061 Service on partnerships, limited liability
50 partnerships, and limited partnerships.—

51 (6) If the address for the registered agent, partner, or
52 any person or entity listed publicly by a partnership, domestic
53 limited liability partnership, domestic limited partnership,
54 foreign limited liability partnership, or foreign limited
55 partnership in its latest annual report, as most recently
56 amended, is a residence, a private mailbox, a virtual office, or
57 an executive office or mini suite, service on the partnership,
58 limited liability partnership, or limited partnership may be

40-01682A-23

20231460__

59 made by serving the registered agent, partner, or person or
60 entity listed in accordance with s. 48.031.

61 Section 3. Subsection (3) of section 48.091, Florida
62 Statutes, as amended by chapter 2022-190, Laws of Florida, is
63 amended to read:

64 48.091 Partnerships, corporations, and limited liability
65 companies; designation of registered agent and registered
66 office.—

67 (3) Every domestic limited liability partnership; domestic
68 limited partnership, including limited liability limited
69 partnerships; domestic corporation; domestic limited liability
70 company; registered foreign limited liability partnership;
71 registered foreign limited partnership, including limited
72 liability limited partnerships; registered foreign corporation;
73 registered foreign limited liability company; and domestic or
74 foreign general partnership that elects to designate a
75 registered agent, shall cause the designated registered agent to
76 keep the designated registered office open from ~~at least~~ 10 a.m.
77 to 4 p.m. ~~12 noon~~ each day except Saturdays, Sundays, and legal
78 holidays, and shall cause the designated registered agent to
79 keep one or more individuals who are, or are representatives of,
80 the designated registered agent on whom process may be served at
81 the office during these hours.

82 Section 4. Subsection (3) and paragraph (a) of subsection
83 (4) of section 48.184, Florida Statutes, are amended to read:

84 48.184 Service of process for removal of unknown parties in
85 possession.—

86 (3) Service must be attempted ~~The plaintiff shall attempt~~
87 ~~to serve the summons~~ on any unknown occupant of the property

40-01682A-23

20231460__

88 described in the summons and complaint. If service on the
89 unknown occupant is not effectuated on the first attempt, at
90 least one ~~two~~ additional attempt ~~attempts~~ must be made. The two
91 ~~three~~ attempts to obtain service must be made on different days,
92 once during business hours and ~~and~~ once during nonbusiness hours ~~and~~
93 ~~and once during a weekend~~. The process server shall make an
94 inquiry as to the name of the unknown occupant at the time of
95 service. The return of service must note the name of the
96 occupant if obtained by the process server or state that the
97 name of the occupant could not be obtained after inquiry. If the
98 name of the occupant becomes known to the plaintiff through the
99 return of service or otherwise, without notice or hearing
100 thereon, all subsequent proceedings must be conducted under the
101 true name of such occupant and all prior proceedings are deemed
102 amended accordingly.

103 (4) Service of process must also be made on unknown
104 occupants by both of the following means:

105 (a) By attaching the summons and complaint to a conspicuous
106 location on the premises involved in the proceedings if, after
107 two attempts, personal service of the summons and complaint is
108 not made in the manner provided in s. 48.031(1)(a).

109 Section 5. Section 1001.40, Florida Statutes, is amended to
110 read:

111 1001.40 District school board to constitute a corporation;
112 service of process.—

113 (1) The governing body of each school district is the ~~shall~~
114 ~~be a~~ district school board. Each district school board is
115 constituted a body corporate by the name of "The School Board of
116 County, Florida."

40-01682A-23

20231460__

117 (2) In all suits against district school boards, service of
118 process must be made; ~~shall be had~~

119 (a) On the chair of the district school board; ~~or, if he or~~
120 ~~she cannot be found,~~

121 (b) In the absence of the chair, on the district school
122 superintendent as executive officer of the district school
123 board; ~~or,~~

124 (c) In the absence of the chair and the district school
125 superintendent, on another member of the district school board,
126 the district school board's general counsel, or other in-house
127 attorney, if any; or

128 (d) In the absence of all persons listed in paragraphs (a),
129 (b), and (c), on any employee of the district school board at
130 its main office.

131 Section 6. This act shall take effect July 1, 2023.