



## Legislation Text

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**File #:** 22-0693, **Version:** 2

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**Agenda Item Name:**

Service of Process Resolution

**Presenter:**

Diana Johnson, County Attorney's Office

**Description:**

In response to a change in state law, it is request that a resolution be adopted appointing the County Attorney as the registered agent for the purpose of service of process.

**Recommended Action:**

Adopt the resolution appointing the County Attorney as a registered agent for the purpose of service of process.

**Prior Board Motions:**

N/A

**Fiscal Consideration:**

N/A

**Strategic Guide:**

N/A

**Background:**

In the 2022 legislative session, Section 48.111(1), Florida Statutes regarding the service of process on public agencies and officers was amended (Senate Bill 1062)(Laws of Florida 2022-190). The law becomes effective January 2, 2023. Under the new provisions, process against any municipal corporation, agency, board, or commission, department, or subdivision of the state, or any county which has a governing board, council, or commissioner or which is a body corporate will be served in the following order:

(a) upon the registered agent; or

(b) if none or cannot be served after attempt, then on (1) the president, mayor, chair or other head thereof, or if their absence then (2) on the vice president, vice mayor, or vice chair, or if their absence then (3) on any member of the governing board, council, or commission, the manager of the governmental entity, if any, or an in-house attorney for the governmental entity, and if in their absence then (4) on any employee of the governmental entity at the main office of the governmental entity.

The County Attorney provides legal representation for the County and defends legal actions as approved by the Board of County Commissioners. If approved, this Resolution would designate the County Attorney as the registered agent for the purpose of Section 48.111, Florida Statutes, as

amended. Additionally, the Resolution would allow for the County Attorney to delegate this authority to other attorneys in the Alachua County Attorney's Office.