

RESOLUTION NO. 22 - 111

A RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS DESIGNATING THE COUNTY ATTORNEY AS THE OFFICIAL AGENT TO ACCEPT PROCESS ON BEHALF OF PINELLAS COUNTY, THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, COUNTY COMMISSIONERS AND THE COUNTY ADMINISTRATOR WHEN NAMED IN OFFICIAL CAPACITIES; SUPERSEDING RESOLUTION NO. 90-206; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the Pinellas County Charter, Section 1.01 of the Pinellas County Code, Pinellas County is a body corporate and politic and may sue and be sued and be impleaded in all the courts of this state and in all matters whatsoever; and

WHEREAS, pursuant to Section 125.15, Florida Statutes (2022), the Board of County Commissioners, shall sue and be sued in the name of the Pinellas County; and

WHEREAS, pursuant to Section 768.28, Florida Statutes (2022), and generally applicable law, lawsuits against individual officers and employees of Pinellas County acting within the course and scope of their employment are generally suits against the County and not the individuals; and

WHEREAS, Section 48.111, Florida Statutes (2022), sets forth a hierarchy for service of process on public agencies and officers; and

WHEREAS, since 1990, the County Attorney has been authorized to accept summonses on behalf of the Board of County Commissioners; and

WHEREAS, process includes summonses and subpoenas; and

WHEREAS, service of process upon the County Attorney streamlines service of process for the County, other parties to litigation, and process servers; and

WHEREAS, the Pinellas County Board of County Commissioners deems it to be in the best interest of the County for its representative, the Pinellas County Attorney and the attorneys who serve thereunder, to receive and accept legal process directed to Pinellas County, any Pinellas County Department, the Pinellas County Board of County Commissioners, and any Commissioner of Pinellas County or the County Administrator when named in their official capacity.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners in a regular session duly assembled this 13th day of December, 2022, that:

1. Service of process directed to Pinellas County, any Pinellas County Department, the Pinellas County Board of County Commissioners, and any Commissioner of Pinellas County or the County Administrator when named in their official Capacity (hereafter collectively referred to as Pinellas County) is authorized to be made and should be made upon the County Attorney.
 - a. Regardless of the presence of the Chair, Vice-Chair, any County Commissioner or County Administrator, the County Attorney is designated to accept service of process on behalf of Pinellas County;
 - b. If the County Attorney is unavailable to accept service of process, service should be made upon the County Administrator;
 - c. If neither the County Attorney nor the County Administrator are available to accept service of process, service should be made at the main office of Pinellas County, 315 Court Street, 5th floor.
2. The designation of the County Attorney as the person authorized to accept service of process and the delegation to the County Attorney herein includes any attorneys employed by the County Attorney.
3. Service of process upon the County Attorney should be made at the Office of the County Attorney, 315 Court Street, 6th floor, Suite 600, Clearwater, FL 33756.
4. This Resolution supersedes Resolution No. 90-206 and shall take effect January 1, 2023.

Commissioner Peters offered the foregoing resolution and moved its adoption, which was seconded by Commissioner Flowers upon the roll call the vote was:

Ayes: Justice, Long, Eggers, Flowers, Latvala, Peters, and Scott.

Nays: None.

Absent and not voting: None.

APPROVED AS TO FORM

By: Jewel White
Office of the County Attorney