

1                   A bill to be entitled  
2           An act relating to service of process; amending s.  
3           48.091, F.S.; expanding the hours during which  
4           registered agents are required to keep the designated  
5           registered office open for the purpose of process  
6           service; specifying that certain registered agents may  
7           be served process in a specified manner; providing  
8           that process may be served on an employee of the  
9           registered agent in accordance with applicable law;  
10          authorizing a person attempting to serve process to  
11          serve an employee of the registered agent present at  
12          the registered office; amending s. 48.101, F.S.;  
13          authorizing service of process by personally serving  
14          the receiver for specified domestic entities in  
15          receivership during pendency of the receivership;  
16          amending s. 48.161, F.S.; requiring that a certain  
17          substituted service of process be issued in the name  
18          of the party to be served in care of the Secretary of  
19          State; deleting a provision requiring the Secretary of  
20          State to keep certain records; authorizing the use of  
21          a specified substituted service method under certain  
22          circumstances; requiring parties using such method to  
23          send the notice of service and a copy of the process  
24          to the last known physical and, if applicable,  
25          electronic addresses of the party being served;

26 | revising the information that must be contained in a  
 27 | certain affidavit of compliance; providing that the  
 28 | Secretary of State and the Department of State are not  
 29 | parties to lawsuits and may not be served additional  
 30 | court filings by reason of specified substituted  
 31 | service; amending s. 48.181, F.S.; specifying that  
 32 | registered agents must have been designated under a  
 33 | specified provision for a specified purpose;  
 34 | authorizing substituted service on the Secretary of  
 35 | State in specified circumstances; providing that  
 36 | certain individuals are deemed to have appointed the  
 37 | Secretary of State as their agents on whom all process  
 38 | may be served in certain actions and proceedings;  
 39 | providing retroactive application; providing  
 40 | applicability and construction; providing effective  
 41 | dates.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | **Section 1. Effective October 1, 2025, subsections (3) and**  
 46 | **(4) of section 48.091, Florida Statutes, are amended to read:**

47 | 48.091 Partnerships, corporations, and limited liability  
 48 | companies; designation of registered agent and registered  
 49 | office.—

50 | (3) Every domestic limited liability partnership; domestic

51 limited partnership, including limited liability limited  
52 partnerships; domestic corporation; domestic limited liability  
53 company; registered foreign limited liability partnership;  
54 registered foreign limited partnership, including limited  
55 liability limited partnerships; registered foreign corporation;  
56 registered foreign limited liability company; and domestic or  
57 foreign general partnership that elects to designate a  
58 registered agent, shall cause the designated registered agent to  
59 keep the designated registered office open from at least 10 a.m.  
60 to 12 noon and 2 p.m. to 4 p.m. each day except Saturdays,  
61 Sundays, and legal holidays, and shall cause the designated  
62 registered agent to keep one or more individuals who are, or are  
63 representatives of, the designated registered agent on whom  
64 process may be served at the office during these hours.

65 (4) (a) A registered agent who is a natural person may be  
66 served with process in accordance with s. 48.031.

67 (b) A person attempting to serve process at the registered  
68 office designated pursuant to subsection (2) on a registered  
69 agent who is a natural person, if such natural person is not  
70 present at the designated registered office at the time of  
71 service, may serve the process, including during the first  
72 attempt at service, on any employee of such natural person who  
73 is present at the designated registered office at the time of  
74 service.

75 (c) A person attempting to serve process at the registered

76 office designated pursuant to subsection (2) ~~this section~~ on a  
77 registered agent that is other than a natural person may serve  
78 the process in accordance with the provisions of applicable law  
79 relating to service of process on that type of entity or on any  
80 employee of the registered agent who is present at the  
81 designated registered office at the time of service. ~~A person~~  
82 ~~attempting to serve process pursuant to this section on a~~  
83 ~~natural person, if the natural person is temporarily absent from~~  
84 ~~his or her office, may serve the process during the first~~  
85 ~~attempt at service on any employee of such natural person.~~

86 **Section 2. Effective October 1, 2025, section 48.101,**  
87 **Florida Statutes, is amended to read:**

88 48.101 Service on domestic dissolved corporations,  
89 dissolved limited liability companies, dissolved limited  
90 partnerships, ~~and~~ dissolved limited liability partnerships, and  
91 business organizations in receivership.—

92 (1) Process against the directors of any corporation that  
93 was dissolved before July 1, 1990, as trustees of the dissolved  
94 corporation must be served on one or more of the directors of  
95 the dissolved corporation as trustees thereof and binds all of  
96 the directors of the dissolved corporation as trustees thereof.

97 (2) (a) Process against any other dissolved domestic  
98 corporation must be served in accordance with s. 48.081.

99 (b) In addition, provided that service was first properly  
100 attempted on the registered agent pursuant to s. 48.081(2), but

101 was not successful, service may then be attempted as required  
102 under s. 48.081(3). In addition to the persons listed in s.  
103 48.081(3), service may then be attempted on the person appointed  
104 by the circuit court as the trustee, custodian, or receiver  
105 under s. 607.1405(6).

106 (c) A party attempting to serve a dissolved domestic for-  
107 profit corporation under this section may petition the court to  
108 appoint one of the persons specified in s. 607.1405(6) to  
109 receive service of process on behalf of the corporation.

110 (3)(a) Process against any dissolved domestic limited  
111 liability company must be served in accordance with s. 48.062.

112 (b) In addition, provided that service was first properly  
113 attempted on the registered agent pursuant to s. 48.062(2), but  
114 was not successful, service may then be attempted as required  
115 under s. 48.062(3). In addition to the persons listed in s.  
116 48.062(3), service on a dissolved domestic limited liability  
117 company may be made on the person appointed as the liquidator,  
118 trustee, or receiver under s. 605.0709.

119 (c) A party attempting to serve a dissolved domestic  
120 limited liability company under this section may petition the  
121 court to appoint one of the persons specified in s. 605.0709(5)  
122 to receive service of process on behalf of the limited liability  
123 company.

124 (4) Process against any dissolved domestic limited  
125 partnership must be served in accordance with s. 48.061.

126        (5) Notwithstanding this section and during the pendency  
127 of the receivership, a party attempting to serve process on a  
128 domestic business entity, business trust, or sole proprietorship  
129 in receivership may effectuate service by personal service on  
130 the receiver.

131        **Section 3. Effective October 1, 2025, section 48.161,**  
132 **Florida Statutes, is amended to read:**

133        48.161 Method of substituted service on certain parties in  
134 care of the Secretary of State ~~nonresident.~~—

135        (1) When authorized by law, substituted service of process  
136 on a nonresident individual or a corporation or other business  
137 entity incorporated or formed under the laws of any other state,  
138 territory, or commonwealth, or the laws of any foreign country,  
139 may be made by sending a copy of the process to the office of  
140 the Secretary of State. Such process must be issued in the name  
141 of the party to be served, in the care of the Secretary of  
142 State, and must be made by personal delivery; by registered  
143 mail; by certified mail, return receipt requested; by use of a  
144 commercial firm regularly engaged in the business of document or  
145 package delivery; or by electronic transmission. Such ~~The~~  
146 service is sufficient service on a party that has appointed or  
147 is deemed to have appointed the Secretary of State as such  
148 party's agent for service of process. ~~The Secretary of State~~  
149 ~~shall keep a record of all process served on the Secretary of~~  
150 ~~State showing the day and hour of service.~~

151           (2) When an individual or a business entity is a  
152 nonresident or conceals his, her, or its whereabouts, the party  
153 seeking to effectuate service may, after exercising due  
154 diligence to locate and effectuate personal service, use the  
155 substituted service method specified in subsection (1) in  
156 connection with any action in which the court has jurisdiction  
157 over the individual or business entity.

158           (3) Whenever a party is using substituted service  
159 specified in subsection (1), notice of service and a copy of the  
160 process must also be sent forthwith to the party being served by  
161 the party effectuating service or by such party's attorney by  
162 registered mail; by certified mail, return receipt requested; or  
163 by use of a commercial firm regularly engaged in the business of  
164 document or package delivery. In addition, if the parties have  
165 recently and regularly used e-mail or other electronic means to  
166 communicate between themselves, the notice of service and a copy  
167 of the process must also be sent by such electronic means. ~~or,~~  
168 ~~if the party is being served by substituted service,~~ The notice  
169 of service and a copy of the process must be sent to the served  
170 ~~at such party's~~ last known physical address and, if applicable,  
171 last known electronic address of the party being served. The  
172 party effectuating service shall file proof of service or return  
173 receipts showing delivery to the other party by mail or courier  
174 and by electronic means, if electronic means were used, unless  
175 the party is actively refusing or rejecting the delivery of the

176 | notice or the party is concealing himself, herself, or itself.  
177 | An affidavit of compliance of the party effectuating service or  
178 | such party's attorney must be filed within 40 days after the  
179 | date of service on the Secretary of State or within such  
180 | additional time as the court allows. Before using substituted  
181 | service under this section, the affidavit of compliance must set  
182 | forth the facts that justify such substituted service ~~under this~~  
183 | ~~section~~ and must contain sufficient facts demonstrating that  
184 | ~~show~~ due diligence was exercised in attempting to locate and  
185 | effectuate personal service on the party, including any  
186 | information regarding the party's nonresidence or concealment,  
187 | or that the party is a business entity for which substituted  
188 | service is otherwise authorized by law ~~before using substituted~~  
189 | ~~service under this section.~~ The party effectuating service does  
190 | not need to allege in its original or amended complaint the  
191 | facts required to be set forth in the affidavit of compliance.

192 | (4) ~~(3)~~ When an individual or a business entity conceals  
193 | its whereabouts, the party seeking to effectuate service may,  
194 | after exercising due diligence to locate and effectuate personal  
195 | service, ~~may~~ use substituted service pursuant to subsection (1)  
196 | in connection with any action in which the court has  
197 | jurisdiction over such individual or business entity. The party  
198 | seeking to effectuate service must also comply with subsection  
199 | (3) ~~(2)~~; however, a return receipt or other proof showing  
200 | acceptance of receipt of the notice of service and a copy of the



201 process by the concealed party need not be filed.

202 (5)~~(4)~~ The party effectuating service is considered to  
 203 have used due diligence if that party:

204 (a) Made diligent inquiry and exerted an honest and  
 205 conscientious effort appropriate to the circumstances to acquire  
 206 the information necessary to effectuate personal service;

207 (b) In seeking to effectuate personal service, reasonably  
 208 employed the knowledge at the party's command, including  
 209 knowledge obtained pursuant to paragraph (a); and

210 (c) Made an appropriate number of attempts to serve the  
 211 party, taking into account the particular circumstances, during  
 212 such times when and where such party is reasonably likely to be  
 213 found, as determined through resources reasonably available to  
 214 the party seeking to secure service of process.

215 (6)~~(5)~~ If any individual on whom service of process is  
 216 authorized under subsection (1) dies, service may be made in the  
 217 same manner on his or her administrator, executor, curator, or  
 218 personal representative.

219 (7)~~(6)~~ The Secretary of State may designate an individual  
 220 in his or her office to accept service.

221 (8)~~(7)~~ Service of process is effectuated under this  
 222 section on the date the service is received by the Department of  
 223 State.

224 (9)~~(8)~~ The Department of State shall maintain a record of  
 225 each process served pursuant to this section and record the time

226 of and the action taken regarding the service. The Secretary of  
227 State and the Department of State are not parties to the lawsuit  
228 by reason of substituted service under this section, and  
229 additional court filings regarding such lawsuit may not be  
230 served upon or sent to the Secretary of State or the Department  
231 of State after the substituted service is effectuated.

232 ~~(10)-(9)~~ This section does not apply to persons on whom  
233 service is authorized under s. 48.151.

234 **Section 4. Effective October 1, 2025, present subsections**  
235 **(5) and (6) of section 48.181, Florida Statutes, are**  
236 **redesignated as subsections (6) and (7), respectively, a new**  
237 **subsection (5) is added to that section, and subsections (3) and**  
238 **(4) of that section are amended, to read:**

239 48.181 Substituted service on nonresidents and foreign  
240 business entities engaging in business in state or concealing  
241 their whereabouts.—

242 (3) If a foreign business entity has registered to do  
243 business in this state and has maintained its registration in an  
244 active status or otherwise continued to have a registered agent  
245 designated in accordance with s. 48.091, personal service of  
246 process must first be attempted on the foreign business entity  
247 in the manner and order of priority described in this chapter as  
248 applicable to the foreign business entity. If, after due  
249 diligence, the party seeking to effectuate service of process is  
250 unable to effectuate service of process on the foreign business

251 entity in the manner and order of priority ~~registered agent or~~  
252 ~~other official as~~ provided in this chapter, the party may use  
253 substituted service of process on the Secretary of State.

254 (4) Any individual or foreign business entity that  
255 conceals its whereabouts is deemed to have appointed the  
256 Secretary of State as its agent on whom all process may be  
257 served, in any action or proceeding against such individual or  
258 foreign business entity ~~it, or any combination thereof,~~ arising  
259 out of any transaction or operation connected with or incidental  
260 to any business or business venture carried on in this state by  
261 such individual or foreign business entity.

262 (5) Any individual who was a resident of this state and  
263 who subsequently became a nonresident is deemed to have  
264 appointed the Secretary of State as his or her agent on whom all  
265 process may be served in any action or proceeding against such  
266 individual arising out of any transaction or operation connected  
267 with or incidental to any business or business venture carried  
268 on in this state by such individual.

269 **Section 5.** (1) The amendments made to chapter 48, Florida  
270 Statutes, by chapter 2022-190, Laws of Florida, apply to causes  
271 of action that accrued on or after January 2, 2023, and to all  
272 causes of action that accrued before January 2, 2023, for which  
273 service of process was effectuated on or after January 2, 2023.

274 (2) Notwithstanding subsection (1), any service of process  
275 that occurred between January 2, 2023, and October 1, 2025,

276 which has not been invalidated by a court, is valid if such  
277 service complied with either chapter 48, Florida Statutes, as  
278 amended by chapter 2022-190, Laws of Florida, or the laws  
279 governing service of process in effect before January 2, 2023,  
280 which would have applied in the absence of chapter 2022-190,  
281 Laws of Florida.

282 (3) The amendments made by this act apply to all service  
283 of process made or effectuated on or after October 1, 2025,  
284 regardless of whether the cause of action accrued before, on, or  
285 after October 1, 2025.

286 (4) This section does not extend or modify the time for  
287 challenging the validity of any service of process and does not  
288 revive any ability to challenge the validity of service of  
289 process which has previously been waived.

290 **Section 6.** Except as otherwise expressly provided in this  
291 act, this act shall take effect upon becoming a law.