

CHAPTER 2025-13

Committee Substitute for House Bill No. 157

An act relating to service of process; amending s. 48.091, F.S.; expanding the hours during which registered agents are required to keep the designated registered office open for the purpose of process service; specifying that certain registered agents may be served process in a specified manner; providing that process may be served on an employee of the registered agent in accordance with applicable law; authorizing a person attempting to serve process to serve an employee of the registered agent present at the registered office; amending s. 48.101, F.S.; authorizing service of process by personally serving the receiver for specified domestic entities in receivership during pendency of the receivership; amending s. 48.161, F.S.; requiring that a certain substituted service of process be issued in the name of the party to be served in care of the Secretary of State; removing a provision requiring the Secretary of State to keep certain records; authorizing the use of a specified substituted service method under certain circumstances; requiring parties using such method to send the notice of service and a copy of the process to the last known physical and, if applicable, electronic addresses of the party being served; revising the information that must be contained in a certain affidavit of compliance; providing that the Secretary of State and the Department of State are not parties to lawsuits and may not be served additional court filings by reason of specified substituted service; amending s. 48.181, F.S.; specifying that registered agents must have been designated under a specified provision for a specified purpose; authorizing substituted service on the Secretary of State in specified circumstances; providing that certain individuals are deemed to have appointed the Secretary of State as their agents on whom all process may be served in certain actions and proceedings; providing retroactive application; providing applicability and construction; providing effective dates.

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

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

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

(3) Every domestic limited liability partnership; domestic limited partnership, including limited liability limited partnerships; domestic corporation; domestic limited liability company; registered foreign limited liability partnership; registered foreign limited partnership, including limited liability limited partnerships; registered foreign corporation; registered foreign limited liability company; and domestic or foreign general partnership that elects to designate a registered agent, shall cause the designated registered agent to keep the designated registered office open

from at least 10 a.m. to 12 noon and 2 p.m. to 4 p.m. each day except Saturdays, Sundays, and legal holidays, and shall cause the designated registered agent to keep one or more individuals who are, or are representatives of, the designated registered agent on whom process may be served at the office during these hours.

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

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

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

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

48.101 Service on domestic dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships, and business organizations in receivership.—

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

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

(b) In addition, provided that service was first properly attempted on the registered agent pursuant to s. 48.081(2), but was not successful, service may then be attempted as required under s. 48.081(3). In addition to the persons listed in s. 48.081(3), service may then be attempted on the person appointed by the circuit court as the trustee, custodian, or receiver under s. 607.1405(6).

(c) A party attempting to serve a dissolved domestic for-profit corporation under this section may petition the court to appoint one of the persons

specified in s. 607.1405(6) to receive service of process on behalf of the corporation.

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

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

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

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

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

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

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

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

(2) When an individual or a business entity is a nonresident or conceals his, her, or its whereabouts, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, use the substituted service method specified in subsection (1) in connection with

any action in which the court has jurisdiction over the individual or business entity.

~~(3)(2)~~ Whenever a party is using substituted service specified in subsection (1), notice of service and a copy of the process must also be sent forthwith to the party being served by the party effectuating service or by such party's attorney by registered mail; by certified mail, return receipt requested; or by use of a commercial firm regularly engaged in the business of document or package delivery. In addition, if the parties have recently and regularly used e-mail or other electronic means to communicate between themselves, the notice of service and a copy of the process must also be sent by such electronic means, ~~or, if the party is being served by substituted service,~~ The notice of service and a copy of the process must be sent to the served at such party's last known physical address and, if applicable, last known electronic address of the party being served. The party effectuating service shall file proof of service or return receipts showing delivery to the other party by mail or courier and by electronic means, if electronic means were used, unless the party is actively refusing or rejecting the delivery of the notice or the party is concealing himself, herself, or itself. An affidavit of compliance of the party effectuating service or such party's attorney must be filed within 40 days after the date of service on the Secretary of State or within such additional time as the court allows. The affidavit of compliance must set forth the facts that justify such substituted service ~~under this section~~ and must contain sufficient facts showing:

(a) That ~~show~~ due diligence was exercised in attempting to locate and effectuate personal service on the party; and

(b) To the extent applicable, the party's nonresidence, or concealment, or that the party is a business entity for which substituted service is otherwise authorized by law ~~before using substituted service under this section.~~ The party effectuating service does not need to allege in its original or amended complaint the facts required to be set forth in the affidavit of compliance.

~~(4)(3)~~ When an individual or a business entity conceals its whereabouts, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, ~~may~~ use substituted service pursuant to subsection (1) in connection with any action in which the court has jurisdiction over such individual or business entity. The party seeking to effectuate service must also comply with subsection ~~(3)~~ (2); however, a return receipt or other proof showing acceptance of receipt of the notice of service and a copy of the process by the concealed party need not be filed.

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

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

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

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

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

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

~~(8)(7)~~ Service of process is effectuated under this section on the date the affidavit of compliance is filed, or the date when the notice of service requirements under subsection (3) are completed, whichever is later service is received by the Department of State.

~~(9)(8)~~ The Department of State shall maintain a record of each process served pursuant to this section and record the time of and the action taken regarding the service. The Secretary of State and the Department of State are not parties to the lawsuit by reason of substituted service under this section, and additional court filings regarding such lawsuit may not be served upon or sent to the Secretary of State or the Department of State after the substituted service is effectuated.

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

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

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

(3) If a foreign business entity has registered to do business in this state and has maintained its registration in an active status or otherwise continued to have a registered agent designated in accordance with s. 48.091, personal service of process must first be attempted on the foreign business entity in the manner and order of priority described in this chapter as applicable to the foreign business entity. If, after due diligence, the party seeking to effectuate service of process is unable to effectuate service of process on the foreign business entity in the manner and order of priority registered agent or other official as provided in this chapter, the party may use substituted service of process on the Secretary of State.

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

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

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

(2) Notwithstanding subsection (1), any service of process that occurred between January 2, 2023, and October 1, 2025, which has not been invalidated by a court, is valid if such service complied with either chapter 48, Florida Statutes, as amended by chapter 2022-190, Laws of Florida, or the laws governing service of process in effect before January 2, 2023, which would have applied in the absence of chapter 2022-190, Laws of Florida.

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

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

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

Approved by the Governor April 29, 2025.

Filed in Office Secretary of State April 29, 2025.