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1
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; removing 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;

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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

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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

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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

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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.

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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.~~

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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)-(2) 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

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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. The affidavit of compliance
181 | must set forth the facts that justify such substituted service
182 | ~~under this section~~ and must contain sufficient facts showing:

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

185 | (b) To the extent applicable, the party's nonresidence, or
186 | concealment, or that the party is a business entity for which
187 | substituted service is otherwise authorized by law ~~before using~~
188 | ~~substituted service under this section.~~ The party effectuating
189 | service does not need to allege in its original or amended
190 | complaint the facts required to be set forth in the affidavit of
191 | 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

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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 affidavit of compliance is filed, or the
223 date when the notice of service requirements under subsection
224 (3) are completed, whichever is later ~~service is received by the~~
225 ~~Department of State.~~

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226 ~~(9)-(8)~~ The Department of State shall maintain a record of
227 each process served pursuant to this section and record the time
228 of and the action taken regarding the service. The Secretary of
229 State and the Department of State are not parties to the lawsuit
230 by reason of substituted service under this section, and
231 additional court filings regarding such lawsuit may not be
232 served upon or sent to the Secretary of State or the Department
233 of State after the substituted service is effectuated.

234 ~~(10)-(9)~~ This section does not apply to persons on whom
235 service is authorized under s. 48.151.

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

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

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

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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.

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

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

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

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