

By the Committee on Judiciary; and Senator Leek

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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 a
28 certain service of process is effectuated under
29 specified circumstances; providing that the Secretary

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

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

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

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

51 (3) Every domestic limited liability partnership; domestic
52 limited partnership, including limited liability limited
53 partnerships; domestic corporation; domestic limited liability
54 company; registered foreign limited liability partnership;
55 registered foreign limited partnership, including limited
56 liability limited partnerships; registered foreign corporation;
57 registered foreign limited liability company; and domestic or
58 foreign general partnership that elects to designate a

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

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

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

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

87 Section 2. Effective October 1, 2025, section 48.101,

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88 Florida Statutes, is amended to read:

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

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

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

100 (b) In addition, provided that service was first properly
101 attempted on the registered agent pursuant to s. 48.081(2), but
102 was not successful, service may then be attempted as required
103 under s. 48.081(3). In addition to the persons listed in s.
104 48.081(3), service may then be attempted on the person appointed
105 by the circuit court as the trustee, custodian, or receiver
106 under s. 607.1405(6).

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

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

113 (b) In addition, provided that service was first properly
114 attempted on the registered agent pursuant to s. 48.062(2), but
115 was not successful, service may then be attempted as required
116 under s. 48.062(3). In addition to the persons listed in s.

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117 48.062(3), service on a dissolved domestic limited liability
118 company may be made on the person appointed as the liquidator,
119 trustee, or receiver under s. 605.0709.

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

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

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

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

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

136 (1) When authorized by law, substituted service of process
137 on a nonresident individual or a corporation or other business
138 entity incorporated or formed under the laws of any other state,
139 territory, or commonwealth, or the laws of any foreign country,
140 may be made by sending a copy of the process to the office of
141 the Secretary of State. Such process must be issued in the name
142 of the party to be served, in the care of the Secretary of
143 State, and must be made by personal delivery; by registered
144 mail; by certified mail, return receipt requested; by use of a
145 commercial firm regularly engaged in the business of document or

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146 package delivery; or by electronic transmission. Such ~~The~~
147 service is sufficient service on a party that has appointed or
148 is deemed to have appointed the Secretary of State as such
149 party's agent for service of process. ~~The Secretary of State~~
150 ~~shall keep a record of all process served on the Secretary of~~
151 ~~State showing the day and hour of service.~~

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

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

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175 and by electronic means, if electronic means were used, unless
176 the party is actively refusing or rejecting the delivery of the
177 notice or the party is concealing himself, herself, or itself.
178 An affidavit of compliance of the party effectuating service or
179 such party's attorney must be filed within 40 days after the
180 date of service on the Secretary of State or within such
181 additional time as the court allows. The affidavit of compliance
182 must set forth the facts that justify such substituted service
183 ~~under this section~~ and must contain sufficient facts showing:

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

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

193 (4) ~~(3)~~ When an individual or a business entity conceals its
194 whereabouts, the party seeking to effectuate service may, after
195 exercising due diligence to locate and effectuate personal
196 service, ~~may~~ use substituted service pursuant to subsection (1)
197 in connection with any action in which the court has
198 jurisdiction over such individual or business entity. The party
199 seeking to effectuate service must also comply with subsection
200 (3) ~~(2)~~; however, a return receipt or other proof showing
201 acceptance of receipt of the notice of service and a copy of the
202 process by the concealed party need not be filed.

203 (5) ~~(4)~~ The party effectuating service is considered to have

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204 used due diligence if that party:

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

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

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

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

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

222 (8)~~(7)~~ Service of process is effectuated under this section
223 on the date the affidavit of compliance is filed, or the date
224 when the notice of service requirements under subsection (3) are
225 completed, whichever is later ~~service is received by the~~
226 ~~Department of State.~~

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

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233 served upon or sent to the Secretary of State or the Department
234 of State after the substituted service is effectuated.

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

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

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

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

257 (4) Any individual or foreign business entity that conceals
258 its whereabouts is deemed to have appointed the Secretary of
259 State as its agent on whom all process may be served, in any
260 action or proceeding against such individual or foreign business
261 entity ~~it, or any combination thereof~~, arising out of any

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262 transaction or operation connected with or incidental to any
263 business or business venture carried on in this state by such
264 individual or foreign business entity.

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

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

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

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

289 (4) This section does not extend or modify the time for
290 challenging the validity of any service of process and does not

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291 revive any ability to challenge the validity of service of
292 process which has previously been waived.

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