

CERTIFIED CIVIL PROCESS SERVER PROGRAM

**Administrative Office of the Courts
Eleventh Judicial Circuit of Florida**



INFORMATION MANUAL

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Certified Process Server

Oath of Office

“I understand that under Florida Law, anyone may file a lawsuit. It is up to the Court to determine the validity of the complaint. It is my duty, simply, to ensure that service is perfected in accordance with the Florida Statutes and Rules of Court, so that the case may proceed.

I will file all returns of service truthfully. I will testify and stand by my service if called upon. I will hold no opinion, nor prejudice regarding any paper I serve. I will remain a disinterested party in all process that I serve. I will not render legal advice nor speculate on the cause or outcome of the proceeding to any party that I serve. I will treat all parties with respect, compassion, and professionalism in the performance of my duties.

In accordance with section 48.29, Florida Statutes, I will ‘honestly, diligently, and faithfully exercise the duties of a certified process server.’”

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WHAT IS “PROCESS?” (A Brief Introduction)

The term “process” is used to refer to the means by which the court compels defendants and other interested persons (such as witnesses) to appear in court for both civil and criminal cases. Process is any type of formal court document directed to a particular named person commanding him or her to do or to refrain from doing an action. Process includes complaints, summons, writs, warrants, and other types of judicial documents. Two common forms of process are a “summons,” which requires a person to come to court, and a “subpoena,” which requires a witness to appear before a judge or court to testify.

Process must be correctly “served,” delivered to the person named in the process, in order for the court to acquire jurisdiction (i.e. power) over that person or their property. If process is not served correctly, the court may not legally consider the matter and any decision rendered by that court is subject to being voided. A judgment entered without service of process on the defendant is void and may be attacked at any time, even after one year has passed. *See M.L. Builders, Inc., v. Reserve Developers, LLP*, 769 So. 2d 1079 (Fla. 4th DCA 2000).

The purpose of process is to provide notice to the defendant (and to other interested persons) and warn him or her that the plaintiff has begun a judicial action or proceeding. This notice/warning ensures that the defendant will appear at the specified time and place to defend the action and protect his or her interests. Therefore, process is used both to inform the defendant and to vest jurisdiction over the person or the property in the court. *See Gribbel v. Henderson*, 10 So. 2d 734, 739 (1942), *aff’d* 14 So. 2d 809 (1943).

When the action/proceeding is filed, the court or clerk must issue the process against the defendant(s). Only when the court can confirm the delivery of process, may the court proceed with the action. If process is not served or if it is served incorrectly, the plaintiff or court may seek other methods of serving the defendant. For example, when it proves impossible to serve the first summons, the court/clerk can issue an “alias summons.” The third and subsequent time process issues, it is called “pluries.” *Premier Capital, LLC v. Davalle*, 994 So. 2d 360, 361 (Fla. 3d DCA 2008).

In summary, for process to be valid and enforceable, it must strictly conform to statutory and court rules:

- (a) it must contain the seal of the court;
- (b) it must be signed by the person who served it;
- (c) it must contain the required service information; and,
- (d) it must be served in the manner prescribed by law.

As an example of improper service, in *Willoughby v. Seese Realty, Inc.*, 421 So. 2d 691 (Fla. 4th DCA 1982), the court decided that where the summons and complaint were not delivered to petitioner or anyone else but were simply left at petitioner’s door, this was improper service, and the judgment should have been set aside. Similarly, in *Russell v. Zulla*, 556 So. 2d 1241 (Fla. 5th DCA 1990), the court held that it was fundamental that a copy of the initial pleading be

delivered at the time of personal service of process. Even though section 48.21 permitted amendment to the return of service for failure to include on the return the required information, there was no procedure by which failure to serve the initial complaint at the time of personal service could be corrected. Therefore, the service of process was quashed.

THE SERVICE OF PROCESS

A. Introduction

The term “service of process” refers to the delivery of judicial documents to the person(s) named in the documents in a manner that places the named person(s) on notice that a judicial action has commenced against him/her. As already noted, proper service also vests the court with jurisdiction (i.e. power) over the person named in the documents or their property.

Generally, there are two kinds of service: (1) actual, personal service is when the documents are delivered to the named person and either explained or read to him or her; and (2) substitute or constructive service occurs when the documents are either given to a person other than the named person who lives at the same home as the named person, or if the named person is not immediately available, by posting the documents at the home, by mailing them, or by publishing them in a newspaper.

All process must be served by the sheriff of the county where the named person is located. An exception to this statutory requirement is that in the case of initial nonenforceable civil process, a “special” or “certified” process server may be used. The Attorney General defined initial, non-enforceable process as civil process which is not required by statute to be delivered by the sheriff. *See Op. Att’y Gen. Fla. 89-01 (1989)*. Pursuant to section 48.021(1), Florida Statutes (2019), any person authorized by rules of civil procedure may serve civil witness subpoenas.

Under section 48.021(3), Florida Statutes (2019), the sheriff appoints a special process server. The special process server can only serve process in the county of the appointing sheriff. *See Cheshire v. Birenbaum*, 688 So. 2d 430 (Fla. 3d DCA 1997). A reasonable fee may be charged for the service of a special process server. The sheriff may revoke any appointment whenever it is determined that a special process server is not performing his or her job adequately. Any special process server who willfully and knowingly executes a false return or otherwise violates the oath of office is guilty of a felony and may be permanently barred from serving process in the state. § 48.021(4), Fla. Stat. (2019).

Pursuant to sections 48.25 - 48.31, Florida Statutes, the Florida Certified Process Server Act (the “Act”), the chief judge of each judicial circuit, like the sheriff above, may appoint certified process servers according to statute and rules of the court. The Act establishes the application procedure to become a certified process server. The Act also regulates how certified process servers may be terminated.

Any process served by anyone who is not approved by the court is invalid and will not be enforced. However, the court may appoint an appropriate person not interested in the action to serve process. The court may also specifically exclude a person from serving process.

B. Who May Be Served

Any person properly within the court's jurisdiction has both a duty and an obligation to accept the reasonable service of process. For example, in *Olin v. Haney*, 245 So. 2d 669 (Fla. 4th DCA 1971), the court decided that where a person flees from the process server in a deliberate attempt to avoid service, the delivery requirement may be satisfied if the process server leaves the papers at a place in which such person can easily retrieve them and takes reasonable steps to call such delivery to the attention of the person to be served. And, when more than one defendant or person is named in the process, service must be had as to all of them or the court will only be able to proceed against those on whom service was effectively carried out.

However, in *Henzel v. Noel*, 598 So. 2d 220 (Fla. 5th 1992), the court held service of process was insufficient where copies of the summons and complaint were placed under defendant's door and later mailed to the residence and not given to defendant or anyone 15 years of age or older who lived with him, where there was no evidence that defendant or anyone else was present at the residence when papers were placed under door, and where there was no indication that defendant attempted to evade service.

Substituted service may be had in many circumstances. For example, in *Sangmeister v. McElnea*, 278 So. 2d 675 (Fla. 3d DCA 1973), the court decided that the defendant's aunt who was a citizen of England and had been residing in the defendant's home for approximately four months at the time the summons and complaint were left with her at the defendant's home was a "person of the family over fifteen years of age" within the meaning of statute. Service of process was accomplished by leaving copies of the summons at the party's usual place of abode with some family member over age 15. The statute reads in part that service may be made at the usual place of abode of the person to be served, upon "any person residing therein who is 15 years of age or older and informing the person of their contents." § 48.031(1)(a), Fla. Stat. (2019). In *Couts v. Maryland Casualty Co.*, 306 So. 2d 594 (Fla. 2d DCA 1975), the court decided that service on defendant's mother-in-law, who was not living with defendant, but had instead come for a visit, was not sufficient to constitute substituted service on defendant. *See also Gamboa v. Jones*, 455 So. 2d 613 (Fla. 3d DCA 1984).

C. Where Process May Be Served

Process issued by the circuit court is effective throughout the entire state. It may be issued in one county and served on a person, who is a state resident, in another county. For example, in *Patten v. Mokher*, 184 So. 29 (Fla. 1938), the court decided that the circuit courts have jurisdiction over residents regardless of the county in which they reside, and, when reached by summons, they become subject to the court's orders and decrees.

However, if process is served by the sheriff or a person appointed by him or by a certified process server, it must be served in the county where the sheriff appointed the process server. *See* § 48.021(3), Fla. Stat. (2019); *Cheshire v. Birenbaum*, 688 So. 2d 430 (Fla. 3d DCA 1997). Although the court decided in *Abbate v. Provident Nat'l Bank*, 631 So. 2d 312 (Fla. 5th DCA 1994), that a process server certified in one county may serve civil process on a person found

within the circuit only when the action was also filed in the same circuit, the Florida Legislature abrogated this decision by enacting § 48.27(2), Florida Statutes (2009). This provision, effective July 1, 2009, provides that the addition of a person's name to the list of certified process servers authorizes him/her to "serve initial nonenforceable civil process on a person found within the circuit where the process server is certified when a civil action has been filed against such person in the circuit court or in a county court in the state." *Id.* Furthermore, an alias on a summons is "immaterial to the validity of service or the return" where the summons also includes the served-person's correct name and an alias. *Demos v. Landmark at Hillsboro Condo. Ass'n, Inc.*, 47 So. 3d 971, 972 (Fla. 4th DCA 2010).

D. Service on Sunday (Fla. Stat. § 48.20)

Service or execution on Sunday of any writ, process, warrant, order, or judgment is void and the person serving or executing, or causing it to be served or executed, is liable to the party aggrieved for damages for so doing as if he or she had done it without any process, writ, warrant, order, or judgment. If affidavit is made by the person requesting service or execution that he or she has good reason to believe that any person liable to have any such writ, process, warrant, order, or judgment served on him or her intends to escape from this state under protection of Sunday, any officer furnished with an order authorizing service or execution by the trial court judge may serve or execute such writ, process, warrant, order, or judgment on Sunday, and it is as valid as if it had been done on any other day.

E. Service on Minor (Fla. Stat. § 48.041)

There are three types of service on minors in the State of Florida:

- (1) If the minor is married or has ever been married, he or she may be served exactly as any other adult in the state;
- (2) If the minor has had a legal guardian appointed, the guardian must be served;
- (3) In all other cases, the minor is served by serving the parent or guardian.

For example, in *Jones v. Lucks*, 349 So. 2d 691 (Fla. 4th DCA 1977), the court found that the statute relating to service of process on an unmarried minor required reading the process out loud to the minor. The deputy sheriff did not comply with the statute where he merely handed papers to the minor and stated that someone was suing him. Therefore, service of process was insufficient.

See page 20, CPS Manual, Florida Statute § 48.041.

F. Service on State Prisoners (Fla. Stat. § 48.051)

Process on a prisoner is served exactly as on any other person in the state. In *Shurman v. Atlantic Mort. & Inv. Corp.*, 795 So. 2d 952 (Fla. 2001), the court decided that in a mortgage foreclosure action, the inmate's "usual place of abode" for purposes of serving the inmate was state prison.

See page 21, CPS Manual, Florida Statute § 48.051.

G. Service on the State of Florida and its state agencies (Fla. Stat. § 48.121)

Process against the state (when the state has consented to be sued) must be served on the state attorney or an assistant state attorney for the judicial circuit within which the action is brought and by sending two copies of the process by registered or certified mail to the Attorney General.

See page 30, CPS Manual, Florida Statute § 48.121.

IMMUNITY FROM SERVICE

A. Ambassadors, Consuls, and other Foreign Ministers

The Foreign Sovereign Immunities Act (FSIA) is the sole basis for obtaining jurisdiction over foreign state in United States courts. 28 U.S.C.A. § 1602 et seq. The United States Congress designates a method by which a plaintiff may serve a foreign nation with a summons and complaint. 28 U.S.C. § 1608. In *Republic of Sudan v. Harrison*, 203 L. Ed. 2d 433 (2019), the Supreme Court of the United States explained:

Section 1608(a) governs service of process on “a foreign state or political subdivision of a foreign state.” § 1608(a); Fed. Rule Civ. Proc. 4(j)(1). In particular, it sets out in hierarchical order the following four methods by which “[s]ervice ... shall be made.” 28 U.S.C. § 1608(a). The first method is by delivery of a copy of the summons and complaint “in accordance with any special arrangement for service between the plaintiff and the foreign state or political subdivision.” § 1608(a)(1). “[I]f no special arrangement exists,” service may be made by the second method, namely, delivery of a copy of the summons and complaint “in accordance with an applicable international convention on service of judicial documents.” § 1608(a)(2). If service is not possible under either of the first two methods, the third method, which is the one at issue in this case, may be used. This method calls for

“sending a copy of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the head of the ministry of foreign affairs of the foreign state concerned.” § 1608(a)(3) (emphasis added).

Finally, if service cannot be made within 30 days under § 1608(a)(3), service may be effected by sending the service packet “by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the Secretary of State in Washington, District of Columbia,” for transmittal “through diplomatic channels to the foreign state.” § 1608(a)(4).

We interpret § 1608(a)(3) as it is most naturally understood: A service packet must be addressed and dispatched to the foreign minister at the minister's office in the foreign state.

In addition, “persons entitled to diplomatic immunity are not proper agents for service under the FSIA.” *Harrison v. Republic of Sudan*, 838 F. 3d 86, 93 (2d Cir. 2016) (citing *Tachiona v. United States*, 386 F. 3d 205, 222 (2d Cir. 2004) (holding that § 1608(b)(2) does not authorize service on foreign officials present in United States as agents for a private political party)).

In fact, the “legislative history of the FSIA demonstrates unequivocally that the Act was not intended to affect the immunity of ‘diplomatic or consular representatives,’” that was established under the Vienna Convention and customary international law. *Tachiona*, 386 F. 3d at 222–23 (quoting H.R. Rep. 94–1487, at 21). “Under the terms of [the Vienna Convention], the United States, in its role as a receiving state of foreign missions, is obligated to protect and respect the premises of any foreign mission located within its sovereign territory.” *Bennett v. Islamic Republic of Iran*, 604 F. Supp. 2d 152, 159 (D.D.C. 2009), *aff’d*, 618 F. 3d 19 (D.C. Cir. 2010).

B. NonResidents Attending Court in a Foreign Jurisdiction

Under Florida law, “[i]t is well established ... that witnesses and suitors in attendance in court outside of the territorial jurisdiction of their residence are immune from service of process while attending court and for a reasonable time before and after going to court and in returning to their homes.” *Murphy & Jordan, Inc. v. Ins. Co. of N. Am.*, 278 So. 2d 296, 297 (Fla. 3d DCA 1973) (citation omitted). For example, in *Mallin v. Sunshine Kitchens, Inc.*, 314 So. 2d 203 (Fla. 3d DCA 1975), *cert. denied*, 330 So. 2d 22 (Fla. 1976), the court decided that process served upon a defendant who entered the jurisdiction for the purpose of discussing a settlement was invalid because it was served during a good-faith settlement conference.

In *Doe v. White*, 687 So. 2d 59, 60 (Fla. 5th DCA 1997) (quoting *Lamb v. Schmitt*, 285 U.S. 222, 224 (1932)), the court analyzed the below discussion of the immunity rule:

The general rule that witnesses, suitors, and their attorneys, while in attendance in connection with the conduct of one suit, are immune from service of process in another, is founded, not upon the convenience of the individuals, but of the court itself. As commonly stated and applied, it proceeds upon the ground that the due administration of justice requires that a court shall not permit interference with the progress of a cause pending before it, by the service of process in other suits, which would prevent, or the fear of which might tend to discourage, the voluntary attendance of those whose presence is necessary or convenient to the judicial administration in the pending litigation.

In addition, service of process is permitted on a nonresident attending court in a foreign jurisdiction if the process which issues is in a case that is related to the case for which the nonresident is in attendance and if the parties and the issues are identical. *Diaz v. First Capital Corp.*, 771 So. 2d 598 (Fla. 3d DCA 2000).

In the criminal context, section 941.25 of the Florida Statutes states:

Immunity from service of process in certain civil actions

A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which she or he is being or has been returned, until the person has been convicted in the criminal proceeding, or, if acquitted, until the person has had reasonable opportunity to return to the state from which she or he was extradited.

In addition, Courts may quash process served within the state upon a nonresident where it is determined that the service was only possible due to fraud or deceit.

TYPES OF SERVICE

A. Personal Service

Personal service is probably the most common way of obtaining service over a defendant and/or the defendant's property. It is also the most effective way of informing him or her that an action has commenced. Personal service is usually required for the court to obtain jurisdiction over the person. Personal service is carried out by physically delivering a copy of the process to the person to be served and explaining its contents to the person being served. However, it is no longer required to actually place the process in the named person's hands or to have the process touch the named person. Nevertheless, process must be served by someone authorized to deliver process for it to become legally effective.

Section 48.031(7), Florida Statutes (2019), mandates a gated residential community to permit unannounced entry to a process server. Section 48.031(7) states:

[a] gated residential community, including a condominium association or a cooperative, shall grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.

In *Alarcon v. Acuna*, 282 So. 3d 939 (Fla. 3d DCA 2019), the court reiterated that “[w]here . . . the person to be served flees from the presence of the process server in a deliberate attempt to avoid service of process, the delivery requirement . . . may be satisfied if the process server leaves the papers at a place from which such person can easily retrieve them and takes reasonable steps to call such delivery to the attention of the person to be served.” *Olin Corp. v. Haney*, 245 So. 2d 669, 670-71 (Fla. 4th DCA 1971) (citations omitted).

Additionally, in *Lieberman v. Commercial Nat’l Bank of Broward County*, 256 So. 2d 63 (Fla. 4th DCA 1971), the court decided that where a defendant, upon seeing a process server approach, ran into his house and closed the door, and where the process server, a deputy sheriff,

left a copy of the process and suit papers in the mailbox and afterwards observed the defendant exit his house and remove the papers from the mailbox, personal service on such defendant was effective.

In *Daniella Becker v. Timothy Becker*, 343 So. 3d 153 (Fla. 3d DCA 2022), a process server approached Daniella outside her father/counsel's house. The process server called out her married name, eliciting a response of “no.” Daniella proceeded to run into her father's residence without accepting the papers after the process server told her that he had a summons and complaint to serve on her. Also, the process server’s affidavit and testimony supported a conclusion that the process server clearly identified that he “had a summons and complaint and that [Daniella] was being served with a lawsuit,” that Daniella didn't accept the papers, that she didn't answer to her name, that she did not wait for an explanation of the contents of the papers, and that she proceeded into her father's house instead of accepting such service. *Becker* at 155. Citing *Lieberman*, the Becker court held that competent, substantial evidence supported trial court's conclusion that wife was properly served with petition.

However, in *Henzel v. Noel*, 598 So. 2d 220 (Fla. 5th 1992), the court held service of process was insufficient where copies of the summons and complaint were placed under defendant's door and later mailed to the residence and not given to defendant or anyone 15 years of age or older who lived with him, where there was no evidence that defendant or anyone else was present at the residence when papers were placed under door, and where there was no indication that defendant attempted to evade service.

When personal service is carried out, the process server must write the date and time of service, his or her identification number and initials on only the copy of the summons served, not on the copy of the complaint. *Nirk v. Bank of America*, 94 So. 3d 658 (Fla. 4th DCA 2012). Each person who effects service of process shall note on a return-of-service form attached thereto, the date and time when it comes into hand, the date and time when it is served, the manner of service, the name of the person on whom it was served, and if the person is served in a representative capacity, the position occupied by the person. The return-of-service must be signed by the person who effects the service of process. However, a person employed by a sheriff who effects the service of process may sign the return-of-service form using an electronic signature certified by the sheriff.

In *Koster v. Sullivan*, 103 So. 3d 882 (Fla. 2d DCA 2012), the court held that a return of service which stated that service was made via substitute service on defendant's sister-in-law was regular on its face, and thus service would be presumed valid, even though the return of service did not address the elements of the substitute service statute, such as stating that the sister-in-law was at least 15 years old and that the content of the process was explained to her. The court found that the statute governing the return of service required that it state the manner of service, but did not require reference to the statute governing such manner of service, and evidence that the elements of substitute service were not met could be used to rebut the presumption of validity. *Id.* However, the issue of whether a process server is required to expressly list the factors defining the “manner of service” on the return was certified as a question of great public importance. The Florida Supreme Court answered the certified question in the negative. The Florida Supreme Court held “that a facially valid return of service is not required to expressly list the factors defining the

‘manner of service’ contained in section 48.031(1)(a), Florida Statutes (2009), which are not included in the requirements of section 48.21, Florida Statutes (2009), defining valid return of service.” *Koster v. Sullivan*, 160 So. 3d 385, 386 (Fla. 2015).

Also, in *Aboudraah v. Tartus Group, Inc.*, 795 So. 2d 79 (Fla. 5th DCA 2000), the defendant’s assertion that she failed to answer the complaint because she lacked a mastery of the English language was insufficient to overcome the process server’s testimony that he had explained the contents of the summons and there was no indication that the defendant did not understand it.

B. Substituted and Constructive Service

Substituted service occurs when the process server delivers process to a person over age 15 who resides with the person named in the process. Substituted service may also be had by delivering process to another individual authorized by law or contract to receive the process for the named person. In both circumstances, the process server must explain to the person receiving the process what it contains. *See Sangmeister v. McElnea*, 278 So. 2d 675 (Fla. 3d DCA 1973). Additionally, substituted service may be made on an individual doing business as a sole proprietorship at his or her place of business, during regular business hours, by serving the person in charge of the business at the time of service if two attempts to serve the owner are made at the place of business. § 48.031, Fla. Stat. (2019).

Constructive service is made by publishing a notice with information about the action in the appropriate newspaper or by posting the notice in a place as authorized by law. Constructive notice also generally requires that a copy of the process be mailed to the person named at his or her last known address. Constructive service may also be carried out by posting the process on a conspicuous part of the premises. However, in *Knight Manor No. One, Inc. v. Freeman*, 254 So. 2d 375 (Fla. 3d DCA 1971), the court found that the deputy sheriff’s knocking on the premise’s door at 9:00 a.m. and leaving after receiving no response and then returning at 12:30 p.m. the same day, at which time the deputy, receiving no response, posted a copy of the complaint and summons on the door, were insufficient to establish that defendant could not be found in the county for purposes of permitting service by attaching the summons to the premises. Additionally, section 48.183(1), Florida Statutes (2003), permits attaching a copy of the process to a conspicuous place in any action for the possession of residential premises including actions filed pursuant to the Florida Residential Landlord and Tenant Act.

Plaintiffs must strictly comply with the statutes governing substituted service of process:

- Where non-resident corporate defendant is being served through the Secretary of State under § 48.161, the plaintiff must make an effort to find the individual non-resident defendants. Placing all the notices and copies of process addressed to the individual non-resident defendants into an envelope which is addressed to the corporate defendant and then served upon the Secretary of State does not constitute service upon the individual non-resident defendants. *Tire Group Int’l, Inc. v. Confianca Mudancas & Transportes*, 776 So. 2d 1057 (Fla. 3d DCA 2001).

- In a landlord-tenant action, where substituted service is accomplished by posting, this service confers jurisdiction on the court to determine the landlord's interest in the property. However, service by posting does not confer personal jurisdiction over the defendant. Therefore, when the landlord seeks a personal money judgment against the tenant, the tenant must be personally served. *Springbrook Commons, Ltd. v. Brown*, 761 So. 2d 1192 (Fla. 4th DCA 2000).
- Plaintiff must demonstrate exercise of due diligence when using substitute service under § 48.161 or § 48.171 to effect service upon a nonresident who is concealing his or her whereabouts. *Alvarado-Fernandez v. Mazoff*, 151 So. 3d 8 (Fla. 4th DCA 2014).
- "Repeated attempts at service on the wrong location do not amount to due diligence." *Societe Hellin, S.A. v. Valley Commercial Capital, LLC*, 254 So. 3d 1018, 1021 (Fla. 4th DCA 2018).

See also Green Emerald Homes, LLC v. PNC Bank, N.A., 207 So. 3d 1027 (Fla. 5th DCA 2017) ("Perfection of substituted service requires strict compliance with the statutory prerequisites because such service is an exception to personal service.").

C. Extraterritorial Service

Service of process may be had on a person outside Florida in the same manner as service is had within the state. *SDS-IC v. Fla. Concentrates Int'l, Inc.*, 157 So. 3d 389 (Fla. 2d DCA 2015). Process outside Florida must be served by a person authorized to serve the process in that jurisdiction. For example, in *Pina v. Simon-Pina*, 544 So. 2d 1161 (Fla. 5th DCA 1989), the court, noting that strict compliance with service of process statutes and procedures for out-of-state service was required, quashed service in Curacao for two reasons. First, because of a failure to record the manner of service and the name of the person served. Second, because an affidavit, which is required by the statute, was not attached to the return. Rather, an acknowledgment, in which the person merely declared that he executed and signed the document was attached. The court found that where an affidavit is called for, an acknowledgment would not suffice. *See also Takiff v. Takiff*, 683 So. 2d 595 (Fla. 3d DCA 1996) (The District Court of Appeal held that Illinois statute permitting process to be served "either by a sheriff or by a disinterested person appointed by the court" did not require appointment of process server by Illinois court, and permitted service of process in Illinois by private investigator specially appointed to serve process by Florida Circuit Court.).

SUBSTITUTED SERVICE BY LEAVING PROCESS AT PERSON'S "USUAL PLACE OF ABODE"

A. In general

As already noted above, service of process can be carried out by leaving copies of the complaint, petition, or other initial pleadings or papers at the "usual place of abode" of the party

to be served with any person of at least 15 years of age living in the same residence and by informing the person receiving the process of the contents. Whether there is any kinship by blood or marriage between the defendant and the person served at the defendant's abode is irrelevant.

Service of process is not effective where service is made on a "mere short-term houseguest" who is not a resident. *See Baker v. Stearns Bank, N.A.*, 84 So. 3d 1122 (Fla. 2d DCA 2012). Neither may service be carried out on a mere visitor. Additionally, the court in *Schupak v. Sutton Hill Assocs.*, 710 So. 2d 707 (Fla. 4th DCA 1998), decided that leaving process with the apartment doorman in the lobby was insufficient service.

The statute's requirements are to be strictly complied with; otherwise the service is void. For example, in *Stern v. Gad*, 505 So. 2d 531 (Fla. 3d DCA 1987), the court decided that mere ownership of a condominium and service upon the owner's wife would not suffice to establish "usual place of abode"; the defendant submitted an affidavit that he was not in the jurisdiction on the date of purported service, and that in fact he did not reside in the United States.

B. "Usual place of abode"

A party's "usual place of abode" is the place where the person to be served is actually living at the time of the service of process. *See Stettner v. Richardson*, 143 So. 3d 987, 990 (Fla. 3d DCA 2014) ("The term 'usual place of abode' means 'the place where the defendant is actually living at the time of service,' and a person can only have one 'usual place of abode'" (citation omitted)); *Cordova v. Jolcover*, 942 So. 2d 1045, 1046 (Fla. 2d DCA 2006) ("Usual place of abode' means 'the place where the defendant is actually living at the time of service.'" (citation omitted)).

"Residence" is not the same thing as "usual place of abode." *See Torres v. Arnco Const., Inc.*, 867 So. 2d 583, 586 (Fla. 5th DCA 2004) ("The word 'abode' means 'one's fixed place of residence for the time being when service is made.'" (citation omitted)). In *Katz-Luongo v. Amortegui*, 305 So. 3d 342, 343 (Fla. 3d DCA 2020), the court stated: "[i]t is well settled that for purposes of this statute, a person can only have one usual place of abode: the place they are living at the time service is made" when discussing the requirements of section 48.031(1)(a), Florida Statutes.

If a defendant has several residences, he or she must be served at the residence in which he or she is actually living at the time service is made. *See Demos v. Landmark at Hillsboro Condo. Ass'n, Inc.*, 47 So. 3d 971, 972 (Fla. 4th DCA 2010) ("Her affidavit states that she had not lived at that address for over 30 years and had not been a co-resident with him for over 13 years. If that was not her [condo owner's] usual place of abode, she could not be served there by delivering the summons to a resident at that address"). For example, in *Ward v. Gibson*, 349 So. 2d 173 (Fla. 3d DCA 1976), the court decided that service of process on the defendant's roommate at the roommate's leased parking space in the garage of the high-rise condominium apartment complex where defendant and roommate resided was not made at the defendant's "usual place of abode" and was not valid service. But, see the Fourth District's ruling in *Rokeach v. Glickstein*, 718 So. 2d 831 (Fla. 4th DCA 1998), where the court decided that service made by holding the process up to the car window of the named individual who had been hiding inside the house was effective. In this case, the process server intercepted the vehicle as it drove away from the house (8 to 10 feet from the house), identified himself and described the summons and complaint while holding them

up to the car window for five or six seconds before the driver pulled away. *See also Shurman v. Atlantic Mortgage*, 795 So. 2d 952 (Fla. 2001) (where “usual place of abode” was prison rather than home where inmate had lived with his wife).

CONSTRUCTIVE SERVICE BY PUBLICATION

In some types of cases, constructive service of process by publication, in place of personal service, is authorized by statute and by the rules of civil procedure. Constructive service statutes give a nonresident, unknown, absent, or concealed defendant the opportunity to come into court and defend the suit against him or her within the time specified in the order to appear. Statutes allowing service by publication must provide for sufficient notice of the action to be fair to the defendants and to satisfy federal and Florida due process requirements.

Generally, the statute must be strictly construed to give the court jurisdiction. However, substantial compliance with the statute’s essential requirements may suffice where the service gives reasonably sufficient notice that is fair to the defendant and satisfies due process requirements.

If personal service cannot be carried out after exercising reasonable diligence, notice by publication providing the defendant a reasonable opportunity to receive notice and to present his defense satisfies due process. However, if the statute’s essential requirements are not followed, a decision rendered on notice by publication is void as to the parties who do not appear or plead in the cause.

To ensure fairness, before the court proceeds with the action, it should satisfy itself that the plaintiff acted with diligence and good faith in attempting to make constructive service. *See Miller v. Partin*, 31 So. 3d 224, 228 (Fla. 5th DCA 2010). “When a plaintiff seeks service of process by publication, due process demands that an honest and conscientious effort, reasonably appropriate to the circumstances, be made to acquire the information necessary to fully comply with the controlling statutes.” *Id.*; *Knight Manor No. One, Inc. v. Freeman*, 254 So. 2d 375 (Fla. 3d DCA 1971) (The District Court of Appeal, Swann, C.J., held that actions of deputy sheriff in knocking on door of premises at 9:00 a.m. and leaving after receiving no response and in returning at 12:30 p.m. the same day, at which time deputy, receiving no response, posted copy of complaint and summons on door, were insufficient to establish that defendant could not be found in the county in which action was pending for purpose of permitting service by attaching summons to some part of the premises.).

RETURN OR PROOF OF SERVICE

A. In general

A “return” or “proof of service” is a written statement made by the person serving process attesting to the manner of the completion of service of process. The person serving process shall

make proof of service by affidavit promptly and in any event within the time during which the person served must respond to the process. Failure to make proof of service shall not affect the validity of the service. When any process is returned not executed or returned improperly executed for any defendant, the party causing its issuance shall be entitled to such additional process against the unserved party as is required to effect service. Fla. R. Civ. P. 1.070.

If the return is regular on its face, it serves as a basis for the court to assume that it has lawfully obtained jurisdiction over the defendant. However, if the return is defective on its face, it cannot be relied on as evidence that the court acquired jurisdiction over the defendant to whom the process was directed. Therefore, a court's jurisdiction over a matter may be suspended and could lie dormant until the plaintiff submits proper proof of service. *Re-Employment Services, Ltd. v. Nat'l Loan Acquisitions Co.*, 969 So. 2d 467 (Fla. 5th DCA 2007).

B. Forms and requisites

Pursuant to § 48.29(6), Florida Statutes (2011), a certified process server must note on the "first page only of at least one of the processes served" those items provided in § 48.031(5):

- (1) the date when it was served;
- (2) the time when it was served;
- (3) the Certified Process Server's identification number (if applicable); and
- (4) the Certified Process Server's initials or signature.

The return of service must comply with § 48.21, Fla. Stat. (2019), and include:

- (1) the date the process comes to hand;
- (2) the time the process comes to hand;
- (3) the date when it was served;
- (4) the time when it was served;
- (5) the manner of service (personal, substituted, etc.);
- (6) the name of the person on whom it was served;
- (7) the position occupied by the person served, if he or she was served in a representative capacity; and
- (8) the return-of-service form must list all pleadings and documents served and be signed by the person who effects the service of process. However, a person who is authorized under this chapter to serve process and who effects such service of process may sign the return-of-service form using an electronic signature.

According to Administrative Order 24-08, the return of service must also include:

- (1) the printed name, signature, and identification number of the certified process server; and
- (2) a statement that the person serving process is a certified process server in good standing in the judicial circuit in which the process was served and that the Certified Process Server is disinterested in the process being served.

In the case of joint defendants, the return should show that each of them was served in the manner required by law. A failure to indicate the required facts invalidates the service, but the return may be amended with the missing information at any time on application to the court, and on the amendment, the service becomes as effective as if the return had originally stated such facts. A failure to state the required facts in or to include the signature on the return subjects the person effectuating service to a discretionary fine not exceeding \$10. § 48.21(2), Fla. Stat. (2019).

In *Johnston v. Halliday*, 516 So. 2d 84 (Fla. 3d DCA 1987), the court decided that proving valid service required that there be evidence establishing (a) that the address was the defendant's usual place of abode, (b) the identity of the person served, (c) whether that person was over age fifteen (15), (d) whether that person resided at the address of service, and (e) whether that person was informed of the papers' contents. The return of service filed by the process server only stated that a copy of the process was left at the defendant's temporary residence with her son who was "of suitable age and discretion." Based on this information, the court found that although the return adequately identified that the party was served, it failed to state that he was over age fifteen (15) years old. The return also failed to state that the defendant's son resided with her or that the process server explained the contents of the papers to him. Therefore, the return of service was incorrect and service was quashed.

APPENDIX

- A. Florida Statutes, Chapter 48, Process and Service of Process**
- B. Miscellaneous Statutes and Rules Relating to the Service of Process**
- C. Legislative and Administrative Updates**
- D. Administrative Order No Administrative Order No. 24-08, In Re:
Reestablishment of Certification and Regulation of Certified Civil Process
Servers within the Eleventh Judicial Circuit of Florida, in and for Miami-Dade
County.**

A. CHAPTER 48

PROCESS AND SERVICE OF PROCESS

- 48.011 Process; how directed
- 48.021 Process; by whom served
- 48.031 Service of process generally; service of witness subpoenas
- 48.041 Service on minor
- 48.042 Service on incompetent
- 48.051 Service on state prisoners
- 48.061 Service on partnerships, limited liability partnerships, and limited partnerships
- 48.062 Service on a domestic limited liability company or registered foreign limited liability company
- 48.071 Service on agents of nonresidents doing business in the state
- 48.081 Service on a domestic corporation or registered foreign corporation
- 48.091 Partnerships, corporations, and limited liability companies; designation of registered agent and registered office
- 48.092 Service on financial institutions
- 48.101 Service on dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships
- 48.102 Service by other means
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- 48.131 Service on alien property custodian
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- 48.161 Method of substituted service on nonresident
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- 48.181 Substituted service on nonresidents and foreign business entities engaging in business in state or concealing their whereabouts
- 48.183 Service of process in action for possession of premises
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- 48.19 Service on nonresidents operating aircraft or watercraft in the state
- 48.193 Acts subjecting person to jurisdiction of courts of state
- 48.194 Personal service in another state, territory, or commonwealth of the United States
- 48.195 Service of foreign process
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- 48.197 Service in a foreign country
- 48.20 Service of process on Sunday
- 48.21 Return of execution of process
- 48.22 Cumulative to other laws
- 48.23 Lis pendens
- 48.25 Short title
- 48.27 Certified process servers

- 48.29 Certification of process servers
- 48.31 Removal of certified process servers; false return of service

Florida Statute § 48.011 Process; how directed.

Summons, subpoenas, and other process in civil actions run throughout the state. All process except subpoenas shall be directed to all and singular the sheriffs of the state.

Florida Statute § 48.021 Process; by whom served.

- (1) All process shall be served by the sheriff of the county where the person to be served is found, except nonenforceable civil process, criminal witness subpoenas, and criminal summonses may be served by a special process server appointed by the sheriff as provided in this section or by a certified process server as provided in s. 48.27. Civil witness subpoenas shall be served by any person authorized by rules of civil procedure.
- (2)(a) The sheriff of each county may, in his or her discretion, establish an approved list of natural persons designated as special process servers. The sheriff shall add to such list the names of those natural persons who have met the requirements provided for in this section. Each natural person whose name has been added to the approved list is subject to annual recertification and reappointment by the sheriff. The sheriff shall prescribe an appropriate form for application for appointment. A reasonable fee for the processing of the application shall be charged.
- (b) A person applying to become a special process server shall:
 - 1. Be at least 18 years of age.
 - 2. Have no mental or legal disability.
 - 3. Be a permanent resident of the state.
 - 4. Submit to a background investigation that includes the right to obtain and review the criminal record of the applicant.
 - 5. Obtain and file with the application a certificate of good conduct that specifies there is no pending criminal case against the applicant and that there is no record of any felony conviction, nor a record of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years.
 - 6. Submit to an examination testing the applicant's knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon, and the frequency and the location at which the examination is

offered must be prescribed by the sheriff. The examination must be offered at least once annually.

7. Take an oath that the applicant will honestly, diligently, and faithfully exercise the duties of a special process server.

- (c) The sheriff may prescribe additional rules and requirements directly related to subparagraphs (b)1.-7. regarding the eligibility of a person to become a special process server or to have his or her name maintained on the list of special process servers.
- (d) An applicant who completes the requirements of this section must be designated as a special process server provided that the sheriff of the county has determined that the appointment of special process servers is necessary or desirable. Each special process server must be issued an identification card bearing his or her identification number, printed name, signature and photograph, and an expiration date. Each identification card must be renewable annually upon proof of good standing.
- (e) The sheriff shall have the discretion to revoke an appointment at any time that he or she determines a special process server is not fully and properly discharging the duties as a special process server. The sheriff shall institute a program to determine whether the special process servers appointed as provided for in this section are faithfully discharging their duties pursuant to such appointment, and a reasonable fee may be charged for the costs of administering such program.
- (3) A special process server appointed in accordance with this section shall be authorized to serve process in only the county in which the sheriff who appointed him or her resides and may charge a reasonable fee for his or her services.
- (4) Any special process server shall be disinterested in any process he or she serves; and if the special process server willfully and knowingly executes a false return of service or otherwise violates the oath of office, he or she shall be guilty of a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084, and shall be permanently barred from serving process in Florida.

Florida Statute § 48.031 Service of process generally; service of witness subpoenas.

- (1)(a) Service of original process is made by delivering a copy of it to the person to be served with a copy of the complaint, petition, or other initial pleading or paper or by leaving the copies at his or her usual place of abode with any person residing therein who is 15 years of age or older and informing the person of their contents. Minors who are or have been married shall be served as provided in this section.
- (b) An employer, when contacted by an individual authorized to serve process, shall allow the authorized individual to serve an employee in a private area designated

by the employer. An employer who fails to comply with this paragraph commits a noncriminal violation, punishable by a fine of up to \$1,000.

- (2)(a) Substituted service on the spouse of the person to be served may be made at any place in a county by an individual authorized under s. 48.021 or s. 48.27 to serve process in that county, if the cause of action is not an adversarial proceeding between the spouse and the person to be served, if the spouse requests such service or the spouse is also a party to the action, and if the spouse and person to be served reside together in the same dwelling, regardless of whether such dwelling is located in the county where substituted service is made.
- (b) Substituted service may be made on an individual doing business as a sole proprietorship at his or her place of business, during regular business hours, by serving the person in charge of the business at the time of service if two attempts to serve the owner are made at the place of business.
- (3)(a) The service of process of witness subpoenas, whether in criminal cases or civil actions, shall be made as provided in subsection (1). However, service of a subpoena on a witness in a civil traffic case, a criminal traffic case, a misdemeanor case, or a second degree or third degree felony may be made by United States mail directed to the witness at the last known address, and the service must be mailed at least 7 days prior to the date of the witness's required appearance. Failure of a witness to appear in response to a subpoena served by United States mail that is not certified may not be grounds for finding the witness in contempt of court.
- (b) A criminal witness subpoena commanding the witness to appear for a court appearance may be posted by a person authorized to serve process at the witness's residence if three attempts to serve the subpoena, made at different times of the day or night on different dates, have failed. A criminal witness subpoena commanding the witness to appear for a deposition may be posted by a person authorized to serve process at the witness's residence if one attempt to serve the subpoena has failed. The subpoena must be posted at least 5 days before the date of the witness's required appearance.
- (4)(a) Service of a criminal witness subpoena upon a law enforcement officer or upon any federal, state, or municipal employee called to testify in an official capacity in a criminal case may be made as provided in subsection (1) or by delivery to a designated supervisory or administrative employee at the witness's place of employment if the agency head or highest ranking official at the witness's place of employment has designated such employee to accept such service. However, no such designated employee is required to accept service:
 - 1. For a witness who is no longer employed by the agency at that place of employment;

2. If the witness is not scheduled to work prior to the date the witness is required to appear; or
3. If the appearance date is less than 5 days from the date of service.

The agency head or highest ranking official at the witness's place of employment may determine the days of the week and the hours that service may be made at the witness's place of employment.

- (b) Service may also be made in accordance with subsection (3) provided that the person who requests the issuance of the criminal witness subpoena shall be responsible for mailing the subpoena in accordance with that subsection and for making the proper return of service to the court.
- (5) A person serving process shall place, on the first page only of at least one of the processes served, the date and time of service, his or her initials or signature, and, if applicable, his or her identification number. The person requesting service or the person authorized to serve the process shall file the return-of-service form with the court.
- (6)(a) If the only address for a person to be served which is discoverable through public records is a private mailbox, a virtual office, or an executive office or mini suite, substituted service may be made by leaving a copy of the process with the person in charge of the private mailbox, virtual office, or executive office or mini suite, but only if the process server determines that the person to be served maintains a mailbox, a virtual office, or an executive office or mini suite at that location.
- (b) For purposes of this subsection, the term “virtual office” means an office that provides communications services, such as telephone or facsimile services, and address services without providing dedicated office space, and where all communications are routed through a common receptionist. The term “executive office or mini suite” means an office that provides communications services, such as telephone and facsimile services, a dedicated office space, and other supportive services, and where all communications are routed through a common receptionist.
- (7) A gated residential community, including a condominium association or a cooperative, shall grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.

Florida Statute § 48.041 Service on minor.

- (1) Process against a minor who has never been married shall be served:

- (a) By serving a parent or guardian of the minor as provided for in s. 48.031 or, when there is a legal guardian appointed for the minor, by serving the guardian as provided for in s. 48.031.
 - (b) By serving the guardian ad litem or other person, if one is appointed by the court to represent the minor. Service on the guardian ad litem is unnecessary when he or she appears voluntarily or when the court orders the appearance without service of process on him or her.
- (2) In all cases heretofore adjudicated in which process was served on a minor as prescribed by any law heretofore existing, the service was lawfully made, and no proceeding shall be declared irregular or illegal if a guardian ad litem appeared for the minor.

Florida Statute § 48.042 Service on incompetent.

- (1) Process against an incompetent shall be served:
- (a) By serving two copies of the process to the person who has care or custody of the incompetent or, when there is a legal guardian appointed for the incompetent, by serving the guardian as provided in s. 48.031.
 - (b) By serving the guardian ad litem or other person, if one is appointed by the court to represent the incompetent. Service on the guardian ad litem is unnecessary when he or she appears voluntarily or when the court orders the appearance without service of process on him or her.
- (2) In all cases heretofore adjudicated in which process was served on an incompetent as prescribed by any law heretofore existing, the service was lawfully made, and no proceeding shall be declared irregular or illegal if a guardian ad litem appeared for the incompetent.

Florida Statute § 48.051 Service on state prisoners.

Process against a state prisoner shall be served on the prisoner.

Florida Statute § 48.061 Service on partnerships, limited liability partnerships, and limited partnerships. Effective: January 2, 2023.

- (1)(a) Process against a partnership that is not a limited liability partnership or a limited partnership, including a limited liability limited partnership, must be served on any partner and is as valid for service on the partnership as if served on each individual partner.
- 1. If a partner is not available during regular business hours to accept service on behalf of

the partnership, he or she may designate an employee or agent to accept such service.

2. After one attempt to serve a partner or designated employee or agent for service of process has been made, process may be served on a person in charge of the partnership during regular business hours.

(b) If the partnership designated an agent when registering as a general partnership with the Department of State, service on the agent is as valid for service on the partnership as if served on each individual partner; however, unless individual partners are served, the plaintiff may only proceed to judgment and execution against the assets of the partnership.

(2)(a) Process against a domestic limited liability partnership must first be served on the then-current registered agent for service of process specified in its statement of qualification, in its statement of qualification as amended or restated, or as redesignated in its annual report or change of agent filing and is as valid for service on the limited liability partnership as if served on each individual partner. If service cannot be made on the registered agent because the domestic limited liability partnership ceases to have a registered agent, or if the registered agent cannot otherwise be served after one good faith attempt because of a failure to comply with this chapter or chapter 620, the process may be served on any partner.

1. If a partner is not available during regular business hours to accept service on behalf of the partnership, he or she may designate an employee to accept such service.
2. After one attempt to serve a partner or designated employee has been made, process may be served on a person in charge of the partnership during regular business hours.

(b) If, after due diligence, the process cannot be completed under paragraph (a), the process may be served as provided in s. 48.161 on the Secretary of State as an agent of the domestic limited liability partnership or by order of the court under s. 48.102.

(3)(a) 1. Process against a domestic limited partnership, including a domestic limited liability limited partnership, must first be served on the then-current agent for service of process specified in its certificate of limited partnership, in its certificate as amended or restated, or as redesignated in its annual report or change of agent filing and is as valid for service on the domestic limited partnership as if served on each individual general partner of the partnership.

2. If service cannot be made on the registered agent because the domestic limited partnership or domestic limited liability limited partnership ceases to have a registered agent, or if the registered agent cannot otherwise be served following one

good faith attempt because of a failure to comply with this chapter or chapter 620, the process may be served on any general partner.

3. After service on a general partner or the registered agent, the plaintiff may proceed to judgment and execution against the assets of the domestic limited partnership or of that general partner, unless the domestic limited partnership is a limited liability limited partnership.

- (b) If, after due diligence, the process cannot be completed under paragraph (a), then process may be served as provided in s. 48.161 on the Secretary of State as an agent of the limited partnership or by order of the court under s. 48.102.
- (4)(a) Process against a foreign limited liability partnership that was required to comply with s. 620.9102 may be served as prescribed under subsection (2).
- (b) A foreign limited liability partnership engaging in business in this state but not registered is considered, for purposes of service of process, a nonresident engaging in business in this state and may be served pursuant to s. 48.181 or by order of the court under s. 48.102.
- (5)(a) Process against a foreign limited partnership that was required to comply with s. 620.1902 may be served as prescribed under subsection (3).
- (b) A foreign limited partnership engaging in business in this state but not registered is considered, for purposes of service of process, a nonresident engaging in business in this state and may be served pursuant to s. 48.181 or by order of the court under s. 48.102.

Florida Statute § 48.062 Service on a domestic limited liability company or registered foreign limited liability company. Effective: January 2, 2023.

- (1) As used in this section, the term “registered foreign limited liability company” means a foreign limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.
- (2) A domestic limited liability company or registered foreign limited liability company may be served with process required or authorized by law by service on its registered agent designated by the domestic limited liability company or registered foreign limited liability company under chapter 605.
- (3) If service cannot be made on a registered agent of the domestic limited liability company or registered foreign limited liability company because the domestic limited liability company or registered foreign limited liability company ceases to have a registered agent, or if the registered agent of the domestic limited liability company or registered foreign limited liability company cannot otherwise be served

after one good faith attempt because of a failure to comply with this chapter or chapter 605, the process may be served on any of the following:

- (a) Any manager of a manager-managed domestic limited liability company or registered foreign limited liability company.
 - (b) Any member of a member-managed domestic limited liability company or registered foreign limited liability company.
 - (c) Any person listed publicly by the domestic limited liability company or registered foreign limited liability company on its latest annual report, as most recently amended.
- (4) If, after due diligence, the process cannot be completed under subsection (2) and if either:
- (a) The only person listed publicly by the domestic limited liability company or registered foreign limited liability company on its latest annual report, as most recently amended, is also the registered agent on whom service was attempted under subsection (2); or
 - (b) After due diligence, service was attempted on at least one person listed publicly by the domestic limited liability company or registered foreign limited liability company on its latest annual report, as most recently amended, and cannot be completed on such person under subsection (3),

the service of process may be served as provided in s. 48.161 on the Secretary of State as an agent of the domestic limited liability company or the registered foreign limited liability company or by order of the court under s. 48.102.

- (5) If the address for the registered agent or any person listed publicly by the domestic limited liability company or registered foreign limited liability company on its latest annual report, as most recently amended, is a residence, a private mailbox, a virtual office, or an executive office or mini suite, service on the domestic limited liability company or registered foreign limited liability company may be made by serving any of the following:
- (a) The registered agent of the domestic limited liability company or registered foreign limited liability company, in accordance with s. 48.031.
 - (b) Any person listed publicly by the domestic limited liability company or registered foreign limited liability company on its latest annual report, as most recently amended, in accordance with s. 48.031.
 - (c) Any member or manager of the domestic limited liability company or registered foreign limited liability company, in accordance with s. 48.031.

- (6) A foreign limited liability company engaging in business in this state which is not registered is considered, for purposes of service of process, a nonresident engaging in business in this state and may be served pursuant to s. 48.181 or by order of the court under s. 48.102.
- (7) This section does not apply to service of process on insurance companies.

Florida Statute § 48.071 Service on agents of nonresidents doing business in the state. Effective: January 2, 2023.

When any natural person or partnership not residing or having a principal place of business in this state engages in business in this state, process may be served on the person who is in charge of any business in which the defendant is engaged within this state at the time of service, including agents soliciting orders for goods, wares, merchandise, or services. Any process so served is as valid as if served personally on the nonresident person or partnership engaging in business in this state in any action against the person or partnership arising out of such business. A copy of such process with a notice of service on the person in charge of such business must be sent forthwith to the nonresident person or partnership 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. The party seeking to effectuate service, or the attorney for such party, shall prepare an affidavit of compliance with this section which must be filed before the return day or within such further time as the court may allow.

Florida Statute § 48.081 Service on a domestic corporation or registered foreign corporation. Effective: January 2, 2023.

- (1) As used in this section, the term “registered foreign corporation” means a foreign corporation that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.
- (2) A domestic corporation or registered foreign corporation may be served with process required or authorized by law by service on its registered agent designated by the corporation under chapter 607 or chapter 617, as applicable.
- (3) If service cannot be made on a registered agent of the domestic corporation or registered foreign corporation because the domestic corporation or registered foreign corporation ceases to have a registered agent, or if the registered agent of the domestic corporation or registered foreign corporation cannot otherwise be served after one good faith attempt because of a failure to comply with this chapter, chapter 607, or chapter 617, as applicable, the process may be served on either of the following:
 - (a) The chair of the board of directors, the president, any vice president, the secretary, or the treasurer of the domestic corporation or registered foreign corporation.

- (b) Any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended.
- (4) If, after due diligence, the process cannot be completed under subsection (2) and if either:
 - (a) The only person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended, is also the registered agent on whom service was attempted under subsection (2); or
 - (b) After due diligence, service was attempted on at least one person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended, and cannot be completed on such person under subsection (3),

the process may be served as provided in s. 48.161 on the Secretary of State as an agent of the domestic corporation or registered foreign corporation or by order of the court under s. 48.102.

- (5) If the address for the registered agent or any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended, is a residence, a private mailbox, a virtual office, or an executive office or mini suite, service on the domestic corporation or registered foreign corporation may be made by serving any of the following:
 - (a) The registered agent of the domestic corporation or registered foreign corporation, in accordance with s. 48.031.
 - (b) Any person listed publicly by the domestic corporation or registered foreign corporation on its latest annual report, as most recently amended, in accordance with s. 48.031.
 - (c) Any person serving in one of the positions specified in paragraph (3)(a), in accordance with s. 48.031.
- (6) A foreign corporation engaging in business in this state which is not registered is considered, for purposes of service of process, a nonresident engaging in business in this state and may be served pursuant to s. 48.181 or by order of the court under s. 48.102.
- (7) This section does not apply to service of process on insurance companies.

Florida Statute § 48.091 Partnerships, corporations, and limited liability companies; designation of registered agent and registered office. Effective: October 1, 2025.

- (1) As used in this section, the term:
 - (a) “Registered foreign corporation” and “registered foreign limited liability company” have the same meanings as in ss. 48.081 and 48.062, respectively.
 - (b) “Registered foreign limited liability partnership” or “registered foreign limited partnership” means a foreign limited liability partnership or foreign limited partnership that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.
- (2) 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; and registered foreign limited liability company shall designate a registered agent and registered office in accordance with chapter 605, chapter 607, chapter 617, or chapter 620, as applicable.
- (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) 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.

- (5) The registered agent shall promptly forward copies of the process and any other papers received in connection with the service to a responsible person in charge of the business entity. Failure to comply with this subsection does not invalidate the service of process.

Florida Statute § 48.092 Service on financial institutions.

Service on financial institutions must be made in accordance with s. 655.0201.

Florida Statute § 48.101 Service on domestic dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, dissolved limited liability partnerships, and business organizations in receivership. Effective: October 1, 2025.

- (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.

Florida Statute § 48.102. Service by other means. Effective: January 2, 2023

If, after due diligence, a party seeking to effectuate service is unable to effectuate personal service of process on a domestic or foreign corporation; a domestic or foreign general partnership, including a limited liability partnership; a domestic or foreign limited partnership, including a limited liability limited partnership; or a domestic or foreign limited liability company, the court, upon motion and a showing of such inability, may authorize service in any other manner that the party seeking to effectuate service shows will be reasonably effective to give the entity on which service is sought to be effectuated actual notice of the suit. Such other manners of service may include service electronically by e-mail or other technology by any person authorized to serve process in accordance with this chapter, or by an attorney. The court may authorize other methods of service consistent with the principles of due process. In suits involving a breach of contract, the court may consider authorizing the parties to effectuate service in the manner provided for in the contractual notice provision of the subject contract.

Florida Statute § 48.111 Service on public agencies and officers. Effective: January 2, 2023.

- (1) Process against any municipal corporation, agency, board, or commission, department, or subdivision of the state or any county which has a governing board, council, or commission or which is a body corporate shall be served:
 - (a) On the registered agent; or
 - (b) If the municipal corporation, agency, board, or commission, department, or subdivision of the state does not have a registered agent, or if the registered agent cannot otherwise be served after one good faith attempt:
 - 1. On the president, mayor, chair, or other head thereof; and in the absence of all persons listed in this subparagraph;
 - 2. On the vice president, vice mayor, or vice chair; and in the absence of all persons listed in subparagraph 1. and this subparagraph;
 - 3. On any member of the governing board, council, or commission, the manager of the governmental entity, if any, or an in-house attorney for the governmental entity, if any; and in the absence of all the persons listed in subparagraph 1., subparagraph 2., and this subparagraph;

4. On any employee of the governmental entity at the main office of the governmental entity.
- (2) Process against any public agency, board, commission, or department not a body corporate or having a governing board or commission shall be served on the public officer being sued or the chief executive officer of the agency, board, commission, or department.
- (3) In any suit in which the Department of Revenue or its successor is a party, process against the department shall be served on the executive director of the department. This procedure is to be in lieu of any other provision of general law, and shall designate said department to be the only state agency or department to be so served.

Florida Statute § 48.121 Service on the state.

When the state has consented to be sued, process against the state shall be served on the state attorney or an assistant state attorney for the judicial circuit within which the action is brought and by sending two copies of the process by registered or certified mail to the Attorney General. The state may serve motions or pleadings within 40 days after service is made. This section is not intended to authorize the joinder of the Attorney General or a state attorney as a party in such suit or prosecution.

Florida Statute § 48.131 Service on alien property custodian.

In every action or proceeding in any court or before any administrative board involving real, personal, or mixed property, or any interest therein, when service of process or notice is required or directed to be made upon any person, firm or corporation located, or believed to be located, within any country or territory in the possession of or under the control of any country between which and the United States a state of war exists, in addition to the giving of the notice or service of process, a copy of the notice or process shall be sent by registered or certified mail to the alien property custodian, addressed to him or her at Washington, District of Columbia; but failure to mail a copy of the notice or process to the alien property custodian does not invalidate the action or proceeding.

Florida Statute § 48.141 Service on labor unions.

Process against labor organizations shall be served on the president or other officer, business agent, manager or person in charge of the business of such labor organization.

Florida Statute § 48.151 Service on statutory agents for certain persons. Effective: January 2, 2023.

- (1) When any law designates a public officer, board, agency, or commission as the agent for service of process on any person, firm, or corporation, service of process

thereunder shall be made by leaving one copy of the process with the public officer, board, agency, or commission or in the office thereof, or by mailing one copy to the public officer, board, agency, or commission, except as provided in subsection (3). The public officer, board, agency, or commission so served shall retain a record copy and promptly send the copy served, by registered or certified mail, to the person to be served as shown by his or her or its records. Proof of service on the public officer, board, agency, or commission shall be by a notice accepting the process which shall be issued by the public officer, board, agency, or commission promptly after service and filed in the court issuing the process. The notice accepting service shall state the date upon which the copy of the process was mailed by the public officer, board, agency, or commission to the person being served and the time for pleading prescribed by the rules of procedure shall run from this date. The service is valid service for all purposes on the person for whom the public officer, board, agency, or commission is statutory agent for service of process.

- (2) This section does not apply to substituted service of process under s. 48.161 or s. 48.181.
- (3) The Chief Financial Officer is the agent for service of process on all insurers applying for authority to transact insurance in this state, all licensed nonresident insurance agents, all nonresident disability insurance agents licensed pursuant to s. 626.835, any unauthorized insurer under s. 626.906 or s. 626.937, domestic reciprocal insurers, fraternal benefit societies under chapter 632, warranty associations under chapter 634, prepaid limited health service organizations under chapter 636, and persons required to file statements under s. 628.461. The Department of Financial Services shall create a secure online portal as the sole means to accept service of process on the Chief Financial Officer under this section.
- (4) The Director of the Office of Financial Regulation of the Financial Services Commission is the agent for service of process for any issuer as defined in s. 517.021, or any dealer, investment adviser, or associated person registered with that office, for any violation of any provision of chapter 517.
- (5) The Secretary of State is the agent for service of process for any retailer, dealer or vendor who has failed to designate an agent for service of process as required under s. 212.151 for violations of chapter 212.
- (6) For purposes of this section, records may be retained as paper or electronic copies.

Florida Statute § 48.161 Method of substituted service on certain parties in the care of the Secretary of State. Effective: October 1, 2025.

- (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 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.

- (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) 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. The notice of service and a copy of the process must be sent to the 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 and must contain sufficient facts showing:
 - (a) That 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. 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) 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, 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); 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) 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) 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) The Secretary of State may designate an individual in his or her office to accept service.
- (8) 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.
- (9) 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) This section does not apply to persons on whom service is authorized under s. 48.151.

Florida Statute § 48.171 Service on nonresident motor vehicle owners, etc.

Any nonresident of this state, being the operator or owner of any motor vehicle, who accepts the privilege extended by the laws of this state to nonresident operators and owners, of operating a motor vehicle or of having it operated, or of permitting any motor vehicle owned, or leased, or controlled by him or her to be operated with his or her knowledge,

permission, acquiescence, or consent, within the state, or any resident of this state, being the licensed operator or owner of or the lessee, or otherwise entitled to control any motor vehicle under the laws of this state, who becomes a nonresident or conceals his or her whereabouts, by the acceptance or licensure and by the operation of the motor vehicle, either in person, or by or through his or her servants, agents, or employees, or by persons with his or her knowledge, acquiescence, and consent within the state constitutes the Secretary of State his or her agent for the service of process in any civil action begun in the courts of the state against such operator or owner, lessee, or other person entitled to control of the motor vehicle, arising out of or by reason of any accident or collision occurring within the state in which the motor vehicle is involved.

Florida Statute § 48.181 Substituted service on nonresidents and foreign business entities engaging in business in state or concealing their whereabouts. Effective: October 1, 2025.

- (1) As used in this section, the term “foreign business entity” means any corporation or other business entity that is incorporated, formed, or existing under the laws of any other state, territory, or commonwealth, or the laws of any foreign country.
- (2) The acceptance by any individual who is a resident of any other state, territory, or commonwealth, or of any foreign country, or by any foreign business entity of the privilege extended by law to nonresidents to operate, conduct, engage in, or carry on a business or business venture in this state, or to have an office or agency in this state, is deemed to constitute an appointment by the individual or foreign business entity of the Secretary of State of this state as its agent on whom process in any action or proceeding against the individual or foreign business entity, or any combination thereof, arising out of any transaction or operation connected with or incidental to the business or business venture may be served as substituted service in accordance with this chapter. The acceptance of the privilege is signification of the agreement of the respective individual or foreign business entity that the process served against it in accordance with this chapter is of the same validity as if served personally on the individual or foreign business entity.
- (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 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, 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.
- (6) Any individual or foreign business entity that sells, consigns, or leases by any means whatsoever tangible or intangible personal property, through brokers, jobbers, wholesalers, or distributors to any individual, corporation, or other business entity in this state is conclusively presumed to be both engaged in substantial and not isolated activities within this state and operating, conducting, engaging in, or carrying on a business or business venture in this state.
- (7) Service pursuant to this section must be effectuated in the manner prescribed by s. 48.161.

Florida Statute § 48.183 Service of process in action for possession of premises.

- (1) In an action for possession of any residential premises, including those under chapters 83, 723, and 513, or nonresidential premises, if the tenant cannot be found in the county or there is no person 15 years of age or older residing at the tenant's usual place of abode in the county after at least two attempts to obtain service as provided above in this subsection, summons may be served by attaching a copy to a conspicuous place on the property described in the complaint or summons. The minimum time delay between the two attempts to obtain service shall be 6 hours. Nothing herein shall be construed as prohibiting service of process on a tenant as is otherwise provided on defendants in civil cases.
- (2) If a landlord causes or anticipates causing a defendant to be served with a summons and complaint solely by attaching them to some conspicuous place on the property described in the complaint or summons, the landlord shall provide the clerk of the court with an additional copy of the complaint and a prestamped envelope addressed to the defendant at the premises involved in the proceeding. The clerk of the court shall immediately mail the copy of the summons and complaint by first-class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. Service shall be effective on the date of posting or mailing, whichever occurs later, and at least 5 days must elapse from the date of service before a judgment for final removal of the defendant may be entered.

Florida Statute § 48.184 Service of process for removal of unknown parties in possession.

Effective: July 1, 2023.

- (1) This section applies only to actions governed by s. 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent that such actions seek relief for the removal of unknown parties in possession of real property. The provisions of this section are cumulative to other provisions of law or rules of court about service of process, and all other such provisions are cumulative to this section.
- (2) A summons must be issued in the name of “Unknown Party in Possession” when the name of an occupant of real property is not known to the plaintiff and the property occupied by the unknown party is identified in the complaint and summons. A separate summons must be issued for each such unknown occupant.
- (3) The plaintiff shall attempt to serve the summons on any unknown occupant of the property described in the summons and complaint. If service on the unknown occupant is not effectuated on the first attempt, at least two additional attempts must be made. The three attempts to obtain service must be made once during business hours, once during nonbusiness hours, and once during a weekend. The process server shall make an inquiry as to the name of the unknown occupant at the time of service. The return of service must note the name of the occupant if obtained by the process server or state that the name of the occupant could not be obtained after inquiry. If the name of the occupant becomes known to the plaintiff through the return of service or otherwise, without notice or hearing thereon, all subsequent proceedings must be conducted under the true name of such occupant and all prior proceedings are deemed amended accordingly.
- (4) Service of process must also be made on unknown occupants by both of the following means:
 - (a) By attaching the summons and complaint to a conspicuous location on the premises involved in the proceedings.
 - (b) Upon issuance of the summons, by the plaintiff providing the clerk of the court with one additional copy of the summons and complaint for each unknown occupant and a prestamped envelope for each unknown occupant addressed to the unknown occupant at the address of the premises involved in the proceedings. The clerk of the court shall immediately mail a copy of the summons and complaint by first-class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. The clerk of the court shall charge such fees for such services as provided by law.
- (5) Service is effective on the unknown occupant in possession on the later of the date that personal service is made, the date of attaching the summons and complaint to a conspicuous location on the premises, or upon mailing by the clerk.
- (6) The judgment and writ of possession must refer to any unknown occupant in possession by name if the name is shown on the return of service or is otherwise

known to the plaintiff. If the name of any unknown occupant in possession is not shown on the return of service or otherwise known to the plaintiff and service has been effectuated as provided in this section, the judgment and writ of possession must refer to each such person as “Unknown Party in Possession,” and the writ of possession must be executed by the sheriff by dispossessing the occupants and placing the plaintiff in possession of the property.

Florida Statute § 48.19 Service on nonresidents operating aircraft or watercraft in the state.

The operation, navigation, or maintenance by a nonresident of an aircraft or a boat, ship, barge, or other watercraft in the state, either in person or through others, and the acceptance thereby by the nonresident of the protection of the laws of this state for the aircraft or watercraft, or the operation, navigation, or maintenance by a nonresident of an aircraft or a boat, ship, barge, or other watercraft in the state, either in person or through others, other than under the laws of the state, or any person who is a resident of the state and who subsequently becomes a nonresident or conceals his or her whereabouts, constitutes an appointment by the nonresident of the Secretary of State as the agent of the nonresident or concealed person on whom all process may be served in any action or proceeding against the nonresident or concealed person growing out of any accident or collision in which the nonresident or concealed person may be involved while, either in person or through others, operating, navigating, or maintaining an aircraft or a boat, ship, barge, or other watercraft in the state. The acceptance by operation, navigation, or maintenance in the state of the aircraft or watercraft is signification of the nonresident's or concealed person's agreement that process against him or her so served shall be of the same effect as if served on him or her personally.

Florida Statute § 48.193 Acts subjecting person to jurisdiction of courts of state.

- (1)(a) A person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself or herself and, if he or she is a natural person, his or her personal representative to the jurisdiction of the courts of this state for any cause of action arising from any of the following acts:
1. Operating, conducting, engaging in, or carrying on a business or business venture in this state or having an office or agency in this state.
 2. Committing a tortious act within this state.
 3. Owning, using, possessing, or holding a mortgage or other lien on any real property within this state.
 4. Contracting to insure a person, property, or risk located within this state at the time of contracting.

5. With respect to a proceeding for alimony, child support, or division of property in connection with an action to dissolve a marriage or with respect to an independent action for support of dependents, maintaining a matrimonial domicile in this state at the time of the commencement of this action or, if the defendant resided in this state preceding the commencement of the action, whether cohabiting during that time or not. This paragraph does not change the residency requirement for filing an action for dissolution of marriage.
 6. Causing injury to persons or property within this state arising out of an act or omission by the defendant outside this state, if, at or about the time of the injury, either:
 - a. The defendant was engaged in solicitation or service activities within this state; or
 - b. Products, materials, or things processed, serviced, or manufactured by the defendant anywhere were used or consumed within this state in the ordinary course of commerce, trade, or use.
 7. Breaching a contract in this state by failing to perform acts required by the contract to be performed in this state.
 8. With respect to a proceeding for paternity, engaging in the act of sexual intercourse within this state with respect to which a child may have been conceived.
 9. Entering into a contract that complies with s. 685.102.
- (b) Notwithstanding any other provision of this subsection, an order issued, or a penalty or fine imposed, by an agency of another state is not enforceable against any person or entity incorporated or having its principal place of business in this state if the other state does not provide a mandatory right of review of the agency decision in a state court of competent jurisdiction.
 - (2) A defendant who is engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, is subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity.
 - (3) Service of process upon any person who is subject to the jurisdiction of the courts of this state as provided in this section may be made by personally serving the process upon the defendant outside this state, as provided in s. 48.194. The service shall have the same effect as if it had been personally served within this state.
 - (4) If a defendant in his or her pleadings demands affirmative relief on causes of action unrelated to the transaction forming the basis of the plaintiff's claim, the defendant

shall thereafter in that action be subject to the jurisdiction of the court for any cause of action, regardless of its basis, which the plaintiff may by amendment assert against the defendant.

- (5) Nothing contained in this section limits or affects the right to serve any process in any other manner now or hereinafter provided by law.

Florida Statute § 48.194 Personal service in another state, territory, or commonwealth of the United States. Effective: January 2, 2023.

- (1) Except as otherwise provided herein, service of process on a party in another state, territory, or commonwealth of the United States must be made in the same manner as service within this state by any person authorized to serve process in the state where service shall be made. No order of court is required. A return-of-service form described in s. 48.21, or any other competent evidence, must be filed with the court stating the time, manner, and place of service. The court may consider such evidence in determining whether service has been properly made.
- (2) When in rem or quasi in rem relief is sought in a foreclosure proceeding as defined by s. 702.09, and the address of the person to be served is known, service of process on a person in another state, territory, or commonwealth of the United States may be made by registered mail as follows:
 - (a) The party's attorney or the party, if the party is not represented by an attorney, shall place a copy of the original process and the complaint, petition, or other initial pleading or paper and, if applicable, the order to show cause issued pursuant to s. 702.10 in a sealed envelope with adequate postage addressed to the person to be served.
 - (b) The envelope must be placed in the mail as registered mail.
 - (c) Service under this subsection is deemed obtained upon the signing of the return receipt by the person allowed to be served by law.
- (3) If the registered mail which is sent as provided for in subsection (2) is returned with an endorsement or stamp showing “refused,” the party's attorney or the party, if the party is not represented by an attorney, may serve original process by first-class mail. The failure to claim registered mail is not refusal of service within the meaning of this subsection. Service of process pursuant to this subsection shall be perfected as follows:
 - (a) The party's attorney or the party, if the party is not represented by an attorney, shall place a copy of the original process and the complaint, petition, or other initial pleading or paper and, if applicable, the order to show cause issued pursuant to s. 702.10 in a sealed envelope with adequate postage addressed to the person to be served.

- (b) The envelope shall be mailed by first-class mail with the return address of the party's attorney or the party, if the party is not represented by an attorney, on the envelope.
 - (c) Service under this subsection shall be considered obtained upon the mailing of the envelope.
- (4) If service of process is obtained under subsection (2), the party's attorney or the party, if the party is not represented by an attorney, shall file an affidavit setting forth the return of service. The affidavit shall state the nature of the process; the date on which the process was mailed by registered mail; the name and address on the envelope containing the process; the fact that the process was mailed registered mail return receipt requested; who signed the return receipt, if known, and the basis for that knowledge; and the relationship between the person who signed the receipt and the person to be served, if known, and the basis for that knowledge. The return receipt from the registered mail shall be attached to the affidavit. If service of process is perfected under subsection (3), the party's attorney or the party, if the party is not represented by an attorney, shall file an affidavit setting forth the return of service. The affidavit shall state the nature of the process; the date on which the process was mailed by registered mail; the name and address on the envelope containing the process that was mailed by registered mail; the fact that the process was mailed registered mail and was returned with the endorsement or stamp "refused"; the date, if known, the process was "refused"; the date on which the process was mailed by first-class mail; the name and address on the envelope containing the process that was mailed by first-class mail; and the fact that the process was mailed by first-class mail with a return address of the party or the party's attorney on the envelope. The return envelope from the attempt to mail process by registered mail and the return envelope, if any, from the attempt to mail the envelope by first-class mail shall be attached to the affidavit.

Florida Statute § 48.195 Service of foreign process.

- (1) The service of process issued by a court of a state other than Florida may be made by the sheriffs of this state in the same manner as service of process issued by Florida courts. The provisions of this section shall not be interpreted to permit a sheriff to take any action against personal property, real property, or persons.
- (2) An officer serving such foreign process shall be deemed as acting in the performance of his or her duties for the purposes of ss. 30.01, 30.02, 843.01, and 843.02, but shall not be held liable as provided in s. 839.19 for failure to execute any process delivered to him or her for service.
- (3) The sheriffs shall be entitled to charge fees for the service of foreign process, and the fees shall be the same as fees for the service of comparable process for the Florida courts. When the service of foreign process requires duties to be performed in excess of those required by Florida courts, the sheriff may perform the additional

duties and may collect reasonable additional compensation for the additional duties performed.

Florida Statute § 48.196 Service of process in connection with actions under the Florida International Commercial Arbitration Act.

- (1) Any process in connection with the commencement of an action before the courts of this state under chapter 684, the Florida International Commercial Arbitration Act, shall be served:
 - (a) In the case of a natural person, by service upon:
 1. That person;
 2. Any agent for service of process appointed in, or pursuant to, any applicable agreement or by operation of any law of this state; or
 3. Any person authorized by the law of the jurisdiction where process is being served to accept service for that person.
 - (b) In the case of any person other than a natural person, by service upon:
 1. Any agent for service of process appointed in, or pursuant to, any applicable agreement or by operation of any law of this state;
 2. Any person authorized by the law of the jurisdiction where process is being served to accept service for that person; or
 3. Any person, whether natural or otherwise and wherever located, who by operation of law or internal action is an officer, business agent, director, general partner, or managing agent or director of the person being served; or
 4. Any partner, joint venturer, member or controlling shareholder, wherever located, of the person being served, if the person being served does not by law or internal action have any officer, business agent, director, general partner, or managing agent or director.
- (2) The process served under subsection (1) shall include a copy of the application to the court together with all attachments thereto and shall be served in the following manner:
 - (a) In any manner agreed upon, whether service occurs within or without this state;
 - (b) If service is within this state:

1. In the manner provided in ss. 48.021 and 48.031, or
 2. If applicable under their terms, in the manner provided in ss. 48.161, 48.183, 48.23, or chapter 49; or
- (c) If service is outside this state:
1. By personal service by any person authorized to serve process in the jurisdiction where service is being made or by any person appointed to do so by any competent court in that jurisdiction;
 2. In any other manner prescribed by the laws of the jurisdiction where service is being made for service in an action before a local court of competent jurisdiction;
 3. In the manner provided in any applicable treaty to which the United States is a party;
 4. In the manner prescribed by order of the court;
 5. By any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the person being served; or
 6. If applicable, in the manner provided in chapter 49.
- (3) No order of the court is required for service of process outside this state. The person serving process shall make proof of service to the court by affidavit or as prescribed by the law of the jurisdiction where process is being served or as prescribed in an order of the court. Such proof shall be made prior to expiration of the time within which the person served must respond. If service is by mail, the proof of service shall state the date and place of mailing and shall include a receipt signed by the addressee or other evidence of delivery satisfactory to the court.

Florida Statute § 48.197 Service in a foreign country. Effective: January 2, 2023.

- (1) Service of process may be effectuated in a foreign country upon a party, other than a minor or an incompetent person, as provided in any of the following:
 - (a) By any internationally agreed-upon means of service reasonably calculated to give actual notice of the proceedings, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.
 - (b) If there is no internationally agreed-upon means of service, or if an international agreement allows but does not specify other means, by a method reasonably calculated to give actual notice of the proceedings:

1. As prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;
 2. As the foreign authority directs in response to a letter rogatory or letter of request; or
 3. Unless prohibited by the foreign country's law, by:
 - a. If serving an individual, delivering a copy of the summons and of the complaint to the individual personally; or
 - b. Using any form of mail that the clerk addresses and sends to the party and which requires a signed receipt.
- (c) Pursuant to motion and order by the court, by other means, including electronically by e-mail or other technology, which the party seeking service shows is reasonably calculated to give actual notice of the proceedings and is not prohibited by international agreement, as the court orders.
- (2) Service of process may be effectuated in a foreign country upon a minor or an incompetent person in the manner prescribed by subparagraph (1)(b)1., subparagraph (1)(b)2., or paragraph (1)(c).

Florida Statute § 48.20 Service of process on Sunday.

Service or execution on Sunday of any writ, process, warrant, order, or judgment is void and the person serving or executing, or causing it to be served or executed, is liable to the party aggrieved for damages for so doing as if he or she had done it without any process, writ, warrant, order, or judgment. If affidavit is made by the person requesting service or execution that he or she has good reason to believe that any person liable to have any such writ, process, warrant, order, or judgment served on him or her intends to escape from this state under protection of Sunday, any officer furnished with an order authorizing service or execution by the trial court judge may serve or execute such writ, process, warrant, order, or judgment on Sunday, and it is as valid as if it had been done on any other day.

Florida Statute § 48.21 Return of execution of process.

- (1) Each person who effects service of process shall note on a return-of-service form attached thereto the date and time when it comes to hand, the date and time when it is served, the manner of service, the name of the person on whom it was served, and, if the person is served in a representative capacity, the position occupied by the person. The return-of-service form must list all pleadings and documents served and be signed by the person who effects the service of process. However, a person who is authorized under this chapter to serve process and who effects such service of process may sign the return-of-service form using an electronic signature.

- (2) A failure to state the facts or to include the signature required by subsection (1) invalidates the service, but the return is amendable to state the facts or to include the signature at any time on application to the court from which the process issued. On amendment, service is as effective as if the return had originally stated the omitted facts or included the signature. A failure to state all the facts in or to include the signature on the return shall subject the person effecting service to a fine not exceeding \$10, in the court's discretion.

Florida Statute § 48.22 Cumulative to other laws.

All provisions of this chapter are cumulative to other provisions of law or rules of court about service of process, and all other provisions about service of process are cumulative to this chapter.

Florida Statute § 48.23 Lis pendens.

- (1)(a) An action in any of the state or federal courts in this state operates as a lis pendens on any real or personal property involved therein or to be affected thereby only if a notice of lis pendens is recorded in the official records of the county where the property is located and such notice has not expired pursuant to subsection (2) or been withdrawn or discharged.
- (b)1. An action that is filed for specific performance or that is not based on a duly recorded instrument has no effect, except as between the parties to the proceeding, on the title to, or on any lien upon, the real or personal property unless a notice of lis pendens has been recorded and has not expired or been withdrawn or discharged.
2. Any person acquiring for value an interest in, or lien upon, the real or personal property during the pendency of an action described in subparagraph 1., other than a party to the proceeding or the legal successor by operation of law, or personal representative, heir, or devisee of a deceased party to the proceeding, shall take such interest or lien exempt from all claims against the property that were filed in such action by the party who failed to record a notice of lis pendens or whose notice expired or was withdrawn or discharged, and from any judgment entered in the proceeding, notwithstanding the provisions of s. 695.01, as if such person had no actual or constructive notice of the proceeding or of the claims made therein or the documents forming the causes of action against the property in the proceeding.
- (c)1. A notice of lis pendens must contain the following:
- a. The names of the parties.
 - b. The date of the institution of the action, the date of the clerk's electronic receipt, or the case number of the action.
 - c. The name of the court in which it is pending.

- d. A description of the property involved or to be affected.
 - e. A statement of the relief sought as to the property.
2. In the case of any notice of lis pendens filed on the same date as the pleading upon which the notice is based, the clerk's notation of the date of receipt on the notice shall satisfy the requirement that the notice contain the date of the institution of the action.
- (d) Except for the interest of persons in possession or easements of use, the recording of such notice of lis pendens, provided that during the pendency of the proceeding it has not expired pursuant to subsection (2) or been withdrawn or discharged, constitutes a bar to the enforcement against the property described in the notice of all interests and liens, including, but not limited to, federal tax liens and levies, unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien moves to intervene in such proceedings within 30 days after the recording of the notice and the court ultimately grants the motion. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens. A valid recorded notice of lis pendens of such proceedings prosecuted to a judicial sale remains in effect through the recording of any instrument transferring title to the property pursuant to the final judgment unless it expires, is withdrawn, or it is otherwise discharged. If the notice of lis pendens expires or is withdrawn or discharged, the expiration, withdrawal, or discharge of the notice does not affect the validity of any unrecorded interest or lien.
- (2) A notice of lis pendens is not effectual for any purpose beyond 1 year from the commencement of the action and will expire at that time, unless the relief sought is disclosed by the pending pleading to be founded on a duly recorded instrument or on a lien claimed under part I of chapter 713 against the property involved, except when the court extends the time of expiration on reasonable notice and for good cause. The court may impose such terms for the extension of time as justice requires.
- (3) When the pending pleading does not show that the action is founded on a duly recorded instrument or on a lien claimed under part I of chapter 713 or when the action no longer affects the subject property, the court shall control and discharge the recorded notice of lis pendens as the court would grant and dissolve injunctions.
- (4) This section applies to all actions now or hereafter pending in any state or federal courts in this state, but the period of time specified in subsection (2) does not include the period of pendency of any action in an appellate court.

Florida Statute § 48.25 Short title.

Sections 48.25-48.31 may be cited as the "Florida Certified Process Server Act."

Florida Statute § 48.27 Certified process servers.

- (1) The chief judge of each judicial circuit may establish an approved list of natural persons designated as certified process servers. The chief judge may periodically add to such list the names of those natural persons who have met the requirements for certification provided for in s. 48.29. Each person whose name has been added to the approved list is subject to annual recertification and reappointment by the chief judge of a judicial circuit. The chief judge shall prescribe appropriate forms for application for inclusion on the list of certified process servers. A reasonable fee for the processing of any such application must be charged.
- (2)(a) The addition of a person's name to the list authorizes him or her to serve initial nonenforceable civil process on a person found within the circuit where the process server is certified when a civil action has been filed against such person in the circuit court or in a county court in the state. Upon filing an action in circuit or county court, a person may select from the list for the circuit where the process is to be served one or more certified process servers to serve initial nonenforceable civil process.
- (b) The addition of a person's name to the list authorizes him or her to serve criminal witness subpoenas and criminal summonses on a person found within the circuit where the process server is certified. The state in any proceeding or investigation by a grand jury or any party in a criminal action, prosecution, or proceeding may select from the list for the circuit where the process is to be served one or more certified process servers to serve the subpoena or summons.
- (3) Nothing herein shall be interpreted to exclude a sheriff or deputy or other person appointed by the sheriff pursuant to s. 48.021 from serving process or to exclude a person from appointment by individual motion and order to serve process in any civil action in accordance with Rule 1.070(b) of the Florida Rules of Civil Procedure.

Florida Statute § 48.29 Certification of process servers.

- (1) The circuit court administrator and the clerk of the court in each county in the circuit shall maintain the list of process servers approved by the chief judge of the circuit. Such list may, from time to time, be amended or modified to add or delete a person's name in accordance with the provisions of this section or s. 48.31.
- (2) A person seeking the addition of his or her name to the approved list in any circuit shall submit an application to the chief judge of the circuit or to the chief judge's designee on a form prescribed by the court. A reasonable fee for processing the application may be charged.

- (3) A person applying to become a certified process server shall:
- (a) Be at least 18 years of age;
 - (b) Have no mental or legal disability;
 - (c) Be a permanent resident of the state;
 - (d) Submit to a background investigation, which shall include the right to obtain and review the criminal record of the applicant;
 - (e) Obtain and file with his or her application a certificate of good conduct, which specifies there is no pending criminal case against the applicant and that there is no record of any felony conviction, nor a record of a conviction of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years;
 - (f) If prescribed by the chief judge of the circuit, submit to an examination testing his or her knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon, and the frequency and location at which such examination shall be offered shall be prescribed by the chief judge of the circuit. The examination, if any, shall be offered at least once annually;
 - (g) Execute a bond in the amount of \$5,000 with a surety company authorized to do business in this state for the benefit of any person wrongfully injured by any malfeasance, misfeasance, neglect of duty, or incompetence of the applicant, in connection with his or her duties as a process server. Such bond shall be renewable annually; and
 - (h) Take an oath of office that he or she will honestly, diligently, and faithfully exercise the duties of a certified process server.
- (4) The chief judge of the circuit may, from time to time by administrative order, prescribe additional rules and requirements regarding the eligibility of a person to become a certified process server or to have his or her name maintained on the list of certified process servers.
- (5)(a) An applicant who completes the requirements set forth in this section and whose name the chief judge by order enters on the list of certified process servers shall be designated as a certified process server.
- (b) Each certified process server shall be issued an identification card bearing his or her identification number, printed name, signature and photograph, the seal of the circuit court, and an expiration date. Each identification card shall be renewable annually upon proof of good standing and current bond.

- (6) A certified process server shall place the information required in s. 48.031(5) on the first page of at least one of the processes served. Return of service shall be made by a certified process server on a form which has been reviewed and approved by the court.
- (7)(a) A person may qualify as a certified process server and have his or her name entered on the list in more than one circuit.
- (b) A process server whose name is on a list of certified process servers in more than one circuit may serve process on a person found in any such circuits.
- (c) A certified process server may serve foreign process in any circuit in which his or her name has been entered on the list of certified process servers for that circuit.
- (8) A certified process server may charge a fee for his or her services.

Florida Statute § 48.31 Removal of certified process servers; false return of service.

- (1) A certified process server may be removed from the list of certified process servers for any malfeasance, misfeasance, neglect of duty, or incompetence, as provided by court rule.
- (2) A certified process server must be disinterested in any process he or she serves; if the certified process server willfully and knowingly executes a false return of service, he or she is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be permanently barred from serving process in this state.

B. MISCELLANEOUS STATUTES AND RULES RELATING TO SERVICE OF PROCESS

Florida Statute § 30.231 Sheriffs' fees for service of summons, subpoenas, and executions.

(1) The sheriffs of all counties of the state in civil cases shall charge fixed, nonrefundable fees for service of process, according to the following schedule:

- (a) All summons or writs except executions: \$40 for each summons or writ to be served.
- (b) All writs except executions requiring a levy or seizure of property: \$50 in addition to the \$40 fee as stated in paragraph (a).
- (c) Witness subpoenas: \$40 for each witness to be served.
- (d) Executions:

- 1. Forty dollars for processing each writ of execution, regardless of the number of

persons involved.

2. Fifty dollars for each levy.

a. A levy is considered made when any property or any portion of the property listed or unlisted in the instructions for levy is seized, or upon demand of the sheriff the writ is satisfied by the defendant in lieu of seizure. Seizure requires that the sheriff take actual possession, if practicable, or, alternatively, constructive possession of the property by order of the court.

b. When the instructions are for levy upon real property, a levy fee is required for each parcel described in the instructions.

c. When the instructions are for levy based upon personal property, one fee is allowed, unless the property is seized at different locations, conditional upon all of the items being advertised collectively and the sale being held at a single location. However, if the property seized cannot be sold at one location during the same sale as advertised, but requires separate sales at different locations, the sheriff may then impose a levy fee for the property and sale at each location.

3. Forty dollars for advertisement of sale under process.

4. Forty dollars for each sale under process.

5. Forty dollars for each deed, bill of sale, or satisfaction of judgment.

(2) For levying on property and for the seizure of persons, the sheriff shall be allowed anticipated expenses necessary for the execution of the process directing such levy or seizure and for the safekeeping of property and persons in the custody of the sheriff. A reasonable cost deposit to cover said fees and expenses in connection with the requested services shall be deposited in advance, by the party requesting the service, with the officer requested to perform the service.

(3) The party requesting service of process must furnish to the sheriff the original process, a certified copy of the process, or an electronic copy of the process, which was signed and certified by the clerk of court, and sufficient copies to be served on the parties receiving the service of process. The party requesting service of process shall provide the sheriff with the best known address where the person may be served. Failure to perfect service at the address provided does not excuse the sheriff from his or her duty to exercise due diligence in locating the person to be served.

(4) All fees collected under paragraphs (1)(a), (b), (c), and (d) shall be nonrefundable and shall be earned when each original request or service of process is made.

(5) All fees collected under the provisions of this section shall be paid monthly into the fine and forfeiture fund of the county.

(6) Fees under this section chargeable to the state or its agencies shall be those fees that were effective under this section on June 30, 2009.

Florida Statute § 49.011 Service of process by publication; cases in which allowed. Effective January 2, 2023.

Service of process by publication may be made in any court on any party identified in s. 49.021 in any action or proceeding:

(1) To enforce any legal or equitable lien or claim to any title or interest in real or personal property within the jurisdiction of the court or any fund held or debt owing by any party on whom process can be served within this state.

(2) To quiet title or remove any encumbrance, lien, or cloud on the title to any real or personal property within the jurisdiction of the court or any fund held or debt owing by any party on whom process can be served within this state.

(3) To partition real or personal property within the jurisdiction of the court.

(4) For dissolution or annulment of marriage.

(5) For the construction of any will, deed, contract, or other written instrument and for a judicial declaration or enforcement of any legal or equitable right, title, claim, lien, or interest thereunder.

(6) To reestablish a lost instrument or record which has or should have its situs within the jurisdiction of the court.

(7) In which a writ of replevin, garnishment, or attachment has been issued and executed.

(8) In which any other writ or process has been issued and executed which places any property, fund, or debt in the custody of a court.

(9) To revive a judgment by motion or scire facias.

(10) For adoption.

(11) In which personal service of process or notice is not required by the statutes or constitution of this state or by the Constitution of the United States.

(12) In probate or guardianship proceedings in which personal service of process or notice is not required by the statutes or constitution of this state or by the Constitution of the United States.

(13) For termination of parental rights pursuant to part VIII of chapter 39 or chapter 63.

(14) For temporary custody of a minor child, under chapter 751.

(15) To determine paternity, but only as to:

(a) The legal father in a paternity action in which another man is alleged to be the biological father, in which case it is necessary to serve process on the legal father in order to establish paternity with regard to the alleged biological father; or

(b) The legal mother when there is no legal father.

Florida Statute § 83.22 Removal of tenant; service.

- (1) After at least two attempts to obtain service as provided by law, if the defendant cannot be found in the county in which the action is pending and either the defendant has no usual place of abode in the county or there is no person 15 years of age or older residing at the defendant's usual place of abode in the county, the sheriff shall serve the summons by attaching it to some part of the premises involved in the proceeding. The minimum time delay between the two attempts to obtain service shall be 6 hours.
- (2) If a landlord causes, or anticipates causing, a defendant to be served with a summons and complaint solely by attaching them to some conspicuous part of the premises involved in the proceeding, the landlord shall provide the clerk of the court with two additional copies of the complaint and two prestamped envelopes addressed to the defendant. One envelope shall be addressed to such address or location as has been designated by the tenant for receipt of notice in a written lease or other agreement or, if none has been designated, to the residence of the tenant, if known. The second envelope shall be addressed to the last known business address of the tenant. The clerk of the court shall immediately mail the copies of the summons and complaint by first-class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. Service shall be effective on the date of posting or mailing, whichever occurs later; and at least 5 days from the date of service must have elapsed before a judgment for final removal of the defendant may be entered.

Florida Statute § 409.256(4) Notice of proceeding to establish paternity or paternity and child support; order to appear for genetic testing; manner of service; contents.

The Department of Revenue shall commence a proceeding to determine paternity, or a proceeding to determine both paternity and child support, by serving the respondent with a notice as provided in this section. An order to appear for genetic testing may be served at the same time as a notice of the proceeding or may be served separately. A copy of the affidavit or written declaration upon which the proceeding is based shall be provided to the respondent when notice is served. A notice or order to appear for genetic testing shall be served by certified mail, restricted delivery, return receipt requested, or in accordance with the requirements for service of process in a civil action. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the

addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. For purposes of this section, an employee or an authorized agent of the department may serve the notice or order to appear for genetic testing and execute an affidavit of service. The department may serve an order to appear for genetic testing on a caregiver. The department shall provide a copy of the notice or order to appear by regular mail to the mother and caregiver, if they are not respondents.

(a) A notice of proceeding to establish paternity must state:

1. That the department has commenced an administrative proceeding to establish whether the putative father is the biological father of the child named in the notice.
2. The name and date of birth of the child and the name of the child's mother.
3. That the putative father has been named in an affidavit or written declaration that states the putative father is or may be the child's biological father.
4. That the respondent is required to submit to genetic testing.
5. That genetic testing will establish either a high degree of probability that the putative father is the biological father of the child or that the putative father cannot be the biological father of the child.
6. That if the results of the genetic test do not indicate a statistical probability of paternity that equals or exceeds 99 percent, the paternity proceeding in connection with that child shall cease unless a second or subsequent test is required.
7. That if the results of the genetic test indicate a statistical probability of paternity that equals or exceeds 99 percent, the department may:
 - a. Issue a proposed order of paternity that the respondent may consent to or contest at an administrative hearing; or
 - b. Commence a proceeding, as provided in s. 409.2563, to establish an administrative support order for the child. Notice of the proceeding shall be provided to the respondent by regular mail.
8. That, if the genetic test results indicate a statistical probability of paternity that equals or exceeds 99 percent and a proceeding to establish an administrative support order is commenced, the department shall issue a proposed order that addresses paternity and child support. The respondent may consent to or contest the proposed order at an administrative hearing.
9. That if a proposed order of paternity or proposed order of both paternity and child support is not contested, the department shall adopt the proposed order and render a final

order that establishes paternity and, if appropriate, an administrative support order for the child.

10. That, until the proceeding is ended, the respondent shall notify the department in writing of any change in the respondent's mailing address and that the respondent shall be deemed to have received any subsequent order, notice, or other paper mailed to the most recent address provided or, if a more recent address is not provided, to the address at which the respondent was served, and that this requirement continues if the department renders a final order that establishes paternity and a support order for the child.

11. That the respondent may file an action in circuit court for a determination of paternity, child support obligations, or both.

12. That if the respondent files an action in circuit court and serves the department with a copy of the petition or complaint within 20 days after being served notice under this subsection, the administrative process ends without prejudice and the action must proceed in circuit court.

13. That, if paternity is established, the putative father may file a petition in circuit court for a determination of matters relating to custody and rights of parental contact.

A notice under this paragraph must also notify the respondent of the provisions in s. 409.2563(4)(n) and (p).

(b) A notice of proceeding to establish paternity and child support must state the requirements of paragraph (a), except for subparagraph (a)7., and must state the requirements of s. 409.2563(4), to the extent that the requirements of s. 409.2563(4) are not already required by and do not conflict with this subsection. This section and s. 409.2563 apply to a proceeding commenced under this subsection.

(c) The order to appear for genetic testing shall inform the person ordered to appear:

1. That the department has commenced an administrative proceeding to establish whether the putative father is the biological father of the child.

2. The name and date of birth of the child and the name of the child's mother.

3. That the putative father has been named in an affidavit or written declaration that states the putative father is or may be the child's biological father.

4. The date, time, and place that the person ordered to appear must appear to provide a sample for genetic testing.

5. That if the person has custody of the child whose paternity is the subject of the proceeding, the person must submit the child for genetic testing.

6. That when the samples are provided, the person ordered to appear shall verify his or her identity and the identity of the child, if applicable, by presenting a form of identification as prescribed by s. 117.05(5)(b) 2. which bears the photograph of the person who is providing the sample or other form of verification approved by the department.

7. That if the person ordered to appear submits to genetic testing, the department shall pay the cost of the genetic testing and shall provide the person ordered to appear with a copy of any test results obtained.

8. That if the person ordered to appear does not appear as ordered or refuses to submit to genetic testing without good cause, the department may take one or more of the following actions:

a. Commence proceedings to suspend the driver's license and motor vehicle registration of the person ordered to appear, as provided in s. 61.13016;

b. Impose an administrative fine against the person ordered to appear in the amount of \$500; or

c. File a petition in circuit court to establish paternity and obtain a support order for the child and an order for costs against the person ordered to appear, including costs for genetic testing.

9. That the person ordered to appear may contest the order by filing a written request for informal review within 15 days after the date of service of the order, with further rights to an administrative hearing following the informal review.

(d) If the putative father is incarcerated, the correctional facility shall assist the putative father in complying with an administrative order to appear for genetic testing issued under this section.

(e) An administrative order to appear for genetic testing has the same force and effect as a court order.

Florida Statute § 607.15101 Service of process, notice, or making a demand on a foreign corporation. Effective January 2, 2023.

(1) A foreign corporation may be served with process required or authorized by law in accordance with s. 48.081 and chapter 48 or chapter 49.

(2) Any notice or demand on a foreign corporation under this chapter may be given or made to the chair of the board, the president, any vice president, the secretary, or the treasurer of the foreign corporation; to the registered agent of the foreign corporation at the registered office of the foreign corporation in this state; or to any other address in this state which is in fact the principal office of the foreign corporation in this state.

(3) This section does not affect the right to serve process, give notice, or make a demand in any other manner provided by law.

Florida Statute § 624.307 General powers; duties. Effective August 15, 2025.

- (1) The department and office shall enforce the provisions of this code and shall execute the duties imposed upon them by this code, within the respective jurisdiction of each, as provided by law.
- (2) The department shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions of this code. The office shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions of this code.
- (3) The department or office may conduct such investigations of insurance matters, in addition to investigations expressly authorized, as it may deem proper to determine whether any person has violated any provision of this code within its respective regulatory jurisdiction or to secure information useful in the lawful administration of any such provision. The cost of such investigations shall be borne by the state.
- (4) The department and office may each collect, propose, publish, and disseminate information relating to the subject matter of any duties imposed upon it by law.
 - (a) Aggregate information may include information asserted as trade secret information unless the trade secret information can be individually extrapolated, in which case the trade secret information remains protected as provided under s. 624.4213.
 - (b) The office shall publish all orders, data required by s. 627.915(2), reports required by s. 627.7154(3), and all reports that are not confidential and exempt on its website in a timely fashion.
- (5) The department and office shall each have such additional powers and duties as may be provided by other laws of this state.
- (6) The department and office may each employ actuaries who shall be at-will employees and who shall serve at the pleasure of the Chief Financial Officer, in the case of department employees, or at the pleasure of the director of the office, in the case of office employees. Actuaries employed pursuant to this paragraph shall be members of the Society of Actuaries or the Casualty Actuarial Society and shall be exempt from the Career Service System established under chapter 110. The salaries of the actuaries employed pursuant to this paragraph shall be set at levels which are commensurate with salary levels paid to actuaries by the insurance industry.

- (7) The department and office, within existing resources, may expend funds for the professional development of their employees, including, but not limited to, professional dues for employees who are required to be members of professional organizations; examinations leading to professional designations required for employment with the office; training courses and examinations provided through, and to ensure compliance with, the National Association of Insurance Commissioners; or other training courses related to the regulation of insurance.
- (8) The office shall, within existing resources, develop and implement an outreach program for the purpose of encouraging the entry of additional insurers into the Florida market.
- (9) Upon receiving service of legal process issued in any civil action or proceeding in this state against any regulated person or any unauthorized insurer under s. 626.906 or s. 626.937 that is required to appoint the Chief Financial Officer as its agent to receive service of all legal process, the Chief Financial Officer shall make the process available through a secure online portal established by the department to the person last designated by the regulated person or the unauthorized insurer to receive the process. When process documents are made available electronically, the Chief Financial Officer shall promptly send a notice of receipt of service of process to the person last designated by the regulated person or unauthorized insurer to receive legal process. The notice must state the date the process was made available to the regulated person or unauthorized insurer being served and contain the uniform resource locator (URL) where the process may be obtained.
- (10)(a) The Division of Consumer Services shall perform the following functions concerning products or services regulated by the department or office:
 1. Receive inquiries and complaints from consumers.
 2. Prepare and disseminate information that the department deems appropriate to inform or assist consumers.
 3. Provide direct assistance to and advocacy for consumers who request such assistance or advocacy.
 4. With respect to apparent or potential violations of law or applicable rules committed by a person or an entity licensed by the department or office, report apparent or potential violations to the office or to the appropriate division of the department, which may take any additional action it deems appropriate.
 5. Designate an employee of the division as the primary contact for consumers on issues relating to sinkholes.
 6. Designate an employee of the division as the primary contact for consumers and pharmacies on issues relating to pharmacy benefit managers. The division must refer to the office any consumer complaint that alleges conduct that may constitute a violation of part

VII of chapter 626 or for which a pharmacy benefit manager does not respond in accordance with paragraph (b).

- (b) Any person licensed or issued a certificate of authority or made an eligible surplus lines insurer by the department or the office shall respond, in writing or electronically, to the division within 14 days after receipt of a written request for documents and information from the division concerning a consumer complaint. The response must address the issues and allegations raised in the complaint and include any requested documents concerning the consumer complaint not subject to attorney-client or work-product privilege. The division may impose an administrative penalty for failure to comply with this paragraph of up to \$5,000 per violation upon any entity licensed by the department or the office and up to \$1,000 per violation by any individual licensed by the department or the office.
- (c) Each insurer issued a certificate of authority or made an eligible surplus lines insurer shall file with the department an e-mail address to which requests for response to consumer complaints shall be directed pursuant to paragraph (b). Such insurer shall also designate a contact person for escalated complaint issues and shall provide the name, e-mail address, and telephone number of such person. A licensee of the department, including an agency or a firm, may elect to designate an e-mail address to which requests for response to consumer complaints shall be directed pursuant to paragraph (b). If a licensee, including an agency or a firm, elects not to designate an e-mail address, the department shall direct requests for response to consumer complaints to the e-mail address of record for the licensee in the department's licensing system. An insurer or a licensee, including an agency or a firm, may change the designated contact information at any time by submitting the new information to the department using the method designated by rule by the department.
- (d) The department may adopt rules to administer this subsection.
- (e) The powers, duties, and responsibilities expressed or granted in this subsection do not limit the powers, duties, and responsibilities of the department, the Financial Services Commission, the Office of Insurance Regulation, or the Office of Financial Regulation as otherwise provided by law.

Florida Statute § 624.422 Service of process; appointment of Chief Financial Officer as process agent.

- (1) Each licensed insurer, whether domestic, foreign, or alien, shall be deemed to have appointed the Chief Financial Officer and her or his successors in office as its agent to receive service of all legal process issued against it in any civil action or proceeding in this state; and process so served shall be valid and binding upon the insurer.
- (2) Before its authorization to transact insurance in this state, each insurer shall file with the department designation of the name and e-mail address of the person to whom process

against it served upon the Chief Financial Officer is to be made available through the department's secure online portal. Each insurer shall also file with the department designation of the name and e-mail address of the person to whom the department shall forward civil remedy notices filed under s. 624.155. The insurer may change a designation at any time by a new filing.

- (3) Service of process submitted through the department's secure online portal upon the Chief Financial Officer as the insurer's agent pursuant to such an appointment shall be the sole method of service of process upon an authorized domestic, foreign, or alien insurer in this state.

Florida Statute § 624.423 Serving process.

- (1) Service of process upon the Chief Financial Officer as process agent of the insurer under s. 624.422 and s. 626.937 shall be made electronically as provided in s. 48.151(3). Upon receiving such service, the Chief Financial Officer shall retain a record of the process and promptly notify and make the process available through the department's secure online portal, as provided under s. 624.307(9), to the person last designated by the insurer to receive the same, as provided under s. 624.422(2). For purposes of this section, records shall be retained electronically.
- (2) If process is served upon the Chief Financial Officer as an insurer's process agent, the insurer is not required to answer or plead except within 20 days after the date upon which the Chief Financial Officer sends or makes available by other verifiable means a copy of the process served upon her or him as required by subsection (1).
- (3) Process served upon the Chief Financial Officer and sent or made available in accordance with this section and s. 624.307(9) shall for all purposes constitute valid and binding service thereof upon the insurer.

Florida Statute § 655.0201 Service of process, notice, levy, or demand on financial institutions.

- (1) Notwithstanding any other Florida law, this section establishes the proper location for service of process upon a financial institution for all types of service of process to be made on a financial institution.
- (2) A financial institution authorized by federal or state law to transact business in this state may designate with the Department of State a place or registered agent located within the state as the financial institution's sole location or agent for service of process, notice, levy, or demand. Any such place or registered agent so designated must be open and available for service of process during regular business hours on regular business days, which, at a minimum, is any time between the hours of 9 a.m. and 5 p.m. local time, on Mondays through Fridays, excluding federal and Florida holidays. After a financial institution designates a place or registered agent within this state, such place or registered agent is the

sole location for service of process, including service for actions related to garnishment, levy, injunctions, lawsuits, and the attachment of safety deposit boxes, in accordance with chapters 60, 76, and 77, and the Florida Rules of Civil Procedure.

- (3)(a) If a financial institution has no registered agent or service cannot be made in accordance with subsection (2), service may be made to any officer, director, or business agent of the financial institution at its principal place of business or at any other branch, office, or place of business in the state.
- (b) Notwithstanding subsection (2), any service required or authorized to be made by the Office of Financial Regulation under the financial institutions codes may be made to any officer, director, or business agent of the financial institution at its principal place of business or any other branch, office, or place of business in the state as set forth in s. 655.031(2).

Florida Statute § 718.50155 Service of process.

- (1) In addition to the methods of service provided for in the Florida Rules of Civil Procedure and the Florida Statutes, service may be made and shall be binding upon the defendant or respondent if:
 - (a) The division, which is acting as the petitioner or plaintiff, immediately sends a copy of the process and of the pleading by certified mail to the defendant or respondent at his or her last known address; and
 - (b) The division files an affidavit of compliance with this section on or before the return date of the process or within the time set by the court.
- (2) If any person, including any nonresident of this state, allegedly engages in conduct prohibited by this chapter, or any rule or order of the division, and has not filed a consent to service of process, and personal jurisdiction over him or her cannot otherwise be obtained in this state, the director shall be authorized to receive service of process in any noncriminal proceeding against that person or his or her successor which grows out of the conduct and which is brought by the division under this chapter or any rule or order of the division. The process shall have the same force and validity as if personally served. Notice shall be given as provided in subsection (1).

Florida Statute § 721.265 Service of process.

- (1) In addition to the methods of service provided for in the Florida Rules of Civil Procedure and the Florida Statutes, service of process may be made by delivering a copy of the process to the director of the division, which shall be binding upon the defendant or respondent, if:
 - (a) The plaintiff, which may be the division, immediately sends a copy of the process and the pleading by certified mail to the defendant or respondent at her or his last known address.

- (b) The plaintiff files an affidavit of compliance with this section on or before the return date of the process or within the time set by the court.
- (2) If any person, including any nonresident of this state, allegedly engages in conduct prohibited by this chapter, or by any rule or order of the division, and has not filed a consent to service of process, and personal jurisdiction over her or him cannot otherwise be obtained in this state, the director shall be authorized to receive service of process in any noncriminal proceeding against that person or her or his successor which grows out of the conduct and which is brought under this chapter or any rule or order of the division. The process shall have the same force and validity as if personally served. Notice shall be given as provided in subsection (1).
- (3) In addition to any means recognized by law, substituted service of process on timeshare purchasers in receivership proceedings may be made in accordance with s. 721.85(1).

Florida Statute § 721.85 Service to notice address or on registered agent.

(1) Service of process for a foreclosure proceeding involving a timeshare interest may be made by any means recognized by law. In addition, substituted service on an obligor who has appointed a registered agent under s. 721.84 may be made on such registered agent at the registered office. Also, when using s. 48.194 where in rem or quasi in rem relief only is sought, such service of process provisions are modified in connection with a foreclosure proceeding against a timeshare interest to provide that:

(a) Such service of process may be made on any person whether the person is located inside or outside this state, by certified mail, registered mail, or permitted delivery service, return receipt requested, addressed to the person to be served at the notice address, or on the person's registered agent duly appointed under s. 721.84, at the registered office; and

(b) Service shall be considered obtained upon the signing of the return receipt by any person at the notice address, or by the registered agent.

(2) The current owner and the mortgagor of a timeshare interest must promptly notify the owners' association and the mortgagee of any change of address.

(3) Substituted notice under s. 721.855 or s. 721.856 for any party who has appointed a registered agent under s. 721.84 may be made on such registered agent at the registered office.

Florida Statute § 1000.36 Interstate Compact on Educational Opportunity for Military Children.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.

* * *

C. The Interstate Commission is entitled to receive all service of process in any

such proceeding, and has standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission renders a judgment or order void as to the Interstate Commission, this compact, or its adopted rules.

Florida Statute § 810.09 Trespass on property other than structure or conveyance. Effective May 16, 2025.

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term “unenclosed curtilage” means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(a) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing the violation. If a person is taken into custody, a law enforcement officer must be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(c) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s.

775.083, or s. 775.084, if the property trespassed is a construction site that is:

1. Greater than 1 acre in area and is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”; or
2. One acre or less in area and is identified as such with a sign that appears prominently, in letters of not less than 2 inches in height, and reads in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.” The sign must be placed at the location on the property where the permits for construction are located. For construction sites of 1 acre or less as provided in this subparagraph, it may not be necessary to give notice by posting as defined in s. 810.011(5).

(d) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: “THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(f) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is a domestic violence center certified under s. 39.905 which is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED RESTRICTED SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(g) Any person who in taking or attempting to take any animal described in s. 379.101(19) or (20), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term “potentially lethal projectile” includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section does not apply to any governmental agent or employee acting within the scope of his or her official duties.

(h) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural chemicals manufacturing facility that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(i) 1. The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offender trespasses with the intent to injure another person, damage property, or impede the operation or use of an aircraft, runway, taxiway, ramp, or apron area, and the property trespassed upon is the operational area of an airport that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED OPERATIONAL AREA OF AN AIRPORT, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

2. For purposes of this paragraph, the term “operational area of an airport” means any portion of an airport to which access by the public is prohibited by fences or appropriate signs and includes runways, taxiways, ramps, apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft.

(j) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offender trespasses with the intent to commit a crime on commercial agricultural property that is legally posted and identified by signs in letters of at least 2 inches at each pedestrian and vehicle entrance in substantially the following manner: “THIS AREA IS A DESIGNATED COMMERCIAL AGRICULTURAL PROPERTY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

1. A first-time offender who is under 18 years of age at the time he or she commits the crime specified in this paragraph must be given the option of participating in a diversion program described in s. 958.12, s. 985.125, s. 985.155, or s. 985.16 or a program to which a referral is made by a state attorney under s. 985.15.

2. For the purpose of this paragraph, the term “commercial agricultural property” means property cleared of its natural vegetation or fenced for the purposes of planting, growing, harvesting, processing, raising, producing, or storing plant or animal commercial commodities.

(k) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an area being maintained or secured by federal, state, or local law enforcement officers which is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED RESTRICTED SITE SECURED BY LAW ENFORCEMENT, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(3) As used in this section, the term “authorized person” or “person authorized” means any owner, his or her agent, or a community association authorized as an agent for the owner, or any law enforcement officer whose department has received written authorization from the owner, his or her agent, or a community association authorized as an agent for the owner, to communicate an order to leave the property in the case of a threat to public safety or welfare.

FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.070. Process. Effective April 1, 2025.

- (a) **Summons; Issuance.** On the commencement of the action, summons or other process authorized by law must be promptly issued by the clerk or judge under the clerk's or the judge's signature and the seal of the court and delivered for service.
- (b) **Service; By Whom Made.** Service of process may be made by an officer authorized by law to serve process, but the court may appoint any competent person not interested in the action to serve the process. The person serving process must make proof of service by affidavit promptly and in any event within the time during which the person served must respond to the process. Failure to make proof of service will not affect the validity of the service. When any process is returned not executed or returned improperly executed for any defendant, the party causing its issuance is entitled to any additional process against the unserved party as is required to effect service.
- (c) **Service; Numerous Defendants.** If more than 1 defendant is named, the clerk or judge must issue as many writs of process against the several defendants as may be directed by the plaintiff or the plaintiff's attorney.
- (d) **Service by Publication or Any Other Means.** Service of process by publication or any other means may be made as provided by statute.
- (e) **Copies of Initial Pleading for Persons Served.** At the time of personal service of process, a copy of the initial pleading must be delivered to the party on whom service is made. The date and hour of service must be endorsed on the original process and all copies of it by the person making the service. The party seeking to effect personal service must provide the person making service with the necessary copies. When the service is made by publication, copies of the initial pleadings must be provided to the clerk and mailed by the clerk with the notice of action to all parties whose addresses are stated in the initial pleading or sworn statement.
- (f) **Service of Orders.** If personal service of a court order is to be made, the original order must be filed with the clerk, who must certify or verify a copy of it without charge. The person making service must use the certified copy instead of the original order in the same manner as original process in making service.
- (g) **Fees; Service of Pleadings.** The statutory compensation for making service will not be increased by the simultaneous delivery or mailing of the copy of the initial pleading in conformity with this rule.
- (h) **Pleading Basis.** When service of process is to be made under statutes authorizing service on nonresidents of Florida, it is sufficient to plead the basis for service in the language of the statute without pleading the facts supporting service.
- (i) **Service of Process by Mail.** A defendant may accept service of process by mail.

- (1) Accepting service of a complaint by mail does not waive any objection to the venue or to the jurisdiction of the court over the defendant.
 - (2) A plaintiff may notify any defendant of the commencement of the action and request that the defendant waive service of a summons. The notice and request must:
 - (A) be in writing and be addressed directly to the defendant, if an individual, or to an officer or managing or general agent of the defendant or other agent authorized by appointment or law to receive service of process;
 - (B) be dispatched by certified mail, return receipt requested;
 - (C) be accompanied by a copy of the complaint and identify the court in which it has been filed;
 - (D) inform the defendant of the consequences of compliance and of failure to comply with the request;
 - (E) state the date on which the request is sent;
 - (F) allow the defendant 20 days from the date on which the request is received to return the waiver, or, if the address of the defendant is outside of the United States, 30 days from the date on which it is received to return the waiver; and
 - (G) provide the defendant with an extra copy of the notice and request, including the waiver, and a prepaid means of compliance in writing.
 - (3) If a defendant fails to comply with a request for waiver within the time provided, the court must impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure is shown.
 - (4) A defendant who, before being served with process, timely returns a waiver is not required to respond to the complaint until 60 days after the date the defendant received the request for waiver of service. For purposes of computing any time prescribed or allowed by these rules, service of process will be deemed effected 20 days before the time required to respond to the complaint.
 - (5) When the plaintiff files a waiver of service with the court, the action must proceed, except as provided in subdivision (i)(4) above, as if a summons and complaint had been served at the time of filing the waiver, and no further proof of service is required.
- (j) **Summons; Time Limit.** If service of the initial process and initial pleading is not made on a defendant within 120 days after filing of the initial pleading directed to that defendant

the court, on its own initiative after notice or on motion, must direct that service be effected within a specified time or must dismiss the action without prejudice or drop that defendant as a party; provided that if the plaintiff shows good cause or excusable neglect for the failure, the court must extend the time for service for an appropriate period. When a motion for leave to amend with the attached proposed amended complaint is filed, the 120-day period for service of amended complaints on the new party or parties will begin on the entry of an order granting leave to amend. A dismissal under this subdivision will not be considered a voluntary dismissal or operate as an adjudication on the merits under rule 1.420(a)(1).

Rule 1.080. Service and Filing of Pleadings; Orders; Documents; and Transcripts. Effective: October 1, 2024.

(a) Service. Every pleading after the initial pleading, all orders, and every other document filed or required by statute or rule to be served in the action must be served in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516.

(b) Filing. All documents must be filed in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.525.

(c) Writing and written defined. Writing or written means a document containing information, an application, or a stipulation.

(d) Format of Filed Transcripts. All transcripts filed with the court must be in full-page format, unless condensed transcripts are authorized by the court. The Portable Document Format (“PDF”) file(s) of all transcripts must be text searchable.

FLORIDA SMALL CLAIMS RULES

Rule 7.070. Method of Service.

Service of process shall be effected as provided by law or as provided by Florida Rules of Civil Procedure 1.070(a)-(h). Constructive service or substituted service of process may be effected as provided by law. Service of process on Florida residents only may also be effected by certified mail, return receipt signed by the defendant, or someone authorized to receive mail at the residence or principal place of business of the defendant. Either the clerk or an attorney of record may mail the certified mail, the cost of which is in addition to the filing fee.

FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION

Rule 2.516. Service. Effective July 1, 2025

(a) Service of Filed Documents The filer of a document must serve it on all other parties as provided in this rule unless:

- (1) the document is the first pleading filed in the action and is being served under the statutes and rules applicable to service of process;
- (2) a statute, rule, or administrative court order of the Florida Supreme Court provides for a different method of service, and the document is served under that method;
- (3) a statute, rule, or court order requires or permits the document to be filed without being served;
- (4) the document is an application for a witness subpoena; or
- (5) a default has been entered against the party and service is not required by law or another court rule.

(b) Service; How Made. Service must be made as follows unless the parties agree otherwise.

(1) *Portal Service.* Documents filed through the portal must be served using the portal's e-service function. The portal will transmit a copy of the document electronically to each address on the service list, including the filer. Service on each listed recipient is complete on filing, but the filer must immediately serve by any permitted means any intended recipient that the filer learns did not receive a filed document.

(2) *E-mail Service.*

(A) *On Unrepresented Parties.* A party not represented by an attorney must file and serve a designation of a primary e-mail address and up to 2 additional e-mail addresses for service using Florida Rule of General Practice and Judicial Administration Form 2.602 unless the unrepresented party:

(i) is in custody; or

(ii) declares on Florida Rule of General Practice and Judicial Administration Form 2.601, under penalty of perjury, that the party does not have an e-mail account or does not have regular access to the Internet. The clerks of court must make this form available to the public at their offices and on their websites.

(B) *Other Electronic Service.*

(i) If a document is filed using an electronic court filing facility other than the portal, or if the document will be electronically served but not filed, service must be made by attaching the document in PDF format to an e-mail message and transmitting it to the recipient's e-mail address(es).

(ii) If an attorney cannot be served at the e-mail address in the signature block or if there is no e-mail address in the signature block, the attorney may be served at the attorney's official Florida Bar e-mail address.

(C) Format of E-mail Service. The title of the e-mail message serving a document must begin with “SERVICE OF COURT DOCUMENT” and be followed by the case number and a reasonable abbreviation of the style of the case. The body of the e-mail message must contain the style of the case, the title of the document, and the name and telephone number of the person serving the document. Service by e-mail is complete when sent.

(3) Service of Paper Documents.

(A) An unrepresented party who is in custody or who has signed the declaration on Form 2.601 may serve paper documents.

(B) A paper copy must be served on an unrepresented party if that party is not a Florida Bar member or an attorney who has been admitted pro hac vice and the party:

(i) is in custody;

(ii) signed the declaration on Form 2.601; or

(iii) has failed to register for the portal or designate an e-mail address for service.

The failure of a judge, magistrate, clerk, or other court official to serve a paper copy of a judgment or order in compliance with this subdivision does not affect the validity of the judgment or order, its finality, or any proceedings arising in the action.

(C) When service of paper is permitted or required, the paper must be served by hand delivery, United States mail, or other commercial delivery service at the address where process was served unless a court or the party designated a different address. Service by mail is complete on mailing. Service by delivery is complete on the day of delivery.

(c) Service on Judge or Other Court Official. Documents filed under rule 2.525 must not be served on the judge or other court official under this rule unless service is required by a statute, rule, administrative order, or court order. If permitted, service on a judge or other court official must be made electronically under subdivision (b) and the Florida Courts Technology Standards.

(d) Oversized Documents. For any document that must be served but is too large for portal or e-mail service, the party must serve the document in compliance with the Florida Courts Technology Standards.

(e) Technical Standards. Service must comply with the Florida Courts Technology Standards but noncompliance with technical requirements does not invalidate service unless the court so orders.

(f) Certificate of Service. A person establishes prima facie proof of service by including the following:

(1) certification;

- (2) date of service;
- (3) name(s) of person(s) served
- (4) service address(es); and
- (5) method of service.

The following sample certificate complies with this rule:

“I certify that on(date)....this document has been furnished to (here insert name(s) and service address(es)) by (here insert method of service such as portal, e-mail, delivery, or mail).

Attorney at Law”

Rule 2.525. Filing. Effective July 1, 2025.

(a) Official Court File. The official court file is a set of electronic documents docketed and stored in a computer system maintained by the clerk under this rule. Documents in the official court file are originals for all purposes except as otherwise provided by statute or rule.

(b) Portal Filing.

- (1) Attorneys must file through the portal or other designated electronic court filing facility according to its instructions.
- (2) An unrepresented party who is not a member of The Florida Bar or an attorney admitted pro hac vice may elect to file through the portal or other designated electronic court filing facility by registering with the portal or designated electronic court filing facility according to its instructions. Once the election is made, it may not be withdrawn without leave of court.
- (3) No other method of filing is permitted except as provided in subdivision (c) of this rule or otherwise authorized by the Florida Courts Technology Standards.

(c) Documents Submitted to Clerk for Filing.

- (1) A paper document may be submitted to the clerk for filing, which the clerk will convert to electronic format, if the:
 - (A) document is submitted for filing by an unrepresented party who has not elected to participate electronically in accordance with subdivision (b)(2) or who has obtained leave of court to withdraw the election;
 - (B) document is submitted for filing by a judge, magistrate, clerk, or other court official;

(C) document is accepted for filing by a judicial officer in open court or in chambers, in which case the judicial officer must note the date of receipt on the document and submit it to the clerk for filing;

(D) filing of the original paper document is required by order, rule, or statute; or

(E) court so orders.

(2) Unless prohibited by order, rule, or statute, after conversion to an electronic form, the clerk will dispose of paper documents submitted for filing or return them to the filer if the filer provides a self-addressed postage-prepaid envelope to the clerk at the time of submission.

(d) Notarized and Verified Documents. If a document is sworn, notarized, or verified, the jurat or other act of verification may either be electronically created as permitted by law and in accordance with the Florida Courts Technology Standards, or may initially be committed to paper, scanned, and filed, either as part of an electronically filed document or with a cover page containing the style of the case, name of the document, and certificate of service.

(e) Filed Date and Time. A successfully filed document's file date and time is the earlier of the date and time:

(1) stamp applied to the document by the portal or other designated electronic court filing facility;

(2) applied to the document by the clerk's manual stamp for documents filed under subdivision (c)(1)(A) or (c)(1)(B); or

(3) applied to the document pursuant to subdivision (c)(1)(C).

(f) Docketing by Clerk; Unsuccessful Filing Attempt; Noncompliant Electronic Documents; Corrections Queue. When a document is submitted for filing under subdivision (b) or (c), the clerk is obligated to make it part of the official court file and index it in the progress docket of the case unless subdivision (f)(1) applies.

(1) A submitted document will be placed into a correction queue and will not be docketed only if it:

(A) is filed after a case number is assigned and lacks a correct case number and the correct case number cannot be reliably and easily identified;

(B) lacks a case style or has the wrong case style;

(C) consists of multiple documents filed as 1 document;

(D) consists of a multi-page document filed as separate documents;

(E) is a proposed order, unless it is filed under a notice of filing for purposes of preserving a record;

(F) is illegible, corrupt, or blank; or

(G) is barred by order of court or is otherwise incapable of being filed in the clerk's case maintenance system.

(2) If subdivision (f)(1) applies and the relevant case can be identified, the clerk, portal, or other designated electronic court filing facility will immediately notify the filer and all persons initially served with that document specifying the reason the filing was unsuccessful and has been placed in the correction queue. The filer will be responsible for notifying a party participating in paper form under subdivision (c) of this rule. If the relevant case cannot be determined, the clerk will notify the person who submitted the document. The clerk, portal, or other designated electronic court filing facility will hold the document in the correction queue for an additional 30 days from the date the filer was notified of the unsuccessful filing. During those 30 days, the person who submitted it may:

(A) file a new document that remedies the reasons stated in the notice but is otherwise substantially identical, which if successfully filed, relates back to the date of the unsuccessful filing attempt and permits disposal of the document in the correction queue;

(B) file a motion for review of the clerk's action, attaching a copy of the document, in which case the clerk, portal, or other designated electronic court filing facility must hold the document until the motion is decided by the court; or

(C) take no action under subdivisions (f)(2)(A) or (f)(2)(B), thereby abandoning the document.

(3) Except for the reasons set forth in subdivision (f)(1) of this rule, the clerk will docket all documents submitted for filing. The clerk may note if it appears a document was not submitted in compliance with rules of procedure in its associated docket entry, at which point the court may strike the noncompliant document.

C. LEGISLATIVE AND JUDICIAL ADMINISTRATIVE UPDATES

On September 13, 2024, the Chief Judge rendered Administrative Order No. 24-08, In Re: Reestablishment of Certification and Regulation of Certified Civil Process Servers within the Eleventh Judicial Circuit of Florida, in and for Miami-Dade County. This year there were multiple legislative updates to rules concerning service of process. See below for a summary of the updates for each rule change:

April 1, 2025 Legislative Update Amending Fla. R. Civ. P. Rule 1.070

- We amend rules 1.070, 1.410, and 1.550 to remove the word *praecipe* and other overly formal technical legal terminology.

May 16, 2025 Legislative Update: Amending s. 810.09 F.S.

- An act relating to trespass; amending s. 810.09, F.S.; providing enhanced criminal penalties for trespassing on property maintained or secured by federal, state, or local law enforcement officers if specified notice is posted.

July 1, 2025 Legislative Update: Amending Rules 2.516 and 2.525

- Rule 2.516 is retitled and amended to require that documents filed through the Portal also be served through the Portal's e-service function. Additionally, the amended rule requires documents that are served but not filed to be served by attaching the document in PDF format to an e-mail message and transmitting it to the recipient's e-mail address. However, we amend the Committee's proposed subdivision (b)(3)(A) to state that “[a]n unrepresented party who is in custody or who has signed the declaration on Form 2.601 may serve paper documents.”
- Rule 2.525 is retitled and revised to require Florida licensed attorneys to file through the Portal. Unrepresented parties who are not members of The Florida Bar or attorneys admitted pro hac vice may elect to file through the Portal or other designated electronic court filing facility. Once such individual makes a filing election, it may not be withdrawn without leave of court. Also, under the amended rule, clerks are obligated to make a document submitted for filing part of the official court file and index it in the progress docket unless there is an issue with the document that is included on the list under subdivision (f)(1)(A)-(G). In that case, the document will be placed in a correction queue for 30 days, during such time the party that filed the document can motion for review of the clerk's action, file a corrected document, or abandon the filing.

August 15, 2025 Legislative Update Amending s. 624.307 F.S.

- An act relating to the Florida Statutes; amending s. 624.307 F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation; providing an effective date.

October 1, 2025 Legislative Update Amending ss. 48.091 F.S., 48.101 F.S., 48.161 F.S., and 48.181 F.S.

- 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.

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D. ADMINISTRATIVE ORDER 24-08

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 24-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 24-08
(Rescinding AO No. 16-11, as
amended)**

**IN RE: REESTABLISHMENT OF
CERTIFICATION AND REGULATION OF
CERTIFIED CIVIL PROCESS SERVERS
WITHIN THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR MIAMI-
DADE COUNTY**

WHEREAS, Rule 2.215 of the Florida Rules of General Practice and Judicial Administration places responsibility in the Chief Judge for the development of an administrative plan for the efficient and proper administration of all courts within the Circuit; and

WHEREAS, the Florida Certified Process Server Act, Florida Statutes §§ 48.25 through 48.31 ("Process Server Act"), expressly vests in the Chief Judge the authority to establish an approved list of process servers who have met the requirements for certification under the Process Server Act and the requirements set forth by the Eleventh Judicial Circuit of Florida; and

WHEREAS, the Legislature has provided in Chapter 48 a method of certification of process servers and has authorized the chief judge of each circuit to establish a list of such certified process servers who may serve process in that circuit; and

WHEREAS, § 48.29(6), Fla. Stat., provides that returns of service shall be made by certified process servers on a form which has been reviewed and approved by the court; and

WHEREAS, § 92.525, Fla. Stat., establishes alternate methods for verification of documents; and

WHEREAS, § 48.27, Fla. Stat., sets forth certain standards and requirements for the designation of certified process servers to serve initial non-enforceable civil process in the Eleventh Judicial Circuit of Florida; and

WHEREAS, uniform procedures and guidelines are necessary for ensuring

proficiency and professionalism in the service of civil process within the Eleventh Judicial Circuit; and

WHEREAS, accordingly, this Administrative Order requires a reestablishment and clarification of the standards and requirements governing certified process servers within the Eleventh Judicial Circuit of Florida.

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of General Practice and Judicial Administration, the following standards and requirements governing certified process servers within the Eleventh Judicial Circuit are hereby reestablished:

A. STANDARDS AND REQUIREMENTS:

1. The Chief Judge has broad discretion to make determinations considering whether to add an applicant to the list of Certified Process Servers. Individuals seeking certification must submit an application with a reasonable processing fee, as set forth in the current Information Sheet for Applicants issued by the Administrative Office of the Courts ("AOC"), and must fulfill the following requirements:
 - (a) The applicant shall be a permanent resident of the State of Florida, shall be at least eighteen (18) years of age, and must have no mental or legal disability.
 - (b) The applicant shall submit to a background investigation which shall include a review of the applicant's criminal record, if any exists.
 - (c) The applicant shall obtain and file with the application a certificate of good conduct which specifies all of the following:
 - (1) There is no pending criminal case against the applicant.
 - (2) There is no record of any felony conviction of the applicant.
 - (3) There is no record of a conviction of the applicant for a misdemeanor involving moral turpitude or dishonesty within the past five (5) years.
 - (d) Any applicant whose application indicates a record of a felony conviction, a misdemeanor conviction involving moral turpitude or dishonesty, registration as a sexual offender, or designation as a sexual predator may be determined to be ineligible to be placed on the list of Certified Process Servers at the discretion of the Chief Judge.

- (e) Persons who have completed an application and satisfied the requirements set forth in paragraphs 1(a)-(c) shall submit to a written examination testing the applicant's knowledge of the laws and rules regarding the service of process. A passing examination grade is hereby fixed at eighty percent (80%) out of a possible score of one hundred percent (100%). The content, frequency and location of the examination shall be approved by the Chief Judge or Chief Judge's designee.
 - (f) An applicant shall execute a performance bond with a surety company authorized within Miami-Dade County in the amount of Five Thousand Dollars (\$5,000.00) as provided in § 48.29(3)(g), Fla. Stat. Such bond shall be approved by the Clerk of the Courts prior to presentation to the AOC and shall be renewable on an annual basis.
 - (g) An applicant who successfully completes the written examination shall take an oath that he or she will honestly, diligently, and faithfully exercise the duties of a certified process server.
 - (h) An applicant who completes the requirements set forth in Chapter 48 and set forth in this Administrative Order may be eligible to be placed on the approved list of process servers to serve initial non-enforceable civil process as may be authorized in § 48.27 of the Florida Statutes and within the discretion of the Chief Judge.
- 2. The identification card issued to each certified process server shall be renewed annually, upon proof of good standing, completion of re-certification course, and current bond. At the time of renewal, a reasonable renewal fee set by the Chief Judge shall be due from each process server.
 - 3. Certified process servers approved for the Eleventh Judicial Circuit shall comply with the standards and requirements in this Administrative Order and all applicable rules and statutes pertaining to service of process and will be expected to keep up to date with any new provisions within said rules and statutes.
 - 4. Certified process servers are prohibited from engaging in the following conduct:
 - (a) Making false or misleading statements or misrepresentations regarding other certified process servers in this Circuit to any person with the intent to obtain business as a result of such false statements or misrepresentations or to deprive the subject process server from continued business;
 - (b) Making false statements or omissions to any person regarding his or

her identity or legal authority to effect service of process;

- (c) Continuation of false or deceptive advertising or other activity intended to generate business after receipt of a cease-and-desist letter from the Board;
 - (d) Use of inappropriate, unprofessional, threatening or intimidating tactics to obtain client lists or other business records from other certified process servers' offices or from client's offices;
 - (e) Alcohol or drug abuse, physical incapacity, or mental instability which does or is likely to interfere with the performance of the duties of a certified process server;
 - (f) Misrepresentation as to the identity of the party receiving service or the process server who delivered the service. (Note that knowingly executing a false return of service is a felony of the third degree);
 - (g) Obtaining the certification by fraudulent means;
 - (h) Having his/her certification revoked in another circuit;
 - (i) Being adjudicated delinquent on his or her child support obligation;
 - (j) Accepting a gratuity, gift or favor that interferes with, might interfere with, or appears to influence, professional judgment;
 - (k) Making material misrepresentations in connection with the service of process;
 - (l) Making malicious or intentionally false statements about a colleague;
 - (m) Misrepresenting one's own professional qualifications;
 - (n) Submitting fraudulent information on any document in connection with service of process;
 - (o) Misrepresenting one's own identity to avoid service of process; and
 - (p) Any other practices which constitute malfeasance, misfeasance, neglect of duty, or incompetence in connection with the duties of a certified process server.
5. A certified process server on the approved List of Certified Process Servers eligible to serve process within the Eleventh Judicial Circuit may be removed from the List for good cause. Good cause shall include, but not be limited to,

prohibited conduct specified in Section A.4. of this Administrative Order. Furthermore,

- (a) Any person aggrieved by the actions of a certified process server may file a complaint with the Process Server Review Board of the Eleventh Judicial Circuit.
- (b) The Board shall receive the complaint and provide the process server 10 business days to file a written response after receipt of the complaint. After review of the complaint and the process server's written response, the Board may afford the process server an opportunity to be heard before the Board. Subsequently, the Board shall make a finding that probable cause or no probable cause has been established to show that a violation of the standards and requirements in this Administrative Order has occurred and grounds for discipline exist. The Board shall forward its findings and recommendations to the Chief Judge or the Chief Judge's designee for consideration. If the Chief Judge has named a designee, the Chief Judge's designee shall forward his or her approval or disapproval of the recommendation to the Chief Judge. A final disposition of the complaint shall take place at the next Board meeting, but no more than 45 days after the filing of the complaint. Any substantiated complaint shall remain on file for a period of five (5) years.
- (c) Discipline recommended by the Board and imposed by the Chief Judge (or designee) may consist of one or more of the following:
 - i. A reprimand from the Board.
 - ii. A reprimand from the Chief Judge.
 - iii. The imposition of costs and expenses incurred by the Board in connection with the proceeding, including costs of recording and investigation.
 - iv. Restitution.
 - v. Requiring the certified process server certification examination to be successfully retaken.
 - vi. Suspension of certification not to exceed one (1) year, after which the individual may seek reinstatement upon any conditions the Chief Judge may deem appropriate; and/or
 - vii. Revocation of certification.

If, after reviewing the Board's recommendation and factual findings, the Chief Judge (or designee) determines that sanctions are appropriate, an Order Imposing Sanctions shall be entered. The Office of the Court Administrator and the Clerk of the Court for each County shall update the list of Approved Certified Process Servers with notations or removals based on such orders.

- (d) Within 30 days after a final adverse disciplinary disposition, a certified process server may seek review by common law certiorari to the Third District Court of Appeal pursuant to Rule 9.100, Florida Rules of Appellate Procedure.
- (e) Nothing herein shall limit the power of the Chief Judge to take whatever action is deemed appropriate without the necessity of referral to the Process Server Review Board.

B. VERIFIED RETURN OF SERVICE FORM

1. A return of service form provided by a Certified Process Server that is captioned "Return of Service" and which contains the following information shall be authorized for use in this Circuit:
 - (a) The court, case number, and caption of the case.
 - (b) The date and time when process was received by the Certified Process Server.
 - (c) The date and time when service was made.
 - (d) The specific manner of execution (section of statute, if applicable).
 - (e) The name of the person on whom service was made.
 - (f) If a person was served in a representative capacity, the position occupied by the person.
 - (g) The signature of the certified process server.
 - (h) The printed name and identification number of the certified process server.
 - (i) A statement that the person serving process is a certified process server in good standing in the judicial circuit in which the process was served and that the Certified Process Server is disinterested in the process being served.

2. Verification of the Return of Service shall be accomplished by either of the methods prescribed in § 92.525, Fla. Stat.:
 - (a) An oath before a notary that, by personal knowledge, the facts and matters contained within the Verified Return of Service are true and correct; or
 - (b) A signed declaration containing the following language: "Under penalty of perjury, I declare that I have read the foregoing Verified Return of Service and that the facts stated are true."
3. A Verified Return of Service, to be valid, need not refer to any Administrative Order nor to any order or blanket appointment.
4. A Verified Return of Service which contains information in addition to those items mentioned above shall not be invalidated on that basis.

C. MAINTENANCE OF LIST OF APPROVED CERTIFIED PROCESS SERVERS:

The Administrative Office of the Courts and the Clerk of the Courts are hereby authorized and directed to maintain and update the approved List of Certified Process Servers.

D. PROCESS SERVER REVIEW BOARD

1. Board Purpose. The Process Server Review Board ("Board") shall monitor the certification, conduct, and professionalism of persons certified to serve process in the Eleventh Judicial Circuit pursuant to this Administrative Order and Section 48.25, *et seq.*, Florida Statutes. The Board shall operate under the supervisory authority of the Chief Judge of the Eleventh Circuit.
2. Board Composition. The Board will be composed of a chair, co-chair(s), member at large, certified civil process server, Board secretary, Board coordinator, representative of the Miami-Dade County Clerk of the Courts who is familiar with service of process, representative of the law enforcement community in this Circuit who is familiar with service of process, and an active circuit or county court judge in this Circuit. All are voting members except for the Board secretary and coordinator. All members of the Board shall be appointed by the Chief Judge who, at any time, is authorized to expand or amend the composition of the Board as deemed necessary or appropriate.
3. Quorum. A majority of the voting members of the Board shall constitute a quorum.
4. Vacancies. Any vacancy on the Board shall be filled by appointment of the

Chief Judge. The person appointed shall serve the remainder of the vacant term.

5. Term. The Board will serve for a minimum two-year term beginning on April 1 of the new term calendar year.
6. Board Duties.
 - (a) The Board shall be responsible for the following: recommending the certification of process servers; reviewing complaints and concerns relating to the certification process; reviewing complaints regarding certified process servers; reviewing certified process servers' responses to complaints and conducting all necessary proceedings and deliberations in connection with making factual findings and recommendations to the Chief Judge for disposition of complaints.
 - (b) The Board shall have the authority and discretion to adopt rules governing its operating procedures which shall be submitted to the Chief Judge for approval.
 - (c) The Board may make recommendations to the Chief Judge regarding an amendment to the rules.
7. Records. The Board secretary, or other Board member designated by the chair, shall maintain records and minutes of all Board proceedings and official actions.
8. Expenses. Members of the Board shall serve without compensation.

Administrative Order No. 16-11, as amended, is hereby rescinded. This Administrative Order shall become effective immediately upon execution and shall remain in full force and effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 13th day of September 2024.

**NUSHIN G. SAYFIE, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

E. Memorandum re: Certified Process Servers Use of Badges and “Officer of the Court” Terminology within the Circuit



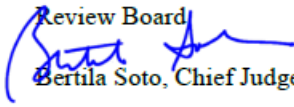
STATE OF FLORIDA
ELEVENTH JUDICIAL CIRCUIT
LAWSON E. THOMAS COURTHOUSE CENTER
175 N.W. FIRST AVENUE, SUITE 3045
MIAMI, FLORIDA 33128
TELEPHONE (305) 349-5720

BERTILA SOTO
CHIEF JUDGE

MARITZA M. DE PAUL
JUDICIAL ASSISTANT

MEMORANDUM

TO: All Eleventh Judicial Circuit Certified Process Servers and the Process Server Review Board

FROM:  Bertila Soto, Chief Judge

DATE: March 1, 2021

SUBJECT: Certified Process Servers Use of Badges and “Officer of the Court” terminology within the circuit.

Please be advised, as follows:

- (1) Certified Process Servers for the Eleventh Judicial Circuit are not authorized by the Circuit to display or utilize star shaped custom police badges to effectuate the service of process within the circuit;
- (2) Certified Process Servers for the Eleventh Judicial Circuit are not designated “Officers of the Court”; and
- (3) Certified Process Servers are prohibited from using the language of “Officers of the Court” to effectuate service of process within the circuit. Fla. Stat. § 843.08; Fla. Stat. § 843.01; Fla. Stat. § 843.02; Fla Stat. § 943.10; Fla. Stat. §§ 48.25 - 48.31.

Thank you,
Chief Judge Bertila Soto

NOTES