

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Small Claims Rule 7.070

No. SC2025-1254 · No. SC2025-1254 · Decided June 4, 2026

SUMMARY

The Supreme Court of Florida adopted amendments to Florida Small Claims Rule 7.070 concerning service of process. The amendments establish a 120-day service deadline, provide for additional time under specified circumstances, and require waivers of service to be reduced to writing in the record; they become effective July 1, 2026.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Muñoz; Justice Labarga; Justice Couriel; Justice Grosshans; Justice Francis; Justice Sasso; Justice Tanenbaum
JURISDICTION	Supreme Court of Florida
DECIDED	June 4, 2026
DOCKET	SC2025-1254
DISPOSITION	other
PROCEDURAL POSTURE	Original rulemaking proceeding in which the Florida Bar's Small Claims Rules Committee proposed amendments to Florida Small Claims Rule 7.070.
STANDARD OF REVIEW	Not applicable; this was an original rulemaking proceeding.
PRECEDENTIAL VALUE	Published rulemaking opinion adopting amendments to the Florida Small Claims Rules

TOPICS

- service of process
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- small claims procedure

QUESTIONS PRESENTED

1. Whether the Florida Small Claims Rules should be amended to establish a 120-day time limit for service of initial process and the initial pleading.
2. Whether the Florida Small Claims Rules should require waivers of service of process to be reduced to writing in the record.
3. What additional procedures should govern extensions of time for service, service after amendment adding parties, and the effect of dismissal for failure to timely serve.

HOLDINGS

1. The Court adopted new subdivision (b), requiring service of the initial process and initial pleading within 120 days after filing the initial pleading directed to the party. If service is not timely made, the court must direct service within a specified time or dismiss the action without prejudice or drop the party.
2. The Court adopted new subdivision (c), requiring waivers of service of process to be reduced to writing in the record.
3. A dismissal under Rule 7.070(b) is without prejudice, is not considered a voluntary dismissal, and does not operate as an adjudication on the merits under Rule 7.110.

KEY QUOTATIONS

“If service is not made within 120 days, 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 party.”” (at 2)

“We also adopt new subdivision (c) (Waiver of Service of Process), requiring waivers of service of process be reduced to writing in the record.” (at 2)

FACTUAL BACKGROUND

The Florida Bar's Small Claims Rules Committee proposed amendments concerning service of process in small claims actions. The Court published the proposal for comment, and no comments were received. The Court adopted the amendments with modifications, effective July 1, 2026, at 12:01 a.m.

PROCEDURAL HISTORY

The Small Claims Rules Committee filed a report proposing amendments to Rule 7.070. The Supreme Court of Florida published the proposed amendments for public comment, received no comments, and adopted the amendments with modifications.

DISPOSITION

other

OPINION

PER CURIAM.

Supreme Court of Florida _____ No. SC2025-1254 _____ IN RE:
AMENDMENTS TO FLORIDA SMALL CLAIMS RULE 7.070. June 4, 2026 PER CURIAM.
The Florida Bar’s Small Claims Rules Committee filed a report proposing amendments to Florida
Small Claims Rule 7.070 (Method of Service of Process). 1 The Court published the proposed
amendments for comment, and no comments were received.

Having considered the proposal, we adopt the amendments to rule 7.070 with modifications and
discuss the more significant amendments below. Specifically, we adopt new subdivision (b)
(Summons; Time Limit), which, in alignment with Florida Rule of Civil Procedure 1.070(j)
(Process; Summons; Time Limit), provides a 120-day time limit for the service of the initial
process and initial 1.

We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin.
2.140(b)(1). pleading on the party. If service is not made within 120 days, 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 party.” Further, [i]f the movant requests
additional time to serve before the expiration of the 120 days, an additional 120 days will be
provided to effectuate service; provided, however, that the court may, if leave is sought to add a
party after a pretrial conference convened under rule 7.090(b)(2), require a showing of good cause
for the delay, and order that service be effected within a reasonable time.

We also adopt new subdivision (c) (Waiver of Service of Process), requiring waivers of service of
process be reduced to writing in the record. Accordingly, the Florida Small Claims Rules are
amended as set forth in the appendix to this opinion. New language is indicated by underscoring;
deletions are indicated by struck-through type.

The amendments become effective July 1, 2026, at 12:01 a.m. It is so ordered. MUÑIZ, C.J., and
LABARGA, COURIEL, GROSSHANS, FRANCIS, SASSO, and TANENBAUM, JJ., concur.
THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE
DATE OF THESE AMENDMENTS. Original Proceeding – Florida Small Claims Rules -2-
Amanda Roath Duffy, Chair, Small Claims Rules Committee, Tampa, Florida, Joshua E. Doyle,
Executive Director, The Florida Bar, Tallahassee, Florida, and Kelly Smith, Bar Liaison, The
Florida Bar, Tallahassee, Florida, for Petitioner -3- APPENDIX RULE 7.070.

METHOD OF SERVICE OF PROCESS (a) Generally. 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. (b) Summons; Time Limit. If service of the initial process and initial pleading is not made on a party within 120 days after filing of the initial pleading directed to that party, 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 party.

If the movant requests additional time to serve before the expiration of the 120 days, an additional 120 days will be provided to effectuate service; provided, however, that the court may, if leave is sought to add a party after a pretrial conference convened under rule 7.090(b)(2), require a showing of good cause for the delay, and order that service be effected within a reasonable time.

When a motion for leave to amend with an attached proposed amended statement of claim adding one or more parties is filed, the 120-day period for service of amended statement of claim 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 7.110. (c) Waiver of Service of Process.

Waivers of service of process must be reduced to writing in the record. Committee Notes [No Change] -4- Court Commentary [No Change] -5-