

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

