

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Small Claims Rule 7.070

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

OPINION

In Re: Amendments to Florida Small Claims Rule 7.070

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

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-