

SUPREME COURT OF FLORIDA

**In re Amendments to Florida Rule of Civil Procedure 1.442 and
Forms 1.902 and 1.938**

In re Amendments to Florida Rule of Civil Procedure 1.442 and Forms 1.902 and 1.938 · No. SC2025-0045 ·

Decided November 13, 2025

OPINION

In Re: Amendments to Florida Rule of Civil Procedure 1.442 and Forms 1.902 and 1.938

PER CURIAM.

Supreme Court of Florida _____ No. SC2025-0045 _____

IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL

PROCEDURE 1.442 AND FORMS 1.902 AND 1.938. November 13, 2025 PER CURIAM. The Florida Bar's Civil Procedure Rules Committee filed a report proposing amendments to Florida Rule of Civil Procedure 1.442 (Proposals for Settlement), form 1.902 (Summons), and form 1.938 (Forcible Entry and Detention).¹ The Committee published the proposal for comment, as did the Court. The Court received one comment, and the Committee amended the proposal in response to the comment. We now amend rule 1.442, form 1.902, and form 1.938 as revised by the Committee in response to the comment. Notably, we amend form 1.902 to clarify that the written response to a

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1). summons may be filed through the Florida Courts E-filing Portal or with the clerk of court, and that the written response must include an e-mail address for service, unless the clerk of court excuses the defendant from electronic service. The revised form also refers defendants seeking legal assistance to The Florida Bar's Lawyer Referral Service or local legal aid programs listed on the Bar's website. We amend form 1.938 to require that the plaintiff disclose the legal description and address of the subject property if available, how the defendant obtained possession of the property, whether the plaintiff is the owner of the property, and if not, how the plaintiff is entitled to possession of the property. Additionally, changes are made throughout in accord with In re Guidelines for Rules Submissions, Florida Administrative Order No. AOSC22-78 (Fla. Oct. 24, 2022). The Court hereby amends the Florida Rules of Civil Procedure as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments to the rules shall become effective January 1, 2026, at 12:01 a.m. -2- It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS,
FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT

ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS. Original Proceeding – Florida Rules of Civil Procedure Maegen Peek Luka, Co-Chair, Civil Procedure Rules Committee, Tampa, Florida, Rebecca Mercier Vargas, Co-Chair, Civil Procedure Rules Committee, Palm Beach Gardens, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Heather Savage Telfer, Bar Liaison, The Florida Bar, Tallahassee, Florida, for Petitioner Miguel J. Chamorro of Fuerst Ittleman David & Joseph, Miami, Florida, Responding with comments -3-

APPENDIX

RULE 1.442. PROPOSALS FOR SETTLEMENT

(a) [No Change] (b) Service of Proposal. A proposal to a defendant shall may be served no earlier than 90 days after service of process on that defendant; a proposal to a plaintiff shall may be served no earlier than 90 days after the action has been commenced. No proposal shall may be served later than 45 days before the date set for trial or the first day of the docket on which the case is set for trial, whichever is earlier. (c) Form and Content of Proposal for Settlement.

(1) A proposal shall must be in writing and shall must identify the applicable Florida law under which it is being made.

(2) A proposal shall must:

(A) [No Change] (B) state that the proposal resolves all damages that would otherwise be awarded in a final judgment in the action in which the proposal is served, subject to subdivision (c)(2)(F); (C)-(E) [No Change] (F) state whether the proposal includes attorneys' fees and whether attorneys' fees are part of the legal claim; and (G) [No Change]

(3) A proposal may be made by or to any party or parties and by or to any combination of parties properly identified in the proposal. A joint proposal shall must state the amount and terms attributable to each party.

(4) Notwithstanding subdivision (c)(3), when a party is alleged to be solely vicariously, constructively, derivatively, or -4- technically liable, whether by operation of law or by contract, a joint proposal made by or served on such a party need not state the apportionment or contribution as to that party. Acceptance by any party shall be is without prejudice to rights of contribution or indemnity. (d) Service and Filing. A proposal shall must be served on the party or parties to whom it is made but shall must not be filed unless necessary to enforce the provisions of this rule. (e) [No Change] (f) Acceptance and Rejection.

(1) A proposal shall be is deemed rejected unless accepted by delivery of a written notice of acceptance within 30 days after service of the proposal. The provisions of Florida Rule of General Practice and Judicial Administration 2.514(b) do not apply to this subdivision. No oOral communications shall will not constitute be considered an acceptance, rejection, or counteroffer under the provisions of this rule.

(2) [No Change]

(g) Sanctions. Any party seeking sanctions pursuant tounder applicable Florida law, based on the

failure of the proposal's recipient to accept a proposal, shall must do so by serving a motion in accordance with rule 1.525. (h) Costs and Fees.

(1) If a party is entitled to costs and fees pursuant

tounder applicable Florida law, the court may, in its discretion, determine that a proposal was not made in good faith. In such case, the court may disallow an award of costs and attorneys' fees.

(2) When determining the reasonableness of the

amount of an award of attorneys' fees pursuant tounder this sectionsubdivision, the court shall must consider, along with all other relevant criteria, the following factors: -5- (A) Tthe then-apparent merit or lack of merit in the claim.; (B) Tthe number and nature of proposals made by the parties.; (C) Tthe closeness of questions of fact and law at issue.; (D) Wwhether the party making the proposal had unreasonably refused to furnish information necessary to evaluate the reasonableness of the proposal.; (E) Wwhether the suit was in the nature of a test case presenting questions of far-reaching importance affecting nonparties.; and (F) Tthe amount of the additional delay cost and expense that the party making the proposal reasonably would be expected to incur if the litigation were to be prolonged. (i) Evidence of Proposal. Evidence of a proposal or acceptance thereof of a proposal is admissible only in proceedings to enforce an accepted proposal or to determine the imposition of sanctions. (j) Effect of Mediation. Mediation shall havehas no effect on the dates during which parties are permitted to make or accept a proposal for settlement under the terms of the rule. Committee Notes [No Change] -6-

FORM 1.902. SUMMONS

(a) General Form.

SUMMONS

THE STATE OF FLORIDA: To Each Sheriff of the State: YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in this action on defendant Each defendant is required to serve written defenses to the complaint or petition on, plaintiff's attorney, whose address is, within 20 days¹ after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter service. A defendant may either file the response electronically by using the Florida Courts E-filing Portal (MyFLCourtAccess.com), or by filing the written response with the clerk of court. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition. DATED on (Name of Clerk) As Clerk of the Court By . As Deputy Clerk (b) Form for Personal Service on Natural Person.

1. Except when suit is brought pursuant tounder section 768.28,

Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or herthe official's or employee's official capacity is a defendant, the time to be inserted as to it is 40 days. When suit is brought pursuant tounder section 768.28, Florida Statutes, the time to be inserted is 30 days. -7-

SUMMONS

THE STATE OF FLORIDA: To Each Sheriff of the State: YOU ARE COMMANDED to serve this summons and a copy of the complaint in this lawsuit on defendant DATED on

CLERK OF THE CIRCUIT COURT

(SEAL)

(Name of Clerk) As Clerk of the Court By . As Deputy Clerk

IMPORTANT

1. A lawsuit has been filed against you.

2. You have 20 calendar days after this summons is served

on you to file a written response to the attached complaint with the clerk of this court. If you choose to file a written response yourself, you may either file the response electronically by using the Florida Courts E-filing Portal (MyFLCourtAccess.com) or by filing the written response with the clerk of court.

3. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case.

4. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are may be other legal requirements.

5. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a -8- legal aid office (listed in the phone book) you can contact the Lawyer Referral Service listed on The Florida Bar's website (floridabar.org). If you cannot afford a lawyer, you may be eligible for free legal aid. You can locate legal aid programs by searching for "legal aid" on The Florida Bar's website.

6. If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response. If you file your written response directly with the clerk of court, you must also send a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

7. You must include an e-mail address in your written response, unless the clerk excuses you from electronic service under Florida Rule of General Practice and Judicial Administration 2.516. A party not represented by an attorney may be excused from e-mail service by filing Florida Rule of General Practice and Judicial Administration form 2.601 with the clerk. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [identify applicable court personnel by name, address, and telephone number] at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus -9- derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica. Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como “Plaintiff/Plaintiff’s Attorney” (Demandante o Abogado del Demandante). Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con [identify applicable court personnel by name, address, and telephone number], por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711.

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l’assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d’autres obligations juridiques et vous pouvez requérir les services immédiats d’un avocat. Si vous ne connaissez pas d’avocat, vous pourriez téléphoner à un service de référence d’avocats ou à un bureau d’assistance juridique (figurant à l’annuaire de téléphones). - 10 - Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au “Plaintiff/Plaintiff’s Attorney” (Plaignant ou à son avocat) nommé ci-dessous. Si vous êtes une personne handicapée qui a besoin de mesures d’adaptation pour participer à cette procédure, vous avez droit, sans frais pour vous, à une certaine assistance. Veuillez contacter [identify applicable court personnel by name, address, and telephone number] au moins 7 jours avant votre comparution prévue au tribunal, ou immédiatement après avoir reçu cette notification si le délai avant la comparution prévue est inférieur à 7 jours; si vous êtes malentendant ou avez un trouble

de la parole, appelez le 711.

ENPÒTAN

Pwosedi legal yo te pran kont ou. Ou gen 20 jou konsekitif ki soti nan dat konklizyon sa a pou ou ranpli yon repons alekri pou plent sa a nan tribinal sa a. Yon apel telefon ki senp se pa ase pou pwoteje ou. Ou oblije ranpli repons alekri ou a, ak nimewo a dosye pi wo a ak non pati yo ki te nonmen isit la, si ou vle tribinal la tandè ka w la. Si ou pa ranpli repons alekri ou nan rele egzijè a, ou riske pedi koz la ak sale ou, lajan ou, ak pwopriyete ou yo ka mete men sou pita, san okenn lot avi nan tribinal la. Gen lot obligasyon legal epi ou ka mande sevis imedya yon avoka. Si ou pa konnen yon avoka, ou ka rele yon sèvis referans avoka oswa yon biwo ed legal (ki nan lis nan anye telefon). Si ou chwazi pou ou soumèt yon repons alekri tet ou, ou pral bezwen tou voye oswa voye yon kopi repons ekri ou nan fòm sa a an menm tan an tankou fomalite sa a “Avoka Pleyan/Pwokire a” (Pleyan oswa avoka li) non anba a. Si ou se yon moun ki enfim ki bezwen akomodasyon pou w kab patisipe nan pwosedi sa a, ou gen dwa, san ou pa bezwen peye okenn lajan, pou w jwenn yon sèten èd. Tanpri kontakte [identify applicable court personnel by name], Kòdonatris pwogram Lwa Ameriken pou Moun ki Enfim yo nan [identify court personnel’s address and telephone number], fè sa omwen - 11 - 7 jou anvan dat ou gen randevou pou parèt nan Tribinal la, oswa fè sa imedyatman apre ou fin resevwa konvokasyon an si dat ou gen pou w parèt nan tribinal la mwens pase 7 jou; si ou gen pwoblèm pou w tandè byen oswa pou w pale klè, rele 711. Plaintiff/Plaintiff’s Attorney Attorney’s Name: Address: Telephone Number: E-mail Address: Florida Bar No. (c) Forms for Service by Mail.

(1) Notice of Lawsuit and Request for Waiver of Service of Process.

NOTICE OF COMMENCEMENT OF ACTION

TO: (Name of defendant or defendant’s representative) A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. The complaint has been filed in the (Circuit or County) Court for the and has been assigned case no.: This is not a formal summons or notification from the court, but is rather my request that you sign the enclosed waiver of service of process form in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 20 days (30 days if you do not reside in the United States) after the date you receive this notice and request for waiver. I have enclosed a stamped self-addressed envelope for your use. An extra copy of the notice and request, including the waiver, is also attached for your records. - 12 - If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The lawsuit will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to respond to the complaint until 60 days after the date on which you received the notice and request for waiver. If I do not receive the signed waiver within 20 days from the date you received the notice and the waiver of service of process form, formal service of

process may be initiated in a manner authorized by the Florida Rules of Civil Procedure. You (or the party on whose behalf you are addressed) will be required to pay the full cost of such service unless good cause is shown for the failure to return the waiver of service. I hereby certify that this notice of lawsuit and request for waiver of service of process has been sent to you on behalf of the plaintiff on(date)..... Plaintiff's Attorney or Unrepresented Plaintiff

(2) Waiver of Service of Process.

WAIVER OF SERVICE OF PROCESS

TO: (Name of plaintiff's attorney or unrepresented plaintiff) I acknowledge receipt of your request that I waive service of process in the lawsuit of v. in the Court in I have also received a copy of the complaint, two2 copies of this waiver, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of process and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Fla. R. Civ. P.Florida Rule of Civil Procedure 1.070. - 13 - If I am not the defendant to whom the notice of lawsuit and waiver of service of process was sent, I declare that my relationship to the entity or person to whom the notice was sent and my authority to accept service on behalf of such person or entity is as follows: (describe relationship to person or entity and authority to accept service) I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for any objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if a written response is not served upon you within 60 days from the date I received the notice of lawsuit and request for waiver of service of process. DATED on Defendant or Defendant's Representative Committee Notes [No Change] - 14 - FORM 1.938. UNLAWFUL DETAINER; FORCIBLE ENTRY;

AND/OR DETENTIONUNLAWFUL ENTRY

COMPLAINT

Plaintiff, A. B., sues defendant, C. D., and alleges:

1. This is an action to recover possession of real property unlawfully (forcibly) detained in County, Florida, under chapter 82 and section 51.011, Florida Statutes.
2. Plaintiff is entitled to possession of the following real property in said county: (insert the legal description and the street address of the real property, including unit number if applicable.)
3. Plaintiff is entitled to possession of the real property based on 1 of the following grounds. Plaintiff is: (choose a or b.) a. the owner of the real property; or b. otherwise entitled to possession of the real property (and briefly state the reason why).
4. Defendant came into possession of the real property by 1 of the following methods: (choose a, b, or c.) a. Defendant has unlawfully (forcibly) turned

plaintiff out of and withholds possession of the property from plaintiff. Unlawful Detention. Defendant is in possession of the real property without consent of a person entitled to possession or after consent was withdrawn on(date that consent was withdrawn)..... b. Forcible Entry. Defendant entered into and took possession of the real property with force, in a manner - 15 - that was not peaceable, easy, or open, even if the entry was authorized by a person entitled to possession of the real property. c. Unlawful Entry. Defendant entered into and is in possession of the real property when the entry was not authorized by law or without consent of a person entitled to possession of the real property. WHEREFORE plaintiff demands judgment for possession of the real property and damages against defendant. NOTE: Substitute “forcibly” for “unlawfully” or add it as an alternative when applicable. This form cannot be used for residential tenancies. - 16 -