

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brackett offered the following:

2  
3 **Amendment**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 48.184, Florida Statutes, is amended to  
6 read:

7 48.184 Service of process for removal of unknown parties  
8 in possession.—

9 (1) This section applies only to actions governed by s.  
10 82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent  
11 that such actions seek relief for the removal of an unknown  
12 party or parties in possession of real property. The provisions  
13 of this section are cumulative to other provisions of law or

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14 rules of court about service of process, and all other such  
15 provisions are cumulative to this section.

16 (2) A summons must be issued in the name of "Unknown Party  
17 or Parties in Possession" when the name of an occupant or  
18 occupants of real property is not known to the plaintiff and the  
19 property may be or is known to be occupied by an ~~the~~ unknown  
20 party ~~is identified in the complaint and summons. A separate~~  
21 ~~summons must be issued for each such unknown occupant.~~

22 (3) The plaintiff shall attempt to serve the summons on  
23 any unknown occupant of the property described in the summons  
24 and complaint. If service on the unknown occupant or occupants  
25 is not effectuated on the first attempt, at least two additional  
26 attempts must be made. The three attempts to obtain service must  
27 be made once during business hours, once during nonbusiness  
28 hours, and once during a weekend. The process server shall make  
29 an inquiry as to the name of the unknown occupant or occupants  
30 at the time of service. The return of service must note the name  
31 of every ~~the~~ occupant if obtained by the process server or state  
32 that the name of the occupant or occupants could not be obtained  
33 after inquiry. If the name of an ~~the~~ occupant becomes known to  
34 the plaintiff through the return of service or otherwise,  
35 without notice or hearing thereon, all subsequent proceedings  
36 must be conducted under the true name of such occupant and all  
37 prior proceedings are deemed amended accordingly.

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38 (4) Service of process must also be made on unknown  
39 occupants by both of the following means:

40 (a) By attaching a copy of the summons and complaint to a  
41 conspicuous location on the premises involved in the  
42 proceedings.

43 (b) Upon issuance of the summons, by the plaintiff  
44 providing the clerk of the court with one additional copy of the  
45 summons and complaint for each unknown occupant and a prestamped  
46 envelope for each unknown occupant addressed to the unknown  
47 occupant at the address of the premises involved in the  
48 proceedings. The clerk of the court shall immediately mail a  
49 copy of the summons and complaint by first-class mail, note the  
50 fact of mailing in the docket, and file a certificate in the  
51 court file of the fact and date of mailing. The clerk of the  
52 court shall charge such fees for such services as provided by  
53 law.

54 (5) Service is effective on the unknown occupant or  
55 occupants in possession on the later of the date that personal  
56 service is made, the date of attaching the summons and complaint  
57 to a conspicuous location on the premises, or upon mailing by  
58 the clerk.

59 (6) The judgment and writ of possession must refer to any  
60 unknown occupant in possession by name if the name is shown on  
61 the return of service or is otherwise known to the plaintiff. If  
62 the name of any unknown occupant in possession is not shown on

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63 | the return of service or otherwise known to the plaintiff and  
64 | service has been effectuated as provided in this section, the  
65 | judgment and writ of possession must refer to the each such  
66 | ~~person as~~ "Unknown Party or Parties in Possession," and the writ  
67 | of possession must be executed by the sheriff by dispossessing  
68 | all of the occupants and placing the plaintiff in possession of  
69 | the property.

70 |       Section 2. This act shall take effect July 1, 2023.

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