



423244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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The Committee on Judiciary (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) This section applies only to actions governed by s.
82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent
that such actions seek relief for the removal of an unknown



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12 party or parties in possession of real property. The provisions
13 of this section are cumulative to other provisions of law or
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 any
23 unknown occupant of the property described in the summons and
24 complaint. If service on the unknown occupant or occupants is
25 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.

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



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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
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.



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

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72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete everything before the enacting clause

75 and insert:

76 A bill to be entitled

77 An act relating to removal of unknown parties in

78 possession; amending s. 48.184, F.S.; revising

79 requirements for service on unknown parties in

80 possession; providing an effective date.