

By the Committee on Judiciary; and Senator Grall

590-03284-23

2023522c1

1                                   A bill to be entitled  
2           An act relating to removal of unknown parties in  
3           possession; amending s. 48.184, F.S.; revising  
4           requirements for service on unknown parties in  
5           possession; providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

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

11           48.184 Service of process for removal of unknown parties in  
12          possession.—

13           (1) This section applies only to actions governed by s.  
14          82.03, s. 83.21, s. 83.59, or s. 723.061 and only to the extent  
15          that such actions seek relief for the removal of an unknown  
16          party or parties in possession of real property. The provisions  
17          of this section are cumulative to other provisions of law or  
18          rules of court about service of process, and all other such  
19          provisions are cumulative to this section.

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

26           (3) The plaintiff shall attempt to serve the summons on any  
27          unknown occupant of the property described in the summons and  
28          complaint. If service on the unknown occupant or occupants is  
29          not effectuated on the first attempt, at least two additional

590-03284-23

2023522c1

30 attempts must be made. The three attempts to obtain service must  
31 be made once during business hours, once during nonbusiness  
32 hours, and once during a weekend. The process server shall make  
33 an inquiry as to the name of the unknown occupant or occupants  
34 at the time of service. The return of service must note the name  
35 of every ~~the~~ occupant if obtained by the process server or state  
36 that the name of the occupant or occupants could not be obtained  
37 after inquiry. If the name of an ~~the~~ occupant becomes known to  
38 the plaintiff through the return of service or otherwise,  
39 without notice or hearing thereon, all subsequent proceedings  
40 must be conducted under the true name of such occupant and all  
41 prior proceedings are deemed amended accordingly.

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

44 (a) By attaching a copy of the summons and complaint to a  
45 conspicuous location on the premises involved in the  
46 proceedings.

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

58 (5) Service is effective on the unknown occupant or

590-03284-23

2023522c1

59 occupants in possession on the later of the date that personal  
60 service is made, the date of attaching the summons and complaint  
61 to a conspicuous location on the premises, or upon mailing by  
62 the clerk.

63 (6) The judgment and writ of possession must refer to any  
64 unknown occupant in possession by name if the name is shown on  
65 the return of service or is otherwise known to the plaintiff. If  
66 the name of any unknown occupant in possession is not shown on  
67 the return of service or otherwise known to the plaintiff and  
68 service has been effectuated as provided in this section, the  
69 judgment and writ of possession must refer to the ~~each such~~  
70 ~~person as~~ "Unknown Party or Parties in Possession," and the writ  
71 of possession must be executed by the sheriff by dispossessing  
72 all of the occupants and placing the plaintiff in possession of  
73 the property.

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