



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

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April 9, 2025

The Florida Bar News Editor
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

*In Re: Amendments to Florida Rule of Civil Procedure 1.442 and
Forms 1.902 and 1.938, Case No. SC2025-0045*

Dear Editor:

I have provided you with a copy of the proposed Rules in the above case. Please publish said Rules in the May 1, 2025, Bar News. Please publish a statement that the Court has placed the proposed Rules on the Internet at location:

<https://acis.flcourts.gov/portal/search/case>.

Any comments should be filed with the Florida Supreme Court on or before June 2, 2025. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in

Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

Thank you for your cooperation in this matter.

Most cordially,



John A. Tomasino

JAT/so

Enclosure

cc: Hon. Carlos G. Muñiz, Supreme Court Justice Liaison
Diane West, Director of Central Staff, Florida Supreme Court
Chief Judges of the District Courts of Appeal
Clerks of the District Courts of Appeal
Chief Judges of the Judicial Circuits
Clerks of the Judicial Circuits
Roland Sanchez-Medina, Jr., President, The Florida Bar
Rosalyn Sia Baker-Barnes, President-elect, The Florida Bar
Joshua E. Doyle, Executive Director, The Florida Bar
Heather Savage Telfer, Bar Liaison, The Florida Bar
Cosme Caballero, Chair, Civil Procedure Rules Committee
Dylan Bailey Howard, Interested party
Simon Rosin, Interested party
N. Albert Bacharach, Jr., Interested party

The Florida Bar's Civil Procedure Rules Committee has submitted to the Florida Supreme Court, in Case No. SC2025-0045, a report proposing amendments to Florida Rule of Civil Procedure 1.442 (Proposals for Settlement) and Forms 1.902 (Summons) and 1.938 (Forcible Entry and Detention).

The proposed amendments would, among other things, clarify that the written response to a 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 proposed amendments would also refer defendants seeking legal assistance to The Florida Bar's Lawyer Referral Service or local legal aid programs listed on the Bar's website.

The Court invites all interested persons to comment on the amendments under consideration, which are summarized by the Committee below and reproduced in full online at <https://www.floridasupremecourt.org/Case-Information/Rules-Cases-Proposed-Amendments>. All comments must be filed with the Court on or before June 2, 2025, with a certificate of service verifying that a copy has been served on the Committee chair, Cosme Caballero, Deutsch Blumberg & Caballero, P.A., 100 Biscayne Blvd., Suite 2802, Miami, Florida 33132-2305, ccaballero@deutschblumberg.com, and on the Bar Staff Liaison to the Committee, Heather Savage Telfer, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, rules@floridabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair may file a response to any comments filed with the Court by June 23, 2025. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927.

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL
PROCEDURE 1.442 AND FORMS 1.902 AND 1.938,
SC2025-0045**

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 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~~Oral 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 to~~under 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 to~~under 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 to~~under this ~~section~~subdivision, the court ~~shall~~must consider, along with all other relevant criteria, the following factors:

(A) ~~T~~he then-apparent merit or lack of merit in the claim~~;~~_;

(B) ~~T~~he number and nature of proposals made by the parties~~;~~_;

(C) ~~T~~he closeness of questions of fact and law at issue~~;~~_;

(D) ~~W~~hether the party making the proposal had unreasonably refused to furnish information necessary to evaluate the reasonableness of the proposal~~;~~_;

(E) ~~W~~hether the suit was in the nature of a test case presenting questions of far-reaching importance affecting nonparties~~;~~_; and

(F) ~~T~~he 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 have~~has 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]

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.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

¹ Except when suit is brought ~~pursuant to~~ under 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 her~~ the 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 to~~ under section 768.28, Florida Statutes, the time to be inserted is 30 days.

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 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 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).~~

~~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

~~Pwosedri legal yo te pran kont ou. Ou gen 20 jou konsekitif ki sot 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 tande ka w la. Si ou pa ranpli repons alekri ou nan rele egzijè a, ou riske pedi koz la ak sa 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 imedyà 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 pwosedri 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 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 tande 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.

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, ~~two~~2 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.

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

1988 Amendment. Two forms are now provided: 1 for personal service on natural persons and 1 for other service by summons. The new form for personal service on natural persons is included to ensure awareness by defendants or respondents of their obligations to respond.

The summons form for personal service on natural persons is to be used for service on natural persons under the following provisions: sections 48.031 (service of process generally), 48.041 (service on minors), 48.042 (service on incompetents), 48.051 (service on state prisoners), 48.183 (service of process in action for possession of residential premises), and 48.194 (personal service outside the state), Florida Statutes.

The former, general summons form is to be used for all other service by summons, including service under sections 48.061 (service on partnership), 48.071 (service on agents of nonresidents doing business in the state), 48.081 (service on corporation), 48.101 (service on dissolved corporations), 48.111 (service on public agencies or officers), 48.121 (service on the state), 48.131 (service on alien property custodian), 48.141 (service on labor unions), 48.151 (service on statutory agents for certain purposes), Florida Statutes, and all statutes providing for substituted service on the secretary of state.

The form for personal service on natural persons contains Spanish and French versions of the English text to ensure effective notice on all Floridians. In the event of space problems in the summons form, the committee recommends that the non-English portions be placed on the reverse side of the summons.

1992 Amendment. (b): The title is amended to eliminate confusion by the sheriffs in effecting service.

1996 Amendment. Form 1.902(c) was added for use with rule 1.070(i).

2007 Amendment. Subdivision (a) is amended to conform form 1.902 to the statutory requirements of sections 48.111, 48.121, and 768.28, Florida Statutes. The form is similar to Federal Rule of Civil Procedure Form 1.

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 property,
including unit number if applicable.)

3. Plaintiff is entitled to possession of the property based on 1 of the following grounds. Plaintiff is: (choose a or b.)

_____ a. the owner of the property; or

_____ b. otherwise entitled to possession of the property
(and briefly state the reason why).

4. Defendant came into possession of the 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 possessed 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 real property with force, in a manner that was not peaceable, easy, or open, even if the entry was authorized by a person entitled to possession of property.

_____ c. Unlawful Entry. Defendant entered into and possessed real property when the entry was not authorized by law or without consent of a person entitled to possession of property.

WHEREFORE plaintiff demands judgment for possession of the 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.