

CHAPTER 2023-124

House Bill No. 441

An act relating to removal of unknown parties in possession; amending s. 48.184, F.S.; revising requirements for service on unknown parties in possession; providing an effective date.

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

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 party or parties in possession of real property. The provisions of this section are cumulative to other provisions of law or rules of court about service of process, and all other such provisions are cumulative to this section.

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

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

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

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

(b) Upon issuance of the summons, by the plaintiff providing the clerk of the court with one additional copy of the summons and complaint for each

unknown occupant and a prestamped envelope for each unknown occupant addressed to the unknown occupant at the address of the premises involved in the proceedings. The clerk of the court shall immediately mail a copy of the summons and complaint by first-class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. The clerk of the court shall charge such fees for such services as provided by law.

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

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

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

Approved by the Governor May 24, 2023.

Filed in Office Secretary of State May 24, 2023.