

Supreme Court of Florida

No. SC2025-0582

IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE 1.070, 1.430, AND FORM 1.902.

January 15, 2026

PER CURIAM.

The Florida Bar’s Civil Procedure Rules Committee filed a report proposing amendments to Florida Rules of Civil Procedure 1.070 (Process) and 1.430 (Demand for Jury Trial; Waiver) as well as Form 1.902 (Summons).¹ The Committee published the proposal for comment, as did the Court. No comments were received. Having considered the proposals, we now amend the rules and form as proposed by the Committee. The more significant amendments are discussed below.

First, we amend rule 1.070(i)(2)(B) to include that the methods of delivery for waiver of service may also include “registered mail as

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1).

defined by section 1.01, Florida Statutes.” Specifically, section 1.01(11) includes “private delivery service that is regularly engaged in the delivery of documents [and] provides proof of mailing or shipping and proof of delivery.” Also, in line with this amendment, we amend the title of subdivision (c) on form 1.902 to include “Registered Mail” so that it reads “Forms for Service by Mail; Registered Mail.” Last, we amend rule 1.430 to require that demands for jury trials be filed not just served.

The Court hereby amends the Florida Rules of Civil Procedure as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments to the rules become effective April 1, 2026, at 12:01 a.m.

It is so ordered.

MUÑIZ, C.J., and LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Civil Procedure

Maegen Peek Luka, Co-Chair, Civil Procedure Rules Committee, Tampa, Florida, Rebecca Mercier Vargas, Co-Chair, Civil Procedure Rules Committee, Palm Beach Gardens, Florida,

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Tallahassee, Florida, and Heather Savage Telfer, Bar Liaison,
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for Petitioner

APPENDIX

RULE 1.070. PROCESS

(a) – (h) [No Change]

(i) **Service of Process by Mail.** A defendant may accept service of process by mail.

(1) [No Change]

(2) A plaintiff may notify any defendant of the commencement of the action and request that the defendant waive service of a summons. The notice and request must:

(A) [No Change]

(B) be dispatched by U.S. certified mail, return receipt requested, or by registered mail as defined by section 1.01, Florida Statutes;

(C) – (G) [No Change]

(3) – (5) [No Change]

(j) [No Change]

Committee Notes

[No Change]

RULE 1.430. DEMAND FOR JURY TRIAL; WAIVER

(a) **Right Preserved.** The right of trial by jury as declared by the Constitution or by statute ~~shall be~~is preserved to the parties inviolate.

(b) **Demand.** Any party may demand a trial by jury of any issue triable of right by a jury by ~~servicing~~filing ~~upon the other party a demand therefor in writing~~a demand at any time after commencement of the action and not later than 10 days after the

service of the last pleading directed to such issue. The demand may be ~~indorsed upon~~included within a pleading of the party.

(c) Specification of Issues. In the demand a party may specify the issues that the party wishes ~~to be~~to be tried; otherwise, the party is deemed to demand trial by jury for all ~~triable~~triable issues. If a party has demanded trial by jury for only some of the issues, any other party may ~~serve~~file a demand for trial by jury of any other or all of the issues triable by jury 10 days after service of the demand or ~~such lesser time as the court may order~~as ordered by the court.

(d) Juror Participation Through Audio-Video Communication Technology. Prospective jurors may participate in voir dire or empaneled jurors may participate in the jury trial through audio-video communication technology, as described in Florida Rule of General Practice and Judicial Administration 2.530(c), if stipulated by the parties in writing and authorized by the court. The written stipulation and a written motion requesting authorization must be filed with the court within 60 days after service of a demand under subdivision (b) or ~~within such other period as may be directed~~as ordered by the court.

(e) Waiver. A party who fails to ~~serve~~file a demand as required by this rule waives trial by jury. If waived, a jury trial may not be granted without the consent of the parties, but the court may ~~allow an amendment in the proceedings to demand a trial by jury or~~ order a trial by jury on its own motion. A demand for trial by jury may not be withdrawn without the consent of the parties.

Committee Notes

[No Change]

FORM 1.902. SUMMONS

(a) – (b) [No Change]

(c) Forms for Service by Mail; Registered 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, 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 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

[No Change]