

# Understanding Florida Summons

A Comprehensive Guide for Paralegal Students

Introduction to Civil Litigation Documents

# What is a Summons?



## Definition

A summons is an official court document notifying a defendant of a lawsuit and requiring their response.

## Purpose

It establishes the court's jurisdiction and informs defendants of their legal obligation.

## Legal Requirement

Required by law to ensure defendants have notice and opportunity to defend.

# Key Components of a Florida Summons

## Court Information

Circuit court name, county, and judicial circuit

## Defendant Information

Full name and address of the person being sued

## Case Caption

Plaintiff and defendant names, case number

## Response Deadline

20 days from service to file written defenses

## Command to Sheriffs

Directive to serve the summons and complaint

## Clerk's Signature

Official seal and deputy clerk signature

# The Summons Header

IN THE CIRCUIT/COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

CIVIL ACTION

CLEAR

Plaintiff(s)

vs

Case No: \_\_\_\_\_

Defendant(s)

## 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 days\* 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. 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: \_\_\_\_\_

Kevin C. Karnes, Clerk of the Court

By: \_\_\_\_\_

As Deputy Clerk

\*Except when suit is brought pursuant to 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 official capacity is a defendant, the time to be inserted as to it is 40 days. When suit is brought pursuant to section 768.28, Florida Statutes, the time to be inserted is 30 days.

Fla.R.Civ.P. Form 1.903(a) Rev. 6/19

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

CIVIL DIVISION

**Important:** The header identifies the specific court where the case is filed. Florida has 20 judicial circuits, each covering specific counties.

Circuit courts handle civil cases with amounts exceeding \$50,000

# Response Requirements

## 20 Days

Generally, a defendant must file written defenses within 20 days after service

## Excludes Service Day

The day of service does not count toward the 20-day period

## What Defendants or Defendant's Counsel Must Do:

### 1. Serve Written Defenses

Send response to plaintiff's attorney

### 2. File with Court Clerk

Submit original to the court



## Failure to Respond = Default Judgment

If defendant doesn't respond, plaintiff can obtain judgment by default

# Service of Process

## What is Service of Process?

The formal delivery of legal documents to notify a party of a lawsuit.

## Methods of Service in Florida:

**Personal Service:** Hand-delivered by sheriff or process server

**Substituted Service:** Left with person at defendant's residence

**Service by Mail:** Certified mail with return receipt

**Publication:** Newspaper notice when defendant not located

**Proper service is essential for valid proceedings**



# Disability Accommodation Notice



## ADA Requirements

Florida summons must include disability accommodations notice.

### Key Points:

Parties with disabilities entitled to accommodations at no cost

Must contact court at least 7 days before appearance

If less than 7 days, contact immediately upon receiving summons

TTY users should call 711 for relay services

Summons provides specific county contact details for requesting accommodations

# Florida vs. Federal Summons

## Florida Summons

State Court System

**Response Time:** 20 days

**Governing Rules:** Florida Rules of Civil Procedure

**Service Methods:** Sheriff, process server, certified mail

**Form:** Florida Form 1.902

## Federal Summons

Federal Court System

**Response Time:** 21 days (14 if waiver signed)

**Governing Rules:** Federal Rules of Civil Procedure

**Service Methods:** Personal service, waiver of service option

**Form:** AO 440 (Federal form)

**Key Difference:** Federal courts allow waiver of service to save costs; Florida generally requires formal service

Choose the correct form based on whether case is filed in state or federal court



# Common Mistakes to Avoid

## **Incorrect Court Information**

Verify the correct judicial circuit and county

## **Missing Case Number**

The clerk assigns this - never create your own

## **Incomplete Defendant Information**

Must include full legal name and current address

## **Wrong Attorney Contact Info**

Double-check firm name, attorney, email, and address

## **Forgetting the Seal**

Requires official court seal and clerk signature



Attention to detail prevents costly delays and potential dismissals

# Summary & Resources

## Key Takeaways

- ✓ Summons is the official notice of a lawsuit
- ✓ Must be properly served to establish jurisdiction
- ✓ Defendant has 20 days to respond in Florida
- ✓ Different from federal summons requirements
- ✓ Accuracy is critical to avoid case delays

## Essential Resources

**Florida Rules of Civil Procedure**

**Florida Supreme Court Forms**

**County Clerk's Office Procedures**

**Federal Rules (for comparison)**

Review the uploaded summons example for practical application

## Questions?

Practice makes perfect!

**Continue your studies with hands-on practice using actual court forms**