

Florida Residential Eviction: Where the Days Actually Go

A property manager's guide to the deadlines between your notice and possession.

THE STATUTORY SEQUENCE

From notice to possession

01 Pre-suit notice 3 days for unpaid rent, excluding weekends and holidays. 7 days to cure a violation, or to vacate. <i>§ 83.56</i>	02 Complaint filed The clerk issues the summons. Nothing moves until the summons and complaint reach the tenant. <i>Ch. 51, Ch. 83</i>	03 Service of process At least two attempts , a minimum of six hours apart . If the tenant can't be found, the summons may be posted on the property. <i>§ 48.183</i>	04 Tenant's answer 5 days after service to answer. Short periods exclude weekends and holidays. <i>§ 51.011; Fla. R. Jud. Admin. 2.514</i>	05 Judgment & writ The clerk issues the writ of possession. The sheriff posts it and may restore possession after 24 hours . <i>§ 83.62</i>
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STEP 03, IN DETAIL

What the service statute requires

2

attempts required before the summons may be posted

6 hrs

minimum time between the first and second attempt

5 days

minimum before a final judgment of removal may be entered

The paperwork is what the court rules on

Florida law requires the return of service to state the date and time process was received, the date and time it was served, the manner of service, who was served, everything served, and the signature. **Leave any of it out and the service is invalid.**

It can be corrected — but only by application to the court, which means a motion, a hearing, and a unit sitting occupied while you wait on the calendar. *§ 48.21*

BEFORE YOU HIRE

Four questions worth asking any process server

- **What will the return of service actually say?** Every required fact, every time — not just "served."
- **What happens when service fails?** A proper affidavit of due diligence supports your next motion. A shrug does not.
- **What is your average time to serve?** The average across all their work — not their best day.
- **Can I file at 11 p.m. without calling anyone?** Volume work shouldn't wait on someone at a desk.

Submit a service request in about ninety seconds

Statewide Florida coverage, standardized affidavits, and status you can check without picking up the phone. Volume rates for property managers and associations.

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