

INSTRUCTIONS FOR NOTICE OF ACTION

When should this form be used?

This form may be used to obtain **constructive service** (also called service by **publication**) in a case if you do not know where the respondent lives or if the respondent lives outside Florida and you are unable to obtain **personal service**. However, if you use constructive service, the court may grant only limited relief because its jurisdiction is limited. For example, in a divorce, the court can grant your divorce but cannot decide issues of **child support**, spousal support (**alimony**), or division of property or debts. This is a complicated area of the law and you may wish to consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You should insert your spouse's name and last known address and then **file** this form with the **Clerk of the Circuit Court** in the county where your petition was filed. You must also complete and file an **Affidavit of Diligent Search and Inquiry**. You should keep a copy for your records.

After the **Affidavit of Diligent Search and Inquiry**, is filed, the clerk will sign this form. The form must then be given to a qualified local newspaper to be published for four consecutive weeks. When in doubt, ask the clerk which newspapers in your area are "qualified." The newspaper will charge you for this service. If you cannot afford to pay the cost of publication of this notice in a qualified newspaper, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Affidavit of Indigency**, if the clerk determines that you cannot afford these costs, the clerk will post the notice of action.

Where can I look for more information?

Before proceeding, you should read "General Information for Pro Se Litigants" found at the beginning of these forms. For further information, see rule 12.070, Florida Family Law Rules of Procedure, and rule 1.070, Florida Rules of Civil Procedure.

Special notes...

If the other party fails to respond to your **petition** within the time limit stated in the notice of action that is published or posted, you are entitled to request a **default**.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Form 12.900, before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.