

# Supreme Court of Florida

---

No. SC10-2101

---

**IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION, THE FLORIDA RULES OF CIVIL PROCEDURE, THE FLORIDA RULES OF CRIMINAL PROCEDURE, THE FLORIDA PROBATE RULES, THE FLORIDA RULES OF TRAFFIC COURT, THE FLORIDA SMALL CLAIMS RULES, THE FLORIDA RULES OF JUVENILE PROCEDURE, THE FLORIDA RULES OF APPELLATE PROCEDURE, AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE—E-MAIL SERVICE RULE.**

[October 18, 2012]  
**REVISED OPINION**

PER CURIAM.

Consistent with the orders entered in this case on August 14, 2012, August 30, 2012, and October 9, 2012, the opinion dated June 21, 2012, is withdrawn and this revised opinion is substituted in its place.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Judicial Administration and conforming amendments to the Florida Rules of Civil Procedure, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Rules of Traffic Court, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate

Procedure, and the Florida Family Law Rules of Procedure and Forms. We have jurisdiction. See art. V, § 2(a), Fla. Const.

The chair of The Florida Bar Rules of Judicial Administration Committee (the RJA Committee), together with the committee chairs for each body of court rules identified above, filed an out-of-cycle report proposing new Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents), which would implement mandatory e-mail service for all cases in Florida. The committees also propose amendments to conform existing court rules to new rule 2.516. We adopt the amendments as proposed.

## **BACKGROUND**

In June 2009, each of The Florida Bar's rules committees was asked to designate one of its members to serve on the Joint E-mail Service Committee (the Joint Committee), tasked to explore the possibility of a comprehensive proposal to implement e-mail service in Florida. In preparing its proposals, the Joint Committee determined that a single rule addressing e-mail service should be placed in the Florida Rules of Judicial Administration. Accordingly, the RJA Committee developed new Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). All of the rules committees have endorsed and

approved this rule in concept.<sup>1</sup> The rules committees also have proposed various amendments to conform the other bodies of court rules to rule 2.516. The Florida Bar Board of Governors approved the entire package of proposals by a vote of 36 to 3.

After the joint report was submitted to the Court, the proposals were published for comment. The Court received several comments from members of the Bar, as well as from the Florida Public Defender Association, the Judicial Technology Committee of the Palm Beach County Bar Association, the Family Law Rules Committee, and the Family Law Section of The Florida Bar. The RJA Committee, on behalf of all the rules committees, filed a response to these comments.

While this case was pending before the Court, the rules committees filed a joint out-of-cycle report proposing various rule amendments to implement mandatory electronic filing procedures in Florida courts. See In re Amends. to Fla. Rules of Civ. Pro., Fla. Rules of Jud. Admin., Fla. Rules of Crim. Pro., Fla. Probate Rules, Fla. Small Claims Rules, Fla. Rules of Juv. Pro., Fla. Rules of App. Pro., & Fla. Family Law Rules of Pro.—Electronic Filing, No. SC11-399 (Fla. Petition

---

1. Although the Criminal Procedure Rules Committee endorsed new rule 2.516, it also expressed concerns in the original joint report related to making e-mail service mandatory in criminal cases. These concerns are discussed later in this opinion.

filed Feb. 28, 2011) (In re Electronic Filing). After the oral arguments in this case and in In re Electronic Filing, we determined that certain aspects of these cases warranted further examination. Accordingly, we directed the RJA Committee and the Florida Courts Technology Commission (FCTC) to convene a workgroup<sup>2</sup> and submit a supplemental report addressing several specific areas of concern. See In re Electronic Filing, No. SC11-399 (Fla. order entered Dec. 6, 2011). As is relevant here, we directed the workgroup to address how the implementation plan (for the new electronic filing procedures) proposed in In re Electronic Filing would impact the electronic service requirements proposed here. The RJA Committee and the FCTC filed a supplemental report addressing this concern. There were no comments on the supplemental report.

After considering the original joint report, the comments filed, the issues discussed at oral argument, and the information provided in the supplemental report, we adopt new Florida Rule of Judicial Administration 2.516 as well as the conforming amendments to the rules of procedure, as set forth below.

## **AMENDMENTS**

---

2. The Court's order indicated that the workgroup should include, but not be limited to, representatives from the Criminal Procedure Rules Committee, the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, and the Florida Association of Court Clerks and Comptrollers.

The central rule adopted in this case is new Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). This rule was modeled after current Florida Rule of Civil Procedure 1.080 (Service of Pleadings and Papers) and includes many of the same provisions and requirements for service. However, new rule 2.516 provides that all documents required or permitted to be served on another party must be served by e-mail. Under subdivision (b)(1) (Service by Electronic Mail (“e-mail”)), upon appearing in a proceeding a lawyer must designate a primary e-mail address, and may designate up to two secondary e-mail addresses, for receiving service. Thereafter, service on the lawyer must be made by e-mail. The rule does permit several limited exceptions to this requirement. A lawyer may file a motion to be excused from e-mail service, demonstrating that he or she has no e-mail account and lacks access to the Internet at the lawyer’s office.<sup>3</sup> Similarly, individuals who are not represented by an attorney may designate an e-mail address for service if they wish; however, pro se litigants are not required to use e-mail service. Additionally, applications for witness subpoenas and documents served by formal notice or

---

3. Service on or by attorneys excused from e-mail service and service on or by pro se litigants who do not designate an e-mail address must be made in accordance with rule 2.516(b)(2). This subdivision of the rule provides for service by delivering a copy of the document or by mailing it to the party or attorney at their last known address or, if no address is known, by leaving it with the clerk of the court.

required to be served in the manner provided for service of formal notice are not required to comply with rule 2.516.

Subdivision (b)(1) also includes provisions addressing the time and format for e-mail service. Service by e-mail is deemed complete when the e-mail is sent.<sup>4</sup> Additionally, e-mail service is made by attaching a copy of the document to be served in PDF format to an e-mail, or by including in the e-mail a link to the document on a website maintained by the clerk. The e-mail must contain the subject line “SERVICE OF COURT DOCUMENT” in all capital letters, followed by the case number of the relevant proceeding. The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with that e-mail, and the sender’s name and telephone number. The e-mail and attachments together may not exceed 5 megabytes in size; e-mails that exceed the size requirement must be divided into separate e-mails (no one of which may exceed 5 megabytes) and labeled sequentially in the subject line.

As noted, the other subdivisions in rule 2.516 closely track the language in rule 1.080, modified to reflect the move to e-mail service. Subdivision (c) (Service; Numerous Defendants) describes procedures for service when the parties

---

4. Subdivision (b)(1)(D)(iii) provides that e-mail service is treated as service by mail for the computation of time.

are “unusually numerous”; subdivision (d) (Filing) requires that all original documents must be filed with the court either before service on the opposing party or immediately thereafter; and subdivision (e) (Filing Defined) states that documents are deemed “filed” when they are filed with the clerk of court. Subdivisions (g) (Service by Clerk) and (h) (Service of Orders) address service of notices or other such documents by the clerk, and service of orders or judgments entered by the court, respectively. These subdivisions authorize, but do not require, the clerks and the courts to utilize e-mail service if they are equipped to do so.

In addition to new rule 2.516, we also amend the rules of procedure to delete existing provisions in the rules describing service, and add new language referencing rule 2.516.

### **IMPLEMENTATION**

As originally proposed in the joint report, rule 2.516 was intended to be both mandatory and uniform, such that e-mail service would be mandatory in all types of cases in Florida. The rules committees also urged the Court to make e-mail service mandatory as soon as practicable.

The Criminal Procedure Rules Committee (CPR Committee) and the Florida Public Defender Association (FPDA) have raised concerns about the move to mandatory e-mail service in criminal cases. The CPR Committee and the FPDA

asserted that, until the Court adopts an electronic filing rule, lawyers in the offices of the state attorneys, public defenders, and regional counsel will be required to serve paper documents to the court and electronic copies of the same documents on opposing counsel. The commenters also maintained that the public defenders, state attorneys, and regional counsel have limited budgets which may not be able to support the costs required to immediately upgrade technology and train personnel in order to meet the new requirements.

In the supplemental report submitted to the Court, the workgroup (which included representatives from the both the CPR Committee and FPDA) further clarified this concern. The workgroup recommended that attorneys who practice in the criminal, traffic, and juvenile court systems should be permitted, but not required, to follow e-mail service procedures. It suggested that mandatory e-mail service for practitioners in the criminal, traffic, and juvenile divisions should be delayed until electronic filing is mandatory for this group. See Joint Supplemental Report at 15 (Mar. 6, 2012) (on file with the Court in Case Nos. SC10-2101 and SC11-399).

We accept the workgroup's recommendation to delay mandatory e-mail service in the criminal, traffic, and juvenile divisions of the trial court until electronic filing is also mandatory in these divisions. Accordingly, the rule



amendments that we adopt in this case are effective, nunc pro tunc, September 1, 2012, at 12:01 a.m.; however, they will be implemented as set forth in this opinion.

First, e-mail service will be mandatory for attorneys practicing in the civil, probate, small claims, and family law divisions of the trial courts, as well as in all appellate cases, when the rule amendments take effect on September 1, 2012.

Second, when the rules take effect on September 1, attorneys practicing in the criminal, traffic, and juvenile divisions<sup>5</sup> of the trial court may voluntarily choose to serve documents by e-mail under the new procedures, or they may continue to operate under the existing rules. E-mail service will be mandatory for attorneys practicing in these divisions on October 1, 2013, at 12:01 a.m. (the date on which electronic filing will be mandatory in these divisions). See In re Electronic Filing, No. SC11-399, slip op. at 22 (Fla. June 21, 2012). Additionally, the new e-mail service requirements, as they apply in proceedings brought pursuant to the Florida Mental Health Act (Baker Act), Chapter 394, Part I, Florida Statutes, and the Involuntary Commitment of Sexually Violent Predators Act

---

5. This includes juvenile delinquency proceedings, dependency and termination of parental rights proceedings, and proceedings for families and children in need of services.

(Jimmy Ryce), Chapter 394, Part V, Florida Statutes, will also not be mandatory in these cases until October 1, 2013, at 12:01 a.m.<sup>6</sup>

Finally, we note that, pursuant to rule 2.516(b)(1), self-represented parties involved in any type of case in any Florida court, may, but are not required to, serve documents by e-mail. Attorneys excused from e-mail service are also not obligated to comply with the new e-mail service requirements.

### **CONCLUSION**

Accordingly, we adopt new Florida Rule of Judicial Administration 2.516, and amend the Florida Rules of Judicial Administration, the Florida Rules of Civil Procedure, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Rules of Traffic Court, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through

---

6. The RJA Committee should review whether any changes to the rules of procedure are necessary to accommodate e-mail service in Baker Act proceedings. Similarly, the Criminal Court Steering Committee, together with the RJA Committee, should review whether any changes to the rules are necessary to accommodate e-mail service in Jimmy Ryce proceedings. If these committees determine that rule amendments are necessary, they may file proposed rule amendments with the Court.

type. The committee notes are offered for explanation only and are not adopted as an official part of the rules.

We also amend the Family Law Forms as set forth in the appendix to this opinion, fully engrossed and ready for use on the effective date of the amendments. The forms can be accessed and downloaded from this Court's website at [www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml). By adopting the amended forms, we express no opinion as to their correctness or applicability. As set forth above, the amendments to the rules and forms are effective, nunc pro tunc, September 1, 2012, at 12:01 a.m.

It is so ordered.

POLSTON, C.J, and PARIENTE, LEWIS, QUINCE, CANADY, LABARGA, and PERRY, JJ., concur.

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

Original Proceedings –The Florida Rules of Judicial Administration, The Florida Rules of Civil Procedure, The Florida Rules of Criminal Procedure, The Florida Probate Rules, The Florida Rules of Traffic Court, The Florida Small Claims Rules, The Florida Rules of Juvenile Procedure, The Florida Rules of Appellate Procedure, and The Florida Family Law Rules of Procedure

Kevin D. Johnson, Chair, Civil Procedure Rules Committee, Thompson, Sizemore, Gonzalez & Hearing, P.A., Tampa, Florida; Donald E. Scaglione, Chair, Criminal Procedure Rules Committee, Brooksville, Florida; John C. Moran, Co-Chair, Probate Rules Committee, Gunster, Yoakley & Stewart, P.A., West Palm Beach, Florida and Tasha K. Pepper-Dickinson, Co-Chair, Probate Rules Committee,

Jones, Foster, Johnston & Stubbs, P.A., West Palm Beach, Florida; Jill M. Hampton, Chair, Traffic Court Rules Committee, Orlando, Florida; Judson L. Cohen, Chair, Small Claims Rules Committee, Cohen Law Offices, Miami, Florida; Joel M. Silvershein, Chair, Juvenile Court Rules Committee, Office of State Attorney, Fort Lauderdale, Florida; Jamie B. Moses, Chair, Appellate Court Rules Committee, Fisher, Rushmer, et al., Orlando, Florida; Ashley McCorvey Myers, Chair, Family Law Rules Committee, McCorvey & Myers, Jacksonville, Florida,

for Petitioners

Charles E. Ray of Charles E. Ray, P.A., Port Saint Lucie, Florida; Lynn W. Rhodes of Lynn W. Rhodes, P.A., Bartow, Florida; Kurt E. Lee of Kirk and Pinkerton, P.A., Sarasota, Florida; Steven P. Combs, Chair, Family Law Rules Committee, Jacksonville, Florida; Walter C. Jones, IV of Freeman & Jones, LLC, Palm Beach Gardens, Florida; Honorable Nancy Daniels, Public Defender, Second Judicial Circuit, Tallahassee, Florida; Diane M. Kirigin, General Magistrate, Delray Beach, Florida and Matthew B. Capstraw of Norman D. Levin, P.A., Longwood, Florida,

Responding with Comments

## APPENDIX

### **RULE 1.080. SERVICE OF PLEADINGS, AND PAPERSORDERS, AND DOCUMENTS**

~~(a) — **Service; When Required.** Unless the court otherwise orders, every pleading subsequent to the initial pleading and every other paper filed in the action, except applications for witness subpoena, shall be served on each party. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them shall be served in the manner provided for service of summons.~~

~~(b) — **Service; How Made.** When service is required or permitted to be made upon a party represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court. Service on the attorney or party shall be made by delivering a copy or mailing it to the attorney or the party at the last known address or, if no address is known, by leaving it with the clerk of the court. Service by mail shall be complete upon mailing. Delivery of a copy within this rule shall be complete upon: (1) handing it to the attorney or to the party, (2) leaving it at the attorney's or party's office with a clerk or other person in charge thereof, (3) if there is no one in charge, leaving it in a conspicuous place therein, (4) if the office is closed or the person to be served has no office, leaving it at the person's usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents, or (5) transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy shall also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete. Service by delivery shall be deemed complete on the date of the delivery.~~

~~(c) — **Service; Numerous Defendants.** In actions when the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its initiative in such manner as may be found to be just and reasonable.~~

~~(d) — **Filing.** All original papers shall be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or~~

~~other rules. If the original of any bond or other paper is not placed in the court file, a certified copy shall be so placed by the clerk.~~

~~(e) — **Filing Defined.** The filing of papers with the court as required by these rules shall be made by filing them with the clerk, except that the judge may permit papers to be filed with the judge, in which event the judge shall note the filing date before him or her on the papers and transmit them to the clerk. The date of filing is that shown on the face of the paper by the judge's notation or the clerk's time stamp, whichever is earlier.~~

~~(f) — **Certificate of Service.** When any attorney shall certify in substance:~~

~~"I certify that a copy hereof has been furnished to (here insert name or names) by (delivery) (mail) (fax) on ..... (date) ....."~~

~~\_\_\_\_\_  
\_\_\_\_\_  
Attorney"~~

~~the certificate shall be taken as prima facie proof of such service in compliance with these rules.~~

~~(g) — **Service by Clerk.** If a party who is not represented by an attorney files a paper that does not show service of a copy on other parties, the clerk shall serve a copy of it on other parties as provided in subdivision (b).~~

~~(h) — **Service of Orders.**~~

~~(1) — A copy of all orders or judgments shall be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. No service need be made on parties against whom a default has been entered except orders setting an action for trial as prescribed in rule 1.440(c) and final judgments that shall be prepared and served as provided in subdivision (h)(2). The court may require that orders or judgments be prepared by a party, may require the party to furnish the court with stamped, addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment.~~

~~(2) — When a final judgment is entered against a party in default, the court shall mail a conformed copy of it to the party. The party in whose favor the judgment is entered shall furnish the court with a copy of the judgment, unless it is~~

prepared by the court, and the address of the party to be served. If the address is unknown, the copy need not be furnished.

(3) — This subdivision is directory and a failure to comply with it does not affect the order or judgment or its finality or any proceedings arising in the action.

### Committee Notes

**1971 Amendment.** Subdivision (g) is added to cover the situation when a party responds by a letter to the clerk and the letter may constitute the party's answer. The clerk is then required to furnish copies to parties who have appeared in the action and who are not shown to have received copies. It is not intended to apply to those litigious persons appearing in proper person who are familiar with the requirements of the rules. Subdivision (h) is added and the first part regulates the service of copies of orders. When a party is charged with preparation of an order, it requires service of the proposed form on other parties and delivery of sufficient copies to the court to be conformed and furnished to all parties after entry. The second part is intended to notify defendant whose address is known of the determination of the action by the court. Failure to comply with either part of subdivision (h) does not affect the order or judgment in any manner.

**1972 Amendment.** Subdivision (h) is amended because confusion has resulted in its application. Use of the term "party" has been misconstrued. It must be read in conjunction with subdivision (b) of the rule. When service can be made on an attorney, it should be made on the attorney. The term "party" is used throughout the rules because subdivision (b) makes the necessary substitution of the party's attorney throughout the rules. No certificate of service is required. The notation with the names of the persons served with a proposed form is not to be signed. The committee intended for the court to know who had been served only. Otherwise, the committee would have used the form of certificate of service in subdivision (f). Submission of copies and mailing of them by the court has proved cumbersome in practice and so it is deleted. The purpose of the rule was to ensure that all parties had an opportunity to see the proposed form before entry by the court.

**1976 Amendment.** The amendment made to this rule on July 26, 1972, was intended according to the committee notes "[t]o assure that all parties had an opportunity to see the proposed form before entry by the Court." This change followed on the heels of the 1971 amendment, which the committee felt had been

~~confusing. Two changes have been made to subdivision (h)(1), which have resulted in a wholesale redrafting of the rule. First, the provision requiring the submission of proposed orders to all counsel prior to entry by the court has been deleted, any inaccuracies in an order submitted to the court being remediable either by the court's own vigilance or later application by an interested party. Secondly, the rule now requires that conformed copies of any order entered by the court must be mailed to all parties of record in all instances (and to defaulted parties in 2 specified instances), for purposes of advising them of the date of the court's action as well as the substance of such action. Nothing in this new rule is meant to limit the power of the court to delegate the ministerial function of preparing orders.~~

~~**1992 Amendment.** Subdivisions (b) and (f) are amended to allow service pursuant to this rule to be made by facsimile. "Facsimile" or "fax" is a copy of a paper transmitted by electronic means to a printer receiving the transmission at a designated telephone number. When service is made by facsimile or fax, a second copy must be served by any other method permitted by this rule to ensure that a legible copy is received.~~

### **Court Commentary**

~~**1984 Amendment.** The committee is recommending an amendment to rule 1.530(b) to cure the confusion created by *Casto v. Casto*, 404 So. 2d 1046 (Fla. 4th DCA 1980). That recommendation requires an amendment to rule 1.080(e) specifying that the date of filing is that shown on the face of the paper.~~

Every pleading subsequent to the initial pleading and every other document filed in the action must be served in conformity with the requirements of Florida Rule of Judicial Administration 2.516.

## **RULE 1.170. COUNTERCLAIMS AND CROSSCLAIMS**

**(a) – (f) [No Change]**

**(g) Crossclaim against Co-Party.** A pleading may state as a crossclaim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter of either the original action or a counterclaim therein, or relating to any property that is the subject matter of the original action. The crossclaim may include a claim that the party against whom it is asserted is or



may be liable to the crossclaimant for all or part of a claim asserted in the action against the crossclaimant. Service of a crossclaim on a party who has appeared in the action shall be made pursuant to rule 1.080(b). Service of a crossclaim against a party who has not appeared in the action shall be made in the manner provided for service of summons.

(h) – (j) [No Change]

### Committee Notes

1972 – 1988 Amendments. [No Change]

2012 Amendment. Subdivision (g) is amended to reflect the relocation of the service rule from rule 1.080 to Fla. R. Jud. Admin. 2.516.

## **RULE 1.351. PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION**

(a) [No Change]

(b) **Procedure.** A party desiring production under this rule shall serve notice as provided in rule 1.080 on every other party of the intent to serve a subpoena under this rule at least 10 days before the subpoena is issued if service is by delivery and 15 days before the subpoena is issued if the service is by mail or e-mail. The proposed subpoena shall be attached to the notice and shall state the time, place, and method for production of the documents or things, and the name and address of the person who is to produce the documents or things, if known, and if not known, a general description sufficient to identify the person or the particular class or group to which the person belongs; shall include a designation of the items to be produced; and shall state that the person who will be asked to produce the documents or things has the right to object to the production under this rule and that the person will not be required to surrender the documents or things. A copy of the notice and proposed subpoena shall not be furnished to the person upon whom the subpoena is to be served. If any party serves an objection to production under this rule within 10 days of service of the notice, the documents or things shall not be produced pending resolution of the objection in accordance with subdivision (d).

**(c) – (f) [No Change]**

### **Committee Notes**

**1980 Adoption. [No Change]**

**1996 – 2010 Amendments. [No Change]**

**2012 Amendment.** Subdivision (b) is amended to include e-mail service as provided in Fla. R. Jud. Admin. 2.516.

## **RULE 1.410. SUBPOENA**

**(a) – (b) [No Change]**

**(c) For Production of Documentary Evidence.** A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein, but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. A party seeking production of evidence at trial which would be subject to a subpoena may compel such production by serving a notice to produce such evidence on an adverse party as provided in rule 1.080~~(b)~~. Such notice shall have the same effect and be subject to the same limitations as a subpoena served on the party.

**(d) – (h) [No Change]**

### **Committee Notes**

**1972 – 1996 Amendments. [No Change]**

**2012 Amendment.** Subdivision (c) is amended to reflect the relocation of the service rule from rule 1.080 to Fla. R. Jud. Admin. 2.516.

**RULE 1.440.      SETTING ACTION FOR TRIAL**

**(a) – (b)      [No Change]**

**(c)      Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order fixing a date for trial. Trial shall be set not less than 30 days from the service of the notice for trial. By giving the same notice the court may set an action for trial. In actions in which the damages are not liquidated, the order setting an action for trial shall be served on parties who are in default in accordance with rule 1.080(a).

**(d)      [No Change]**

**Committee Notes**

**1972 – 1988 Amendments. [No Change]**

**2012 Amendment.** Subdivision (c) is amended to reflect the relocation of the service rule from rule 1.080 to Fla. R. Jud. Admin. 2.516.

**Court Commentary**

[No Change]

**RULE 1.442.      PROPOSALS FOR SETTLEMENT**

**(a) – (b)      [No Change]**

**(c)      Form and Content of Proposal for Settlement.**

**(1)      [No Change]**

**(2)      A proposal shall:**

**(A) – (F)      [No Change]**

(G) include a certificate of service in the form required by rule 1.080(£).

(3) – (4) [No Change]

(d) – (j) [No Change]

### Committee Notes

**1996 – 2000 Amendments.** [No Change]

**2012 Amendment.** Subdivision (c)(2)(G) is amended to reflect the relocation of the service rule from rule 1.080 to Fla. R. Jud. Admin. 2.516.

## **RULE 1.510. SUMMARY JUDGMENT**

(a) – (b) [No Change]

(c) **Motion and Proceedings Thereon.** The motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall specifically identify any affidavits, answers to interrogatories, admissions, depositions, and other materials as would be admissible in evidence (“summary judgment evidence”) on which the movant relies. The movant shall serve the motion at least 20 days before the time fixed for the hearing, and shall also serve at that time a copy of any summary judgment evidence on which the movant relies that has not already been filed with the court. The adverse party shall identify, by notice ~~mailed to the movant's attorney served pursuant to rule 1.080~~ at least 5 days prior to the day of the hearing, or delivered no later than 5:00 p.m. 2 business days prior to the day of the hearing, any summary judgment evidence on which the adverse party relies. To the extent that summary judgment evidence has not already been filed with the court, the adverse party shall serve a copy on the movant ~~by mail pursuant to rule 1.080~~ at least 5 days prior to the day of the hearing, or by delivery to the movant's attorney no later than 5:00 p.m. 2 business days prior to the day of hearing. The judgment sought shall be rendered forthwith if the pleadings and summary judgment evidence on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in

character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

**(d) – (g) [No Change]**

### **Committee Notes**

**1976 – 2005 Amendments. [No Change]**

**2012 Amendment.** Subdivision (c) is amended to reflect the relocation of the service rule from rule 1.080 to Fla. R. Jud. Admin. 2.516.

### **RULE 1.630. EXTRAORDINARY REMEDIES**

**(a) – (c) [No Change]**

**(d) Process.** If the complaint shows a prima facie case for relief, the court shall issue:

- (1) a summons in certiorari;
- (2) an order nisi in prohibition;
- (3) an alternative writ in mandamus that may incorporate the complaint by reference only;
- (4) a writ of quo warranto; or
- (5) a writ of habeas corpus.

The writ shall be served in the manner prescribed by law, except the summons in certiorari shall be served as provided in rule 1.080~~(b)~~.

**(e) [No Change]**

### **Committee Note**

**2012 Amendment.** Subdivision (d)(5) is amended to reflect the relocation of the service rule from rule 1.080 to Fla. R. Jud. Admin. 2.516.

### **Court Commentary**

[No Change]

#### **RULE 2.515. SIGNATURE OF ATTORNEYS AND PARTIES**

(a) **Attorney Signature.** Every pleading and other ~~paper~~document of a party represented by an attorney shall be signed by at least 1 attorney of record in that attorney's individual name whose current record Florida Bar address, telephone number, including area code, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number shall be stated, and who shall be duly licensed to practice law in Florida or who shall have received permission to appear in the particular case as provided in rule 2.510. The attorney may be required by the court to give the address of, and to vouch for the attorney's authority to represent, the party. Except when otherwise specifically provided by an applicable rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney shall constitute a certificate by the attorney that the attorney has read the pleading or other ~~paper~~document; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the pleading or other ~~paper~~document had not been served.

(b) [No Change]

(c) **Form of Signature.**

(1) The signatures required on pleadings and ~~papers~~documents by subdivisions (a) and (b) of this rule may be:

(A) original signatures;

(B) original signatures that have been reproduced by electronic means, such as on electronically transmitted documents or photocopied documents; ~~or~~

(C) electronic signatures using the “/s/,” “s/,” or “/s” formats by or at the direction of the person signing; or

(D) any other signature format authorized by general law, so long as the clerk where the proceeding is pending has the capability of receiving and has obtained approval from the Supreme Court of Florida to accept pleadings and ~~papers~~documents with that signature format.

(2) [No Change]

## **RULE 2.516 SERVICE OF PLEADINGS AND DOCUMENTS**

**(a) Service; When Required.** Unless the court otherwise orders, or a statute or supreme court administrative order specifies a different means of service, every pleading subsequent to the initial pleading and every other document filed in any court proceeding, except applications for witness subpoenas and documents served by formal notice or required to be served in the manner provided for service of formal notice, must be served in accordance with this rule on each party. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them must be served in the manner provided for service of summons.

**(b) Service; How Made.** When service is required or permitted to be made upon a party represented by an attorney, service must be made upon the attorney unless service upon the party is ordered by the court.

**(1) Service by Electronic Mail (“e-mail”).** All documents required or permitted to be served on another party must be served by e-mail, unless this rule otherwise provides. When, in addition to service by e-mail, the sender also utilizes another means of service provided for in subdivision (b)(2), any differing time limits and other provisions applicable to that other means of service control.

**(A) Service on Attorneys.** Upon appearing in a proceeding, an attorney must serve a designation of a primary e-mail address and may designate no more than two secondary e-mail addresses. Thereafter, service must be directed to all designated e-mail addresses in that proceeding. Every document filed by an attorney thereafter must include the primary e-mail address of that

attorney and any secondary e-mail addresses. If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar.

**(B) Exception to E-mail Service on Attorneys.** Service by an attorney on another attorney must be made by e-mail unless excused by the court. Upon motion by an attorney demonstrating that the attorney has no e-mail account and lacks access to the Internet at the attorney's office, the court may excuse the attorney from the requirements of e-mail service. Service on and by an attorney excused by the court from e-mail service must be by the means provided in subdivision (b)(2) of this rule.

**(C) Service on and by Parties Not Represented by an Attorney.** Any party not represented by an attorney may serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding by the means provided in subdivision (b)(1) of this rule. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (b)(2) of this rule.

**(D) Time of Service.** Service by e-mail is complete when it is sent.

(i) An e-mail is deemed served on the date it is sent.

(ii) If the sender learns that the e-mail did not reach the address of the person to be served, the sender must immediately send another copy by e-mail, or by a means authorized by subdivision (b)(2) of this rule.

(iii) E-mail service is treated as service by mail for the computation of time.

**(E) Format of E-mail for Service.** Service of a document by e-mail is made by an e-mail sent to all addresses designated by the attorney or party with either (a) a copy of the document in PDF format attached or (b) a link to the document on a website maintained by a clerk.

(i) All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words "SERVICE OF



COURT DOCUMENT” in all capital letters, followed by the case number of the proceeding in which the documents are being served.

(ii) The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with that e-mail, and the sender’s name and telephone number.

(iii) Any document served by e-mail may be signed by any of the “/s/,” “/s,” or “s/” formats, as long as the filed original is signed in accordance with the applicable rule of procedure.

(iv) Any e-mail which, together with its attached documents, exceeds five megabytes (5MB) in size, must be divided and sent as separate e-mails, no one of which may exceed 5MB in size and each of which must be sequentially numbered in the subject line.

**(2) Service by Other Means.** In addition to, and not in lieu of, service by e-mail, service may also be made upon attorneys by any of the means specified in this subdivision (b)(2). Service on and by all parties who are not represented by an attorney and who do not designate an e-mail address, and on and by all attorneys excused from e-mail service, must be made by delivering a copy of the document or by mailing it to the party or attorney at their last known address or, if no address is known, by leaving it with the clerk of the court. Service by mail is complete upon mailing. Delivery of a copy within this rule is complete upon:

(A) handing it to the attorney or to the party,

(B) leaving it at the attorney’s or party’s office with a clerk or other person in charge thereof,

(C) if there is no one in charge, leaving it in a conspicuous place therein,

(D) if the office is closed or the person to be served has no office, leaving it at the person’s usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents, or

(E) transmitting it by facsimile to the attorney’s or party’s office with a cover sheet containing the sender’s name, firm, address, telephone

number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy must also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.

(F) Service by delivery shall be deemed complete on the date of the delivery.

(c) **Service; Numerous Defendants.** In actions when the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its own initiative in such manner as may be found to be just and reasonable.

(d) **Filing.** All original documents must be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or other rules. If the original of any bond or other document is not placed in the court file, a certified copy must be so placed by the clerk.

(e) **Filing Defined.** The filing of documents with the court as required by these rules must be made by filing them with the clerk, except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is that shown on the face of the document by the judge's notation or the clerk's time stamp, whichever is earlier.

(f) **Certificate of Service.** When any attorney certifies in substance:

"I certify that a copy hereof has been furnished to (here insert name or names and addresses used for service) by (e-mail) (delivery) (mail) (fax) on ..... (date) .....

\_\_\_\_\_  
Attorney"

the certificate is taken as prima facie proof of such service in compliance with this rule.

(g) **Service by Clerk.** When the clerk is required to serve notices and other documents, the clerk may do so by e-mail as provided in subdivision (b)(1) or by any other method permitted under subdivision (b)(2). Service by a clerk is not required to be by e-mail.

**(h) Service of Orders.**

(1) A copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. No service need be made on parties against whom a default has been entered except orders setting an action for trial and final judgments that must be prepared and served as provided in subdivision (h)(2). The court may require that orders or judgments be prepared by a party, may require the party to furnish the court with stamped, addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment. The court may serve any order or judgment by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service.

(2) When a final judgment is entered against a party in default, the court must mail a conformed copy of it to the party. The party in whose favor the judgment is entered must furnish the court with a copy of the judgment, unless it is prepared by the court, with the address of the party to be served. If the address is unknown, the copy need not be furnished.

(3) This subdivision is directory and a failure to comply with it does not affect the order or judgment, its finality, or any proceedings arising in the action.

**RULE 3.030. SERVICE OF PLEADINGS AND PAPERS**

~~(a) — Service; When Required.~~ Every pleading subsequent to the initial indictment or information on which a defendant is to be tried unless the court otherwise orders, and every order not entered in open court, every written motion unless it is one about which a hearing ex parte is authorized, and every written notice, demand, and similar paper shall be served on each party in conformity with Florida Rule of Judicial Administration 2.516; however, nothing herein shall be construed to require that a plea of not guilty shall be in writing.

~~(b) — Same; How Made.~~ When service is required or permitted to be made on a party represented by an attorney, the service shall be made on the attorney

~~unless service on the party is ordered by the court. Service on the attorney or on a party shall be made by delivering a copy to the party or by mailing it to the party's last known address, or, if no address is known, by leaving it with the clerk of the court who shall place it in the court file. Delivery of a copy within this rule shall mean:~~

~~(1) — handing it to the attorney or to the party; or~~

~~(2) — leaving it at the attorney's office with the secretary or other person in charge; or~~

~~(3) — if there is no one in charge, leaving it in a conspicuous place therein; or~~

~~(4) — if the office is closed or the person to be served has no office, leaving it at the person's usual place of abode with a family member above 15 years of age and informing that person of the contents. Service by mail shall be considered complete upon mailing; or~~

~~(5) — transmitting it electronically to each party with a cover sheet indicating the sender's name, bar number, firm, address, telephone number, facsimile or modem number, and the number of pages transmitted. Electronic service occurs when transmission of the last page is complete. Service by delivery or electronic transmission after 5:00 p.m. shall be deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday.~~

~~(e) — **Filing.** All original papers, copies of which are required to be served on parties, must be filed with the court either before service or immediately thereafter.~~

~~(d) — **Filing with the Court Defined.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him or her, in which event the judge shall note thereon the filing date and transmit them to the office of the clerk. Unless any rule expressly provides to the contrary, filing of pleadings and other papers with the court may be made by electronic transmission provided for and in accordance with the Florida Rules of Judicial Administration.~~

~~(e) — **Certificate of Service.** When any attorney shall in substance certify:~~

~~I do certify that a copy (copies) hereof (has) (have) been furnished to (here insert name or names) by (delivery) (mail) on ..... (date) .....~~

\_\_\_\_\_  
\_\_\_\_\_  
Attorney

~~the certificate shall be taken as prima facie proof of service in compliance with all rules of court and law.~~

### **Committee Notes**

[No Change]

### **RULE 3.070.      ADDITIONAL TIME AFTER SERVICE BY MAIL OR E-MAIL**

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper on the party and the notice or paper is served on the party by mail or e-mail, 3 days shall be added to the prescribed period.

### **Committee Notes**

[No Change]

### **RULE 3.852.      CAPITAL POSTCONVICTION PUBLIC RECORDS PRODUCTION**

(a) – (b)      [No Change]

(c)      **Filing and Service.**

(1)      [No Change]

(2) Service shall be made pursuant to Florida Rule of Criminal Procedure 3.030~~(b)~~.

(3) – (4) [No Change]

**(d) – (m) [No Change]**

**RULE 5.030. ATTORNEYS**

**(a) – (c) [No Change]**

**Committee Notes**

[No Change]

**Rule History**

1975 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.041~~(b)~~ Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.110(b), (c) Resident agent.

Fla. R. Jud. Admin. 2.505 Attorneys.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

Fla. R. App. P. 9.440 Attorneys.

**RULE 5.040. NOTICE**

(a) [No Change]

(b) **Informal Notice.** When informal notice of a petition or other proceeding is required or permitted, it shall be served as provided in rule 5.041(~~b~~).

(c) – (d) [No Change]

### Committee Notes

[No Change]

### Rule History

1975 – 2010 Revisions: [No Change]

2012 Revision: Subdivision (b) revised to reflect amendment to rule 5.041.

### Statutory References

[No Change]

### Rule References

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.030 Attorneys.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.060 Request for notices and copies of pleadings.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.560 Petition for appointment of guardian of an incapacitated person.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.

Fla. R. Jud. Admin. 2.505 Attorneys.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

Fla. R. Civ. P. 1.070 Process.

Fla. R. Civ. P. Form 1.902 Summons.

**RULE 5.041. SERVICE OF PLEADINGS AND PAPERS~~DOCUMENTS~~**

~~(a) — Service; When Required.~~ Unless the court orders otherwise, every petition or motion for an order determining rights of an interested person, and every other pleading or ~~paper~~document filed in the particular proceeding which is the subject matter of such petition or motion, except applications for witness subpoenas, shall be served on interested persons as set forth in Florida Rule of Judicial Administration 2.516 unless these rules, the Florida Probate Code, or the Florida Guardianship Law provides otherwise. No service need be made on interested persons against whom a default has been entered, or against whom the matter may otherwise proceed ex parte, unless a new or additional right or demand is asserted. For purposes of this rule an interested person shall be deemed a party under rule 2.516.

~~(b) — Service; How Made.~~ ~~When service is required or permitted to be made on an interested person represented by an attorney, service shall be made on the attorney unless service on the interested person is ordered by the court. Except when serving formal notice, or when serving a motion, pleading, or other paper in the manner provided for service of formal notice, service shall be made by delivering or mailing a copy of the motion, pleading, or other paper to the attorney or interested person at the last known address or, if no address is known, leaving it with the clerk of the court. If the interested person is a minor whose disabilities of nonage are not removed, and who is not represented by an attorney, then service shall be on the persons designated to accept service of process on a minor under chapter 48, Florida Statutes. Service by mail shall be complete upon mailing except when serving formal notice or when making service in the manner of formal notice. Delivery of a copy within this rule shall be complete upon~~

~~(1) — handing it to the attorney or to the interested person; or~~

~~(2) — leaving it at the attorney's or interested person's office with a clerk or other person in charge thereof; or~~

~~(3) — if there is no one in charge, leaving it in a conspicuous place therein; or~~



~~(4) — if the office is closed or the person to be served has no office, leaving it at the person’s usual place of abode with some person of his or her family above 15 years of age and informing that person of the contents; or~~

~~(5) — transmitting it by facsimile to the attorney’s or interested person’s office with a cover sheet containing the sender’s name, firm, address, telephone number, facsimile number, and the number of pages transmitted. When delivery is made by facsimile, a copy shall also be served by any other method permitted by this rule. Facsimile delivery occurs when transmission is complete.~~

~~Service by delivery after 4:00 p.m. shall be deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday.~~

~~(c) — **Service; Numerous Interested Persons.** In proceedings when the interested persons are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its initiative in a manner as may be found to be just and reasonable.~~

~~(d) — **Filing.** All original papers shall be filed either before service or immediately thereafter. If the original of any bond or other paper is not placed in the court file, a certified copy shall be so placed by the clerk.~~

~~(e) — **Filing With Court Defined.** The filing of papers with the court as required by these rules shall be made by filing them with the clerk, except that the judge may permit the papers to be filed with the judge in which event the judge shall note the filing date and transmit the papers to the clerk. The date of filing is that shown on the face of each paper by the judge’s notation or the clerk’s time stamp, whichever is earlier.~~

~~(f) — **Certificate of Service.** When any attorney shall certify in substance:~~

~~“I certify that a copy hereof has been served on (here insert name or names) by (delivery) (mail) (fax) on (date).~~

\_\_\_\_\_  
\_\_\_\_\_  
Attorney<sup>2</sup>

~~the certificate shall be taken as prima facie proof of service in compliance with these rules except in case of formal notice or service in the manner of formal notice. A person not represented by an attorney shall certify in the same manner, but the certificate must be verified.~~

**~~(g) — Service of Orders.~~**

~~(1) — A copy of all orders or judgments determining rights of an interested person shall be transmitted by the court or under its direction at the time of entry of the order or judgment to all interested persons in the particular proceeding.~~

~~(2) — This subdivision (g) is directory, and a failure to comply with it does not affect the order or judgment or its finality.~~

**Committee Notes**

[No Change]

**Rule History**

1984 – 2010 Revisions: [No Change]

2012 Revision: Portions of subdivision (b) and all of subdivisions (d), (e), (f), and (g) deleted in response to creation of Rule 2.516 of the Rules of Judicial Administration. Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.030 Attorneys.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.150(c) Order requiring accounting.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.240(a) Notice of administration.

Fla. Prob. R. 5.340(d) Inventory.

Fla. Prob. R. 5.550 Petition to determine incapacity.

Fla. Prob. R. 5.560 Petition for appointment of guardian of an incapacitated

person.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.

Fla. R. Civ. P. 1.080 Service of pleadings and papers.

Fla. R. Jud. Admin. 2.505 Attorneys.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.060. REQUEST FOR NOTICES AND COPIES OF PLEADINGS**

(a) – (b) [No Change]

**Committee Notes**

**Rule History**

1975 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.340 Inventory.

Fla. Prob. R. 5.341 Estate information.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.120. ADMINISTRATOR AD LITEM AND GUARDIAN AD LITEM**

**(a) – (b) [No Change]**

**(c) Notice.** Within 10 days after appointment, the petitioner shall ~~deliver or mail~~serve conformed copies of the petition for appointment of a guardian ad litem and order to any guardian, or if there is no guardian, to the living natural guardians or the living natural guardian having legal custody of the minor, person with a developmental disability, or incapacitated person.

**(d) Report.** The guardian ad litem shall ~~deliver or mail~~serve conformed copies of any written report or finding of the guardian ad litem’s investigation and answer filed in the proceedings, petition for compensation and discharge, and the notice of hearing on the petition to any guardian, or in the event that there is no guardian, to the living natural guardians or the living natural guardian having legal custody of the minor, person with a developmental disability, or incapacitated person.

**(e) Service of Petition and Order.** Within 10 days after appointment, the petitioner for an administrator ad litem shall ~~deliver or mail~~serve conformed copies of the petition for appointment and order to the attorney of record of each beneficiary and to each known beneficiary not represented by an attorney of record.

**(f) – (g) [No Change]**

### **Committee Notes**

#### **Rule History**

1977 – 2008 Revisions: [No Change]

2012 Revision: The phrase “deliver or mail” in subdivisions (c), (d), and (e) has been replaced with the word “serve” to comply with other rules relating to service of pleadings and documents. Committee notes revised.

#### **Statutory References**

[No Change]

#### **Rule References**

Fla. Prob. R. 5.041 Service of pleadings and documents.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.200. PETITION FOR ADMINISTRATION**

The petition for administration shall be verified by the petitioner and shall contain:

(a) – (j) [No Change]

**Committee Notes**

**Rule History**

1977 – 2011 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.201 Notice of petition for administration.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.340. INVENTORY**

(a) – (c) [No Change]

(d) **Service.** The personal representative shall serve a copy of the inventory and all supplemental and amended inventories on the surviving spouse,

each heir at law in an intestate estate, each residuary beneficiary in a testate estate, and any other interested person who may request it in writing. ~~The personal representative shall file proof of such service.~~

**(e) – (h) [No Change]**

### **Committee Notes**

[No Change]

### **Rule History**

1980 – 2010 Revisions: [No Change]

2012 Revision: The last sentence of subdivision (d) is deleted to remove duplicative requirement of filing a proof of service for a document which includes a certificate of service as provided in Fla. R. Jud. Admin. 2.516. If service of the inventory is by service in the manner provided for service of formal notice, then proof of service should be filed as provided in rule 5.040(a)(5). Committee notes revised.

### **Constitutional Reference**

[No Change]

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.060 Request for notices and copies of pleadings.

Fla. Prob. R. 5.330 Execution by personal representative.

Fla. Prob. R. 5.360 Elective share.

Fla. Prob. R. 5.405 Proceedings to determine homestead real property.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.342. INVENTORY OF SAFE-DEPOSIT BOX**

**(a) – (b) [No Change]**

**(c) Service.** The personal representative shall serve a copy of the inventory on the surviving spouse, each heir at law in an intestate estate, each residuary beneficiary in a testate estate, and any other interested person who may request it in writing. ~~The personal representative shall file proof of such service.~~

**Committee Notes**

[No Change]

**Rule History**

2003 Revision: [No Change]

2012 Revision: The last sentence of subdivision (c) is deleted to remove duplicative requirement of filing a proof of service for a document which includes a certificate of service as provided in Fla. R. Jud. Admin. 2.516. If service of the inventory is by service in the manner provided for service of formal notice, then proof of service should be filed as provided in rule 5.040(a)(5). Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.340 Inventory.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.350. CONTINUANCE OF UNINCORPORATED BUSINESS OR VENTURE**

**(a) – (d) [No Change]**

## Committee Notes

### Rule History

1975 – 1992 Revisions: [No Change]

2012 Revision: Committee notes revised.

### Statutory Reference

[No Change]

### Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.330 Execution by personal representative.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.355. PROCEEDINGS FOR REVIEW OF EMPLOYMENT OF AGENTS AND COMPENSATION OF PERSONAL REPRESENTATIVES AND ESTATE EMPLOYEES**

[No Change]

## Committee Notes

[No Change]

### Rule History

1988 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.



## **Statutory References**

[No Change]

## **Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.360. ELECTIVE SHARE**

(a) – (e) [No Change]

### **Committee Notes**

[No Change]

## **Rule History**

1984 – 2010 Out-of-Cycle Report Revisions: [No Change]

2012 Revision: Committee notes revised.

## **Statutory References**

[No Change]

## **Rule References**

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.340 Inventory.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

Fla. R. App. P. 9.020(h) Definitions.

**RULE 5.370. SALES OF REAL PROPERTY WHERE NO POWER  
CONFERRED**

**(a) – (b) [No Change]**

**Committee Notes**

[No Change]

**Rule History**

1984 – 1996 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.380. COMPULSORY PAYMENT OF DEVICES OR  
DISTRIBUTIVE INTERESTS**

**(a) – (c) [No Change]**

**Committee Notes**

**Rule History**

1984 – 2003 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.385. DETERMINATION OF BENEFICIARIES AND SHARES**

**(a) – (c)** [No Change]

### **Committee Notes**

[No Change]

### **Rule History**

1988 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. Rule 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.120 Administrator ad litem and guardian ad litem.

Fla. Prob. R. 5.205(a)(5) Filing evidence of death.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.386. ESCHEAT**

(a) – (c) [No Change]

**Committee Notes**

[No Change]

**Rule History**

1988 – 2003 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.385 Determination of beneficiaries and shares.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.400. DISTRIBUTION AND DISCHARGE**

(a) – (e) [No Change]

**Committee Notes**

[No Change]

### **Rule History**

1980 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.330 Execution by personal representative.

Fla. Prob. R. 5.346 Fiduciary accounting.

Fla. Prob. R. 5.401 Objections to petition for discharge or final accounting.

Fla. R. Jud. Admin. 2.250(a)(1)(D) Time standards for trial and appellate courts and reporting requirements.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.401. OBJECTIONS TO PETITION FOR DISCHARGE OR FINAL ACCOUNTING**

**(a) – (f)** [No Change]

### **Committee Notes**

### **Rule History**

1984 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.

## **Statutory References**

[No Change]

## **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.400 Distribution and discharge.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.402. NOTICE OF LIEN ON PROTECTED HOMESTEAD**

(a) – (c) [No Change]

### **Committee Notes**

#### **Rule History**

2005 Revision: [No Change]

2012 Revision: Committee notes revised.

#### **Statutory References**

[No Change]

#### **Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.403 Proceedings to determine amount of lien on protected homestead.

Fla. Prob. R. 5.404 Notice of taking possession of protected homestead.

Fla. Prob. R. 5.405 Proceedings to determine protected homestead real property.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.403. PROCEEDINGS TO DETERMINE AMOUNT OF LIEN ON PROTECTED HOMESTEAD**

**(a) – (c) [No Change]**

**Committee Notes**

**Rule History**

2005 Revision: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.402 Notice of lien on protected homestead.

Fla. Prob. R. 5.404 Notice of taking possession of protected homestead.

Fla. Prob. R. 5.405 Proceedings to determine protected homestead real property.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.405. PROCEEDINGS TO DETERMINE PROTECTED HOMESTEAD REAL PROPERTY**

**(a) – (c) [No Change]**

## Committee Notes

[No Change]

### Rule History

1984 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

### Constitutional Reference

[No Change]

### Statutory References

[No Change]

### Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and papersdocuments.

Fla. Prob. R. 5.205(a)(6) Filing evidence of death.

Fla. Prob. R. 5.340 Inventory.

Fla. Prob. R. 5.404 Notice of taking possession of protected homestead.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.406. PROCEEDINGS TO DETERMINE EXEMPT PROPERTY**

**(a) – (c) [No Change]**

## Committee Notes

[No Change]

### Rule History



1984 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.420 Disposition of personal property without administration.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.407. PROCEEDINGS TO DETERMINE FAMILY ALLOWANCE**

(a) [No Change]

(b) **Contents.** The petition shall be verified by the petitioner and shall:

(1) state the names and addresses of the decedent's surviving spouse and the decedent's lineal heirs who were being supported by the decedent or who were entitled to be supported by the decedent at the time of ~~his~~the decedent's death, stating the dates of birth of those who are minors; and

(2) for each person for whom an allowance is sought, state the person's name and relationship to the decedent, the basis on which the allowance is claimed, and the amount sought.

(c) [No Change]

### **Committee Notes**

## **Rule History**

2003 Revision: [No Change]

2012 Revision: Editorial change in (b)(1) for gender neutrality. Committee notes revised.

## **Statutory References**

[No Change]

## **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.430. RESIGNATION OF PERSONAL REPRESENTATIVE**

(a) – (k) [No Change]

### **Committee Notes**

[No Change]

## **Rule History**

1975 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.

## **Statutory References**

[No Change]

## **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.  
Fla. Prob. R. 5.040 Notice.  
Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.  
Fla. Prob. R. 5.180 Waiver and consent.  
Fla. Prob. R. 5.310 Disqualification of personal representative; notification.  
Fla. Prob. R. 5.330 Execution by personal representative.  
Fla. Prob. R. 5.345 Accountings other than personal representatives' final accountings.  
Fla. Prob. R. 5.346 Fiduciary accounting.  
Fla. Prob. R. 5.401 Objections to petition for discharge or final accounting.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.440. PROCEEDINGS FOR REMOVAL OF PERSONAL REPRESENTATIVE**

**(a) – (d) [No Change]**

**Committee Notes**

[No Change]

**Rule History**

1980 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.  
Fla. Prob. R. 5.025 Adversary proceedings.  
Fla. Prob. R. 5.040 Notice.  
Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.  
Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.150 Order requiring accounting.  
Fla. Prob. R. 5.310 Disqualification of personal representative; notification.  
Fla. Prob. R. 5.345 Accountings other than personal representatives' final accountings.  
Fla. Prob. R. 5.346 Fiduciary accounting.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.460. SUBSEQUENT ADMINISTRATION**

**(a) – (c) [No Change]**

**Committee Notes**

[No Change]

**Rule History**

1984 – 2003 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory Reference**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.470. ANCILLARY ADMINISTRATION**

**(a) – (c) [No Change]**

## Committee Notes

### Rule History

1975 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

### Statutory References

[No Change]

### Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.065(b) Notice of civil action or ancillary administration.

Fla. Prob. R. 5.205(a)(2) Filing evidence of death.

Fla. Prob. R. 5.215 Authenticated copy of will.

Fla. Prob. R. 5.240 Notice of administration.

Fla. Prob. R. 5.241 Notice to creditors.

Fla. Prob. R. 5.475 Ancillary administration, short form.

Fed. R. Civ. P. 44(a) Proving an official record.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.475.      ANCILLARY ADMINISTRATION, SHORT FORM**

**(a) – (f)      [No Change]**

### Committee Notes

[No Change]

### Rule History

1988 – 2005 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.065(b) Notice of civil action or ancillary administration.

Fla. Prob. R. 5.205(a)(2) Filing evidence of death.

Fla. Prob. R. 5.215 Authenticated copy of will.

Fla. Prob. R. 5.240 Notice of administration.

Fla. Prob. R. 5.241 Notice to creditors.

Fla. Prob. R. 5.470 Ancillary administration.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.496. FORM AND MANNER OF OBJECTING TO CLAIM**

**(a) – (c)** [No Change]

### **Committee Notes**

[No Change]

### **Rule History**

1992 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

## **Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.498 Personal representative's proof of claim.

Fla. Prob. R. 5.499 Form and manner of objecting to personal representative's proof of claim.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.498. PERSONAL REPRESENTATIVE'S PROOF OF CLAIM**

**(a) – (b) [No Change]**

### **Committee Notes**

[No Change]

### **Rule History**

2005 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.499 Form and manner of objecting to personal representative's proof of claim.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.499. FORM AND MANNER OF OBJECTING TO PERSONAL REPRESENTATIVE’S PROOF OF CLAIM**

**(a) – (e) [No Change]**

**Committee Notes**

[No Change]

**Rule History**

2005 – 2007 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory Reference**

[No Change]

**Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.496 Form and manner of objecting to claim.

Fla. Prob. R. 5.498 Personal representative’s proof of claim.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.510. ESTABLISHMENT AND PROBATE OF LOST OR DESTROYED WILL**

**(a) – (e) [No Change]**

**Committee Notes**

[No Change]

**Rule History**



1977 – 2003 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory Reference**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.200 Petition for administration.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.530. SUMMARY ADMINISTRATION**

**(a) – (d)** [No Change]

**Committee Notes**

[No Change]

**Rule History**

1977 – 2011 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.  
Fla. Prob. R. 5.040 Notice.  
Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.  
Fla. Prob. R. 5.205(a)(3) Filing evidence of death.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.620. INVENTORY**

**(a) – (e) [No Change]**

### **Committee Notes**

#### **Rule History**

1977 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

#### **Statutory References**

[No Change]

#### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.  
Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.  
Fla. Prob. R. 5.060 Request for notices and copies of pleadings.  
Fla. Prob. R. 5.610 Execution by guardian.  
Fla. Prob. R. 5.649 Guardian advocate.  
Fla. Prob. R. 5.690 Initial guardianship report.  
Fla. Prob. R. 5.700 Objection to guardianship reports.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.630. PETITION FOR APPROVAL OF ACTS**

**(a) – (c) [No Change]**

## Committee Notes

### Rule History

1975 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

### Statutory References

[No Change]

### Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.060 Request for notices and copies of pleadings.

Fla. Prob. R. 5.610 Execution by guardian.

Fla. Prob. R. 5.636 Settlement of minors' claims.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.650. RESIGNATION OR DISQUALIFICATION OF GUARDIAN; APPOINTMENT OF SUCCESSOR**

**(a) – (k)** [No Change]

## Committee Notes

### Rule History

1975 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

## Statutory References

[No Change]

## Rule References

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.610 Execution by guardian.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.660. PROCEEDINGS FOR REMOVAL OF GUARDIAN**

(a) – (e) [No Change]

### Committee Notes

#### Rule History

1977 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

## Statutory References

[No Change]

## Rule References

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041~~(b)~~ Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.670.        TERMINATION OF GUARDIANSHIP ON CHANGE OF  
                              DOMICILE OF RESIDENT WARD**

**(a) – (h)        [No Change]**

**Committee Notes**

**Rule History**

1977 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.610 Execution by guardian.

Fla. Prob. R. 5.680 Termination of guardianship.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.680.        TERMINATION OF GUARDIANSHIP**

**(a) – (g)        [No Change]**

**Committee Notes**

**Rule History**

1975 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.552 Voluntary guardianship of property.

Fla. Prob. R. 5.610 Execution by guardian.

Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.690. INITIAL GUARDIANSHIP REPORT**

**(a) – (b)** [No Change]

### **Committee Notes**

[No Change]

### **Rule History**

1991 – 1992 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.  
Fla. Prob. R. 5.060 Request for notices and copies of pleadings.  
Fla. Prob. R. 5.180 Waiver and consent.  
Fla. Prob. R. 5.610 Execution by guardian.  
Fla. Prob. R. 5.620 Inventory.  
Fla. Prob. R. 5.700 Objection to guardianship reports.  
Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 5.695. ANNUAL GUARDIANSHIP REPORTS**

**(a) – (b) [No Change]**

### **Committee Notes**

[No Change]

### **Rule History**

1975 – 2006 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.  
Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.  
Fla. Prob. R. 5.060 Request for notices and copies of pleadings.  
Fla. Prob. R. 5.180 Waiver and consent.  
Fla. Prob. R. 5.552 Voluntary guardianship of property.  
Fla. Prob. R. 5.555 Guardianships of minors.  
Fla. Prob. R. 5.610 Execution by guardian.  
Fla. Prob. R. 5.700 Objection to guardianship reports.  
Fla. Prob. R. 5.800(b) Application of revised chapter 744 to existing guardianships.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.696. ANNUAL ACCOUNTING**

**(a) – (c) [No Change]**

**Committee Notes**

**Rule History**

1991 – 2010 Revisions: [No Change]

2012 Revision: Committee notes revised.

**Statutory References**

[No Change]

**Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.060 Request for notices and copies of pleadings.

Fla. Prob. R. 5.610 Execution by guardian.

Fla. Prob. R. 5.695 Annual guardianship report.

Fla. Prob. R. 5.700 Objection to guardianship reports.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

**RULE 5.700. OBJECTION TO GUARDIANSHIP REPORTS**

**(a) – (c) [No Change]**

**Committee Notes**

**Rule History**



1975 – 2008 Revisions: [No Change]

2012 Revision: Committee notes revised.

### **Statutory References**

[No Change]

### **Rule References**

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.041 Service of pleadings and ~~papers~~documents.

Fla. Prob. R. 5.060 Request for notices and copies of pleadings.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.610 Execution by guardian.

Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.

## **RULE 6.370. ADDITIONAL TIME AFTER SERVICE BY ~~MAIL~~ OTHER THAN BY HAND DELIVERY**

Whenever a defendant has a right or is required to do some act ~~or take some~~ proceedings within a prescribed period after service of a notice or other ~~paper~~document and the notice or ~~paper~~document is served by ~~mail~~ method other than hand delivery, 5 days shall be added to the prescribed period.

### **Committee Notes**

[No Change]

## **RULE 7.050. COMMENCEMENT OF ACTION; STATEMENT OF CLAIM**

(a) **Commencement.**

(1) [No Change]

(2) **Party Not Represented by Attorney to Sign.** A party, individual, or corporation who or which has no attorney handling such cause shall sign that party's statement of claim or other paper and state that party's address and telephone number, including area code, and may include an e-mail address. However, if the trial court in its discretion determines that the plaintiff is engaged in the business of collecting claims and holds such claim being sued upon by purchase, assignment, or management arrangement in the operation of such business, the court may require that corporation to provide counsel in the prosecution of the cause. A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation.

(b) **Parties.** The names, addresses, and telephone numbers, including area code, of all parties or their attorneys, if any, must be stated on the statement of claim. A party not represented by an attorney may include an e-mail address. Additionally, attorneys ~~shall~~must include their Florida Bar number on all papers filed with the court, as well as an e-mail address, in compliance with the Florida Rules of Judicial Administration.

(c) – (e) [No Change]

**Committee Notes**

[No Change]

**Court Commentary**

[No Change]

**RULE 7.080. SERVICE OF PLEADINGS AND PAPERS OTHER THAN STATEMENT OF CLAIM**

(a) [No Change]

(b) **How Made.** When a party is represented by an attorney, service of papers other than the statement of claim and notice to appear shall be made on the attorney unless the court orders service to be made on the party. When an attorney

is serving another attorney, service must be made in compliance with the Florida Rules of Judicial Administration. In all other instances, sService shall must be made by delivering the paper to the party or the party's attorney, as the case may be, or by mailing it to the party's last known address.

**(c) – (d) [No Change]**

**(e) Certificate of Service.**

(1) When any party or attorney in substance certifies:

“I certify that a copy hereof has been furnished to (here insert name or names and address or addresses) by (delivery) (mail) (e-mail if an attorney) on ..... (date) .....

\_\_\_\_\_  
Party or party's attorney”

the certificate is prima facie proof of such service in compliance with all rules of court and law.

(2) [No Change]

**(f) [No Change]**

### **Court Commentary**

[No Change]

## **RULE 8.085. PREHEARING MOTIONS AND SERVICE**

**(a) [No Change]**

**(b) Service of Pleadings and Papers.**

**(1) [No Change]**

**(2) How Made.** When service is required or permitted to be made upon a party represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court. Unless excused by the court, service upon the attorney or party shall be made by electronic mail (e-mail) consistent with the requirements of Florida Rule of Judicial Administration 2.516. Service on and by all parties who are not represented by an attorney and who do not designate an e-mail address, and on and by all attorneys excused from e-mail service, must be made by delivering a copy or by mailing it to the attorney or party's last known address or, if no address is known, by leaving it with the clerk of the court. Service by mail shall be complete upon mailing. Delivery of a copy within this rule shall mean:

(A) – (E) [No Change]

**(3) – (4) [No Change]**

**(5) Certificate of Service.** When any authorized person shall in substance certify:

“I certify that a copy/copies has/have been furnished to (insert name or names) by (e-mail) (delivery) (mail) (fax) on (date).

\_\_\_\_\_  
Title”

the certificate shall be taken as prima facie proof of such service in compliance with all rules of court and law.

**(6) People Who May Certify Service.** Service of pleadings and orders required to be served as provided by subdivision (2) may be certified by an attorney of record, clerk or deputy clerk, court, or authorized agent of the Department of Juvenile Justice in the form provided in subdivision (b)(5).

**(c) Format for E-mail Service.** All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words “SERVICE OF COURT DOCUMENT” in all capital letters, followed by the case number of the proceeding in which the documents are being served. The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the parties on each side, the style of the proceeding, the title of each document served with that e-mail, and the sender's name and telephone

number. Any e-mail which, together with its attachments, exceeds five megabytes (5MB) in size, must be divided and sent as separate e-mails, numbered in the subject line, no one of which may exceed 5 MB in size.

**~~(e)~~(d) Time for Service of Motions and Notice of Hearing.** Service by e-mail is complete upon transmission and must be treated as service by mail for the computation of time. An e-mail is deemed served on the date of transmission, unless the sender learns that the e-mail did not reach the address of the person to be served. If e-mail service is excused, A a copy of any written motion which may not be heard ex parte and a copy of the notice of the hearing thereof shall be served a reasonable time before the time specified for the hearing.

**~~(d)~~(e) Additional Time After Service by Mail.** Whenever service by mail is permitted, and a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of notice or other paper and the notice or paper is served by mail, 5 days shall be added to the prescribed period.

**~~(e)~~(f) Pleading to Be Signed by Attorney.** Every written paper or pleading of a party represented by an attorney shall be signed in the attorney's individual name by such attorney, whose mailing address, primary e-mail address and telephone number, including area code, and Florida Bar number shall be stated, and who shall be duly licensed to practice law in Florida. The attorney may be required by an order of court to vouch for the authority to represent such party and to give the address of such party. Except when otherwise specifically provided by these rules or applicable statute, pleadings as such need not be verified or accompanied by affidavit.

**~~(f)~~(g) Pleading to Be Signed by Unrepresented Party.** A party who has no attorney but represents himself or herself shall sign the written pleading or other paper to be filed and state his or her primary e-mail address, mailing address, and telephone number, including area code.

**~~(g)~~(h) Effect of Signing Pleading.** The signature of a person shall constitute a certificate that the paper or pleading has been read; that to the best of the person's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading or paper is not signed, or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the pleading or paper had not been served.

(i) **Service of Orders.** A copy of all orders must be transmitted by the court or under its direction to all parties at the time of the entry of the order. The court may require that orders be prepared by a party, may require the party to furnish the court with stamped addressed envelopes for service of the order or judgment, and may require that proposed orders be furnished to all parties before entry by the court of the order. The court may serve any order by e-mail to all attorneys who were not excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service. This subdivision is directory, and a failure to comply with it does not affect the order or its finality or any proceedings arising in the matter.

### Committee Notes

[No Change]

## **RULE 8.225. PROCESS, DILIGENT SEARCHES, AND SERVICE OF PLEADINGS AND PAPERS**

(a) – (b) [No Change]

(c) **Notice and Service of Pleadings and Papers.**

(1) – (4) [No Change]

(5) **Method of Service.** When service is required or permitted to be made upon a party or participant represented by an attorney, service shall be made upon the attorney unless service upon the party or participant is ordered by the court.

(A) **Excusing of Service.** Service is excused if the identity or residence of the party or participant is unknown and a diligent search for that person has been completed in accordance with law.

~~(B) Service upon the attorney shall be made by delivering a copy to the attorney or by mailing it to the attorney's last known address.~~

~~(C) Delivery of a copy within this rule shall mean:~~

~~(i) — handing it to the attorney;~~

~~(ii) — leaving it at the attorney's office with the person in charge thereof;~~

~~(iii) — if there is no one in charge of the office, leaving it a conspicuous place therein; or~~

~~(iv) — transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, the number of pages transmitted, and the recipient's facsimile number. When service is made by facsimile, a copy shall also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.~~

~~(D) — If the party or participant is not represented by an attorney, service of all pleadings or papers shall be upon the party or participant. Service may be made by mail to the party's or participant's permanent mailing address, if one has been provided to the court; to the last known address, if a permanent mailing address has not been provided to the court; or by leaving it at their usual place of abode with some person of their family above 15 years of age and informing such person of the contents.~~

~~(E) — Service by mail shall be complete upon mailing.~~

~~(6) — **Filing.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing the original with the clerk of the court either before service or immediately thereafter. The court may permit the papers to be filed with it, in which event the filing date shall be noted thereon and the papers shall be transmitted to the office of the clerk.~~

~~(7) — **Certificate of Service.** When any authorized person shall in substance certify:~~

~~"I certify that a copy/copies has/have been furnished to (insert names or names) by (delivery) (mail) (fax) on (date).~~

\_\_\_\_\_  
\_\_\_\_\_  
Title"

~~this certificate shall be taken as prima facie proof of such service in compliance with all rules of court and law. The certificate must be signed by the attorney of record, clerk or deputy clerk, judicial assistant, or judge.~~

**(B) Service by Electronic Mail (“E-mail”).** Service of a document by e-mail is made by an e-mail sent to all addresses designated by the attorney or party with either (a) a copy of the document in PDF format attached or (b) a link to the document on a website maintained by a clerk.

**(i) Service on Attorneys.** Upon appearing in a proceeding, an attorney must serve a designation of a primary e-mail address and may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding. Every document filed by an attorney thereafter must include the primary e-mail address of that attorney and any secondary e-mail addresses. If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar.

**(ii) Exception to E-mail Service on Attorneys.** Service by an attorney on another attorney must be made by e-mail unless excused by the court. Upon motion by an attorney demonstrating that the attorney has no e-mail account and lacks access to the Internet at the attorney’s office, the court may excuse the attorney from the requirements of e-mail service. Service on and by an attorney excused by the court from e-mail service must be by the means provided in subdivision (c)(6) of this rule.

**(iii) Service on and by Parties Not Represented by an Attorney.** Any party not represented by an attorney may serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (c)(6) of this rule.

**(iv) Format of E-mail for Service.** All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words “SERVICE OF COURT DOCUMENT” in all capital letters, followed by the case number of the proceeding in which the documents are being served. The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side,



the title of each document served with that e-mail, and the sender's name and telephone number. Any e-mail which, together with its attachments, exceeds five megabytes (5MB) in size, must be divided and sent as separate e-mails, numbered in the subject line, no one of which may exceed 5MB in size.

(v) **Time of Service.** Service by e-mail is complete upon transmission and must be treated as service by mail for the computation of time. An e-mail is deemed served on the date of transmission, unless the sender learns that the e-mail did not reach the address of the person to be served.

(6) **Service by Other Means.** In addition to, and not in lieu of, service by e-mail, service may also be made upon attorneys by any of the means specified in this subdivision. Service on and by all parties and participants who are not represented by an attorney and who do not designate an e-mail address, and on and by all attorneys excused from e-mail service, must be made by delivering a copy of the document or by mailing it to the party or participant at their permanent mailing address if one has been provided to the court or to the party, participant, or attorney at their last known address or, if no address is known, by leaving it with the clerk of the court. Service by mail is complete upon mailing. Delivery of a copy within this rule is complete upon:

(A) handing it to the attorney or to the party or participant,

(B) leaving it at the attorney's, party's or participant's office with a clerk or other person in charge thereof,

(C) if there is no one in charge, leaving it in a conspicuous place therein,

(D) if the office is closed or the person to be served has no office, leaving it at the person's usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents, or

(E) transmitting it by facsimile to the attorney's, party's, or participant's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy must also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.

(F) Service by delivery shall be deemed complete on the date of the delivery.

(7) Filing. All original documents must be filed with the court either before service or immediately thereafter. If the original of any bond or other document is not placed in the court file, a certified copy must be so placed by the clerk.

(8) Filing Defined. The filing of documents with the court as required by these rules must be made by filing them with the clerk, except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is that shown on the face of the document by the judge's notation or the clerk's time stamp, whichever is earlier.

(9) Certificate of Service. When any attorney certifies in substance:

"I certify that a copy hereof has been furnished to (here insert name or names and addresses used for service) by (e-mail) (delivery) (mail) (fax) on ..... (date) .....

\_\_\_\_\_  
Attorney"

the certificate must be taken as prima facie proof of such service in compliance with this rule.

(10) Service by Clerk. When the clerk is required to serve notices and other documents, the clerk may do so by e-mail or by another method permitted under subdivision (c). Service by a clerk is not required to be by e-mail.

(11) Service of Orders.

(A) A copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. No service need be made on parties against whom a default has been entered except orders setting an action for trial and final judgments that must be prepared and served as provided in subdivision (c)(11)(B). The court may require that orders or judgments be prepared by a party, may require the party to furnish

the court with stamped addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment. The court may serve any order or judgment by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service.

(B) When a final judgment is entered against a party in default, the court must mail a conformed copy of it to the party. The party in whose favor the judgment is entered must furnish the court with a copy of the judgment, unless it is prepared by the court and with the address of the party to be served. If the address is unknown, the copy need not be furnished.

(C) This subdivision is directory and a failure to comply with it does not affect the order or judgment or its finality or any proceedings arising in the action.

## **RULE 8.635. PROCESS**

**(a) [No Change]**

**(b) Service of Pleadings and Papers.**

**(1) When Required.** Unless the court orders otherwise, or a statute or supreme court administrative order specifies a different means of service, every pleading subsequent to the initial petition, every order, every written motion, unless it is one as to which hearing ex parte is authorized, and every written notice filed in the case shall be served on each party; however, nothing herein shall be construed to require that a plea be in writing or that an application for witness subpoenas be served.

**(2) How Made.** When service is required or permitted to be made upon a party represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court. ~~Service upon the attorney or party shall be made by delivering a copy to the attorney or party or by mailing it to the attorney or party's last known address or, if no address is known, by leaving it with the clerk of the court. Service by mail shall be complete upon mailing. Delivery of a copy within this rule shall mean:~~

~~(A) — handing it to the attorney or the party;~~

~~(B) — leaving it at the attorney’s office with the person in charge thereof;~~

~~(C) — if there is no one in charge of the office, leaving it in a conspicuous place therein;~~

~~(D) — if the office is closed or the person to serve has no office, leaving it at the party’s usual place of abode with some person of the family above 15 years of age and informing such person of the contents thereof; or~~

~~(E) — transmitting it by facsimile to the attorney’s or party’s office with a cover sheet containing the sender’s name, firm, address, telephone number, and facsimile number, the number of pages transmitted, and the recipient’s facsimile number. When service is made by facsimile, a copy shall also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.~~

**(A) Service by Electronic Mail (“E-mail”).** Service of a document by e-mail is made by an e-mail sent to all addresses designated by the attorney or party with either (a) a copy of the document in PDF format attached or (b) a link to the document on a website maintained by a clerk. Any document served by e-mail may be signed by any of the “/s/,” “/s,” or “s/” formats, so long as the filed original is signed in accordance with the applicable rules of court.

**(i) Service on Attorneys.** Upon appearing in any proceeding, an attorney must serve a designation of a principal e-mail address and may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding. Every document filed by an attorney thereafter must include in the signature block the principal e-mail address of that attorney and any secondary e-mail addresses. If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar.

**(ii) Exception to E-mail Service on Attorneys.** Service by an attorney on another attorney must be made by e-mail unless excused by the court. Upon motion by an attorney demonstrating that the attorney has no e-mail account and lacks access to the Internet at the attorney’s office, the court may excuse the attorney from the requirements of e-mail service. Service on and by an

attorney excused by the court from e-mail service must be by the means provided in subdivision (b)(2)(B) of this rule.

**(iii) Service on and by Parties not Represented by an Attorney.** Any party not represented by an attorney may serve a designation of a principal e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding by the means provided in subdivision (b)(2)(A) of this rule. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (b)(2)(B) of this rule.

**(iv) Format of E-mail for Service.** All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words “SERVICE OF COURT DOCUMENT” in all capital letters, followed by the case number of the proceeding in which the documents are being served. The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with that e-mail, and the sender’s name and telephone number. Any e-mail which, together with its attachments, exceeds five megabytes (5MB) in size, must be divided and sent as separate e-mails, numbered in the subject line, no one of which may exceed 5MB in size.

**(v) Time of Service.** Service by e-mail is complete upon transmission and must be treated as service by mail for the computation of time. An e-mail is deemed served on the date of transmission. If the sender learns that the e-mail did not reach the address of the person to be served, the sender must immediately serve another copy by e-mail, or by a means authorized by subdivision (b)(2)(B) of this rule.

**(B) Service by Other Means.** In addition to, and not in lieu of, service by e-mail, service may also be made upon attorneys by the means specified in this subdivision. Service on and by all parties who are not represented by an attorney and who do not designate an e-mail address, and on and by all attorneys excused from e-mail service, must be made by delivering a copy of the document or by mailing it to the party or attorney at their last known address or, if no address is known, by leaving it with the clerk of the court. Service by mail is complete upon mailing. Delivery of a copy within this rule is complete upon:

(i) handing it to the attorney or to the party;

(ii) leaving it at the attorney's or party's office with a clerk or other person in charge thereof;

(iii) if there is no one in charge, leaving it in a conspicuous place therein;

(iv) if the office is closed or the person to be served has no office, leaving it at the person's usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents; or

(v) transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy must also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.

(vi) Service by delivery shall be deemed complete on the date of the delivery.

**(C) Numerous Parties.** In an action where the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its own initiative in such manner as may be found to be just and reasonable.

**(3) Filing.** All original papers, copies of which are required to be served upon parties, must be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or other rules. If the original of any bond or document is not placed in the court file, a certified copy may be so placed by the clerk.

**(4) Filing with Court Defined.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of court ~~except that the court may permit the papers to be filed with it in which event the filing date shall be noted thereon and they shall be transmitted to the office of the clerk~~ except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is the date shown

on the face of the document by the judge's notation or the clerk's time stamp, whichever is earlier.

**(5) Certificate of Service.** When any ~~authorized person~~attorney shall in substance certify:

"I certify that a copy/copies has/have been furnished to (insert name or names) by (e-mail) (delivery) (mail) (fax) on (date).

\_\_\_\_\_  
Title"

this certificate shall be taken as prima facie proof of such service in compliance with ~~the~~this rules of court and law. ~~The certificate must be signed by the attorney of record, clerk or deputy clerk, judicial assistant, or judge.~~

**(6) Service by Clerk.** When the clerk is required to serve notices and other documents, the clerk may do so by e-mail or by any other method permitted in subdivision (b)(2). Service by a clerk is not required to be by e-mail.

**(c) Service of Orders.** A copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may require that orders or judgments be prepared by a party, may require the party to furnish the court with stamped addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment. The court may serve any order or judgment by e-mail to all attorneys who have designated an e-mail address for service and to all parties not represented by an attorney who have designated an e-mail address for service. This subdivision is directory and a failure to comply with it does not affect the order or its finality or any proceedings arising in the action.

**FORM 8.903.**

**CERTIFICATE OF SERVICE**

I certify that a copy of ..... (document) ..... has been furnished to ..... (name(s)) ..... by e-mail/U.S.mail/hand delivery/fax on ..... (date) .....

\_\_\_\_\_

(Title)

**Committee Notes**

[No Change]

**RULE 9.420. FILING; SERVICE OF COPIES; COMPUTATION OF TIME**

**(a) Filing.**

(1) **Generally.** Filing may be accomplished by ~~filing with the clerk; provided that a justice or judge may accept the documents for filing, and shall note the filing date and immediately transmit them to the office of the clerk in a manner in conformity with the requirements of Florida Rule of Judicial Administration 2.516.~~

(2) [No Change]

**(b) [No Change]**

(c) **Method of Service.** ~~If service is required or permitted to be made on a party represented by an attorney, service shall be made on the attorney unless service on the party is ordered by the court. Service on the attorney or party shall be made by delivering a copy to the attorney or party or by mailing it to the attorney or party at the last known address or, if no address is known, by leaving it with the clerk of the court. Delivery of a copy within this rule shall mean (A) handing it to the attorney or to the party, or (B) leaving it at the attorney's or party's office with the clerk or other person in charge thereof, or (C) if there is no one in charge, leaving it in a conspicuous place therein, or (D) if the office is closed or the person to be served has no office, leaving it at the attorney's or party's usual place of abode with some person of the attorney's or party's family above 15 years of age and informing such person of the contents. Service by mail shall be complete on mailing.~~ Service of every document filed in a proceeding governed by these rules (including any briefs, motions, notices, responses, petitions, and appendices) shall be made in conformity with the requirements of Florida Rule of Judicial Administration 2.516, except that the initial document filed in a proceeding governed by these rules (including any notice to invoke



jurisdiction, notice of appeal, or petition for an original writ) shall be served both by e-mail pursuant to rule 2.516(b)(1) and in paper form pursuant to rule 2.516(b)(2).

**(d) Proof of Service.** A certificate of service by an attorney that complies in substance with the requirements of Florida Rule of Judicial Administration 2.516(f) and a certificate of service by a pro se party that complies in substance with the appropriate form below shall be taken as prima facie proof of service in compliance with these rules. The certificate shall specify the party each attorney represents.

**(1) Attorney :**

I certify that a copy hereof has been furnished to ... (here insert name or names) ... by ... (delivery)(mail) ... on ... (date) ...

\_\_\_\_\_  
\_\_\_\_\_  
Attorney for ... (name of party) ...  
... (address and phone number) ...  
Florida Bar No. ....

**(2) —By Pro Se Inmate:**

I certify that I placed this document in the hands of ... (here insert name of institution official) ... for mailing to ... (here insert name or names and addresses used for service) ... on ... (date) ...

\_\_\_\_\_  
... (name) ...  
... (address) ...  
... (prison identification number) ...

**(3)(2) By Other Pro Se Litigants:**

I certify that a copy hereof has been furnished to ... (here insert name or names and addresses used for service) ... by ... (e-mail) (delivery) (mail) ... on ... (date) ...

\_\_\_\_\_  
... (name) ...  
... (address) ...  
... (phone number) ...

(e) – (f) [No Change]

### Committee Notes

[No Change]

### Court Commentary

[No Change]

## **RULE 12.040. ATTORNEYS**

(a) – (b) [No Change]

(c) **Scope of Representation.**

(1) If an attorney appears of record for a particular limited proceeding or matter, as provided by this rule, that attorney shall be deemed “of record” for only that particular proceeding or matter. Any notice of limited appearance filed shall include the name, address, e-mail address(es), and telephone number of the attorney and the name, address, and telephone number of the party. If the party designates e-mail address(es) for service on and by that party, the party’s e-mail address(es) shall also be included. At the conclusion of such proceeding or matter, the attorney’s role terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. The notice, which shall be titled “Termination of Limited Appearance,” shall include the names and last known addresses of the person(s) represented by the withdrawing attorney.

(2) [No Change]

(d) **Preparation of Pleadings or Other Documents.** A party who files a pleading or other document of record pro se with the assistance of an attorney shall certify that the party has received assistance from an attorney in the preparation of the pleading or other document. The name, address, and telephone number of the party shall appear on all pleadings or other documents filed with the court. If the

party designates e-mail address(es) for service on and by that party, the party's e-mail address(es) shall also be included.

(e) **Notice of Limited Appearance.** Any pleading or other document filed by a limited appearance attorney shall state in bold type on the signature page of that pleading or other document: “Attorney for [Petitioner] [Respondent] [attorney’s address, e-mail address(es), and telephone number] for the limited purpose of [matter or proceeding]” to be followed by the name of the petitioner or respondent represented and the current address and telephone number of that party. If the party designates e-mail address(es) for service on and by that party, the party’s e-mail address(es) shall also be included.

(f) [No Change]

### **Committee Notes**

**2012 Amendment.** Subdivisions (c), (d), and (e) are amended to provide e-mail addresses in accordance with Florida Rule of Judicial Administration 2.516.

## **RULE 12.080. SERVICE OF PLEADINGS AND PAPERS**

(a) **Service.**

(1) **Family Law Actions Generally.** Service of pleadings and papers after commencement of all family law actions except domestic, repeat, dating, and sexual violence shall be as set forth in Florida Rule of ~~Civil Procedure 4.080~~ Judicial Administration 2.516, except that rule ~~4.080~~ 2.516 shall also apply to service on the party during the attorney’s limited appearance as provided in rule 12.040(f) and be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

(2) [No Change]

(b) **Service and Preparation of Orders and Judgments.** A copy of all orders or judgments involving family law matters except domestic, repeat, dating, and sexual violence shall be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may require that

recommended orders, orders, or judgments be prepared by a party. If the court requires that a party prepare the recommended order, order, or judgment, the party shall furnish the court with stamped, addressed envelopes to all parties for service of the recommended order, order, or judgment. The court may also require that any proposed recommended order, order, or judgment that is prepared by a party be furnished to all parties no less than 24 hours before submission to the court of the recommended order, order, or judgment.

**(c) Defaulted Parties.** No service need be made on parties against whom a default has been entered, except that:

(1) [No Change]

(2) Notice of final hearings or trials and court orders shall be served on defaulted parties in the manner provided for service of pleadings and papers contained in Florida Rule of ~~Civil Procedure 1.080~~Judicial Administration 2.516.

(3) Final judgments shall be served on defaulted parties as set forth in Florida Rule of ~~Civil Procedure 1.080(h)(2)~~Judicial Administration 2.516(h).

### **Commentary**

[No Change]

### **Committee Notes**

**2012 Amendment.** Subdivision (a)(1) is amended to provide for service on the party during the attorney's limited appearance. Subdivision (a)(1), (c)(2), and (c)(3) are amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

## **RULE 12.090. TIME**

Time shall be governed by Florida Rule of Civil Procedure 1.090, except that an additional 5 days added to the prescribed period after service, as provided in rule 1.090(e), shall also apply to service by e-mail.

### Committee Notes

2012 Amendment. The rule is amended to treat e-mail service as service by mail for the computation of time in accordance with Florida Rule of Judicial Administration 2.516(b)(1)(D)(iii).

#### **RULE 12.170. COUNTERCLAIMS AND CROSSCLAIMS**

Counterclaims and crossclaims shall be governed by Florida Rule of Civil Procedure 1.170, except that service of a crossclaim on a party who has appeared in the action, as provided in rule 1.170(g), shall be made pursuant to Florida Rule of Judicial Administration 2.516(b).

### Committee Notes

2012 Amendment. This rule is amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

#### **RULE 12.285. MANDATORY DISCLOSURE**

(a) [No Change]

(b) **Time for Production of Documents.**

(1) **Temporary Financial Hearings.** Any document required under this rule in any temporary financial relief proceeding shall be served on the other party for inspection and copying as follows.

(A) [No Change]

(B) The responding party shall serve the required documents on the party seeking relief on or before 5:00 p.m., 2 business days before the day of the temporary financial hearing if served by delivery or 7 days before the day of the temporary financial hearing if served by mail or e-mail, unless the documents have been received previously by the party seeking relief under subdivision (b)(2) of this rule. A responding party shall be given no less than 12 days to serve the

documents required under this rule, unless otherwise ordered by the court. If the 45-day period for exchange of documents provided for in subdivision (b)(2) of this rule will occur before the expiration of the 12 days, the provisions of subdivision (b)(2) control.

**(2) [No Change]**

**(c) – (m) [No Change]**

### **Commentary**

[No Change]

### **Committee Notes**

**1997 – 2005 Amendments. [No Change]**

**2012 Amendment.** Subdivision (b)(1)(B) is amended to provide for e-mail service in accordance with Florida Rule of Judicial Administration 2.516.

## **RULE 12.351. PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION**

Production of documents and things without deposition shall be governed by Florida Rule of Civil Procedure 1.351, except that a party desiring production under this rule, as provided in rule 1.351(b), shall serve notice as provided in Florida Rule of Judicial Administration 2.516 on every other party of the intent to serve a subpoena under this rule at least 10 days before the subpoena is issued if service is by delivery and 15 days before the subpoena is issued if the service is by mail or e-mail.

### **Committee Notes**

**2012 Amendment.** This rule is amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

## **RULE 12.410. SUBPOENA**

Subpoenas shall be governed by Florida Rule of Civil Procedure 1.410, except as follows:

**(a) – (c) [No Change]**

**(d) Production of Evidence at Trial.** A party seeking production of evidence at trial, as provided in rule 1.410(c), which would be subject to a subpoena, as provided in rule 1.410(c), may compel such production by serving a notice to produce such evidence on an adverse party as provided in Florida Rule of Judicial Administration 2.516.

### **Committee Note**

**2008 Amendment.** [No Change]

**2012 Amendment.** This rule is amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

## **RULE 12.440. SETTING ACTION FOR TRIAL**

Florida Rule of Civil Procedure 1.440 shall govern general provisions concerning setting an action for trial in family law matters, with the following exceptions and additions.

**(a) Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order setting the action for trial, fixing a date for trial, and setting a pretrial conference, if necessary. In the event a default has been entered, reasonable notice of not less than 10 days shall be given unless otherwise required by law. In actions in which the damages are not liquidated, the order setting an action for trial shall be served on parties who are in default in accordance with Florida Rule of Judicial Administration 2.516. Trial shall be set within a reasonable time from the service of the notice for trial. At the pretrial conference, the parties should be prepared, consistent with Florida Family Law Rule of Procedure 12.200, to present any matter that will prepare the parties for trial and that can expedite the resolution of the case. The trial court may also direct the parties to reciprocally exchange and file with the court all documents relative to the outcome of the case; a list of all

witnesses, all issues to be tried, and all undisposed motions; an estimate of the time needed to try the case; and any other information the court deems appropriate. Any court filings shall be in conformity with Florida Rule of Judicial Administration 2.425. This information should be served and filed no later than 72 hours before the pretrial conference or 30 days before the trial.

**(b) [No Change]**

**Commentary**

[No Change]

**RULE 12.510. SUMMARY JUDGMENT**

Summary judgment shall be governed by Florida Rule of Civil Procedure 1.510, except that service by the adverse party, as set forth in for rule 1.510(c), shall be on the movant in accordance with Florida Rule of Judicial Administration 2.516.

**Committee Notes**

**2012 Amendment.** This rule is amended to state who the adverse party serves and provide for service in accordance with Florida Rule of Judicial Administration 2.516.

**RULE 12.611. CENTRAL GOVERNMENTAL DEPOSITORY**

**(a) [No Change]**

**(b) Payments to Public Officer.**

(1) – (2) [No Change]

(3) Payment may be enforced by the party entitled to it or the court may establish a system under which the officer issues a motion for enforcement and a notice of hearing in the form approved by the supreme court. The motion and



notice shall be served on the defaulting party ~~in person or by mail~~ in accordance with Florida Rule of Judicial Administration 2.516. At the hearing the court shall enter an appropriate order based on the testimony presented to it.

### **Commentary**

[No Change]

### **Committee Notes**

**2012 Amendment.** Subdivision (b)(3) is amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

## **RULE 12.615 CIVIL CONTEMPT IN SUPPORT MATTERS**

(a) [No Change]

(b) **Motion and Notice.** Civil contempt may be initiated by motion. The motion must recite the essential facts constituting the acts alleged to be contemptuous. No civil contempt may be imposed without notice to the alleged contemnor and without providing the alleged contemnor with an opportunity to be heard. The civil contempt motion and notice of hearing may be served ~~by mail~~ in accordance with Florida Rule of Judicial Administration 2.516 provided notice ~~by mail~~ is reasonably calculated to apprise the alleged contemnor of the pendency of the proceedings. The notice must specify the time and place of the hearing and must contain the following language: “FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.” This notice must also state whether electronic recording or a court reporter is provided by the court or whether a court reporter, if desired, must be provided by the party.

(c) – (g) [No Change]

### **Commentary**

[No Change]

### Committee Notes

2012 Amendment. Subdivision (b) is amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

### **RULE 12.630. EXTRAORDINARY REMEDIES**

Extraordinary remedies shall be governed by Florida Rule of Civil Procedure 1.630, except summons in certiorari, as set forth in rule 1.630(d)(5), shall be served as provided in Florida Rule of Judicial Administration 2.516.

### Committee Notes

2012 Amendment. This rule is amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(b), NOTICE OF LIMITED APPEARANCE (09/12)**

### **When should this form be used?**

This form should be used to provide notice to the court and the other **attorney** or **party** when an attorney is making a limited appearance for a client under Florida Family Law Rule of Procedure 12.040.

This form should be typed or printed in black ink. After completing and signing this form, the attorney should **file** the original with the **clerk of the circuit court** in the county in which the action is pending and keep a copy for his or her records.

### **What should I do next?**

A copy of this form must be served on the other **party** or his or her **attorney** and on the attorney's client in the manner required by Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

See Florida Family Law Rule of Procedure 12.040 and Florida Rule of Judicial Administration 2.516.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### NOTICE OF LIMITED APPEARANCE

*{Attorney's name}* \_\_\_\_\_ files this Notice of Limited Appearance on behalf of *{name}* \_\_\_\_\_, [choose **one** only] ( ) Petitioner ( ) Respondent, for the following limited purpose(s).  
[choose **all** that apply]:

1. \_\_\_ The hearing set for *{date}* \_\_\_\_\_, at *{time}* \_\_\_\_\_ on the issue(s) of *{specify}* \_\_\_\_\_.
2. \_\_\_ To represent [check **one** only] ( ) Petitioner ( ) Respondent on the following issues throughout the proceedings:
  - a. \_\_\_ Parental responsibility and time-sharing.
  - b. \_\_\_ Equitable distribution of marital assets and liabilities.
  - c. \_\_\_ Alimony.
  - d. \_\_\_ Child support.
  - e. \_\_\_ Other *{specify}*: \_\_\_\_\_

The clerk of the above-styled court is requested to enter this notice of record.

Copies of all future court papers should be served on the undersigned attorney at the address listed and on the [choose **one** only] ( ) Petitioner ( ) Respondent at *{name, address, e-mail address(es), telephone number, and fax number}* \_\_\_\_\_

I certify that a copy of this notice of limited appearance was: [check all used]

( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

Florida Bar Number : \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner/Respondent

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE  
FORM 12.900(c), CONSENT TO LIMITED APPEARANCE BY  
ATTORNEY (09/12)**

**When should this form be used?**

This form should be used for a client to give consent when an **attorney** is making a limited appearance for the client under Florida Family Law Rule of Procedure 12.040.

This form should be typed or printed in black ink. After completing this form, the client should sign it. The attorney or client should then **file** it with the **clerk of the circuit court** in the county in which the action is pending. The attorney and client should each keep a copy for his or her records.

**What should I do next?**

A copy of this form must be served on the other **party** or his or her **attorney**. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

**Where can I look for more information?**

See Florida Family Law Rule of Procedure 12.040.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent.

### CONSENT TO LIMITED APPEARANCE BY ATTORNEY

{Name} \_\_\_\_\_, the [check **one** only]  
( ) Petitioner ( ) Respondent, consents to the limited representation by counsel,  
{attorney's name} \_\_\_\_\_, for the following limited  
purpose(s) [ check **all** that apply]:

1. \_\_\_ The hearing set for {date} \_\_\_\_\_, at {time} \_\_\_\_\_ on the  
issue(s) of {specify} \_\_\_\_\_.
  
2. \_\_\_ To represent [ check **one** only] ( ) Petitioner ( ) Respondent on the following  
issues throughout the proceedings:
  - a. \_\_\_ Parental responsibility and time-sharing.
  - b. \_\_\_ Equitable distribution of marital assets and liabilities.
  - c. \_\_\_ Alimony.
  - d. \_\_\_ Child support.
  - e. \_\_\_ Other {specify}: \_\_\_\_\_

The clerk of the above-styled court is requested to enter this notice of record.

I certify that a copy of this consent to limited appearance was: [check all used] ( ) e-mailed  
( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner/Respondent  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS**

**BELOW:** [fill in **all** blanks] This form was prepared for the: *{choose only one}*

( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.



**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE  
FORM 12.900(d), TERMINATION OF LIMITED APPEARANCE  
(09/12)**

**When should this form be used?**

This form should be used by an **attorney** who is terminating a limited appearance for a client under Florida Family Law Rule of Procedure 12.040.

This form should be typed or printed in black ink. After completing this form, the attorney should sign it and then **file** it with the **clerk of the circuit court** in the county in which the action is pending. The attorney should keep a copy for his or her records.

**What should I do next?**

A copy of this form must be served on the other **party** or his or her **attorney** and on the attorney's client. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

**Where can I look for more information?**

See Florida Family Law Rule of Procedure 12.040.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

Division: \_\_\_\_\_

\_\_\_\_\_,  
Petitioner,

and

\_\_\_\_\_,  
Respondent.

### TERMINATION OF LIMITED APPEARANCE

*{Attorney's name}* \_\_\_\_\_, files this Termination of Limited Appearance on behalf of the [**check one only**] ( ) Petitioner ( ) Respondent, *{name}*, \_\_\_\_\_, and certifies that the proceeding or matter is concluded. The clerk of the above-styled court is requested to enter this Notice of Termination of Limited Appearance of record. Copies of all future court papers should be served on the [**check one only**] ( ) Petitioner ( ) Respondent at: *{name, address, e-mail address(es), fax number, and telephone number}* \_\_\_\_\_.

I certify that a copy of this termination of limited appearance was: [**check all used**] ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on *{date}* \_\_\_\_\_.

#### Other party or his/her attorney:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

#### Client Party:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(e), ACKNOWLEDGMENT OF ASSISTANCE BY ATTORNEY (09/12)**

### **When should this form be used?**

This form should be added to the signature page of any petition, pleading, or motion when an attorney making a limited appearance under Florida Family Law Rule of Procedure 12.040 has assisted the petitioner or respondent in the preparation of the document. The petitioner or respondent should then sign the pleading and include his/her name and address.

### **Where can I get more information?**

See the instructions to Florida Family Law Rules of Procedure Forms 12.900(b)-(d) and Rule 12.040.

*{Name}*, \_\_\_\_\_, [check one only] ( ) Petitioner  
( ) Respondent, certifies that he/she has received the assistance of the following attorney in the preparation of this document.

Attorney Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

Florida Bar Number: \_\_\_\_\_

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.900(f), SIGNATURE BLOCK FOR ATTORNEY MAKING LIMITED  
APPEARANCE (09/12)**

**When should this form be used?**

This signature block should be used on any form filed with the court when the attorney is making a limited appearance under Florida Family Law Rule of Procedure 12.040.

**Where can I look for more information?**

See Florida Family Law Rule of Procedure 12.040(e).

Attorney for [check only one] ( ) Petitioner ( ) Respondent for the limited purpose of:  
{specify matter or proceeding} \_\_\_\_\_ .

\_\_\_\_\_  
Signature of Attorney  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_  
Florida Bar Number : \_\_\_\_\_

Petitioner/Respondent:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(g), AGREEMENT LIMITING REPRESENTATION (09/12)**

### **When should this form be used?**

This form should be used as a “rider” or supplemental agreement, in addition to an Attorney-Client fee agreement, between the attorney and client when the attorney is making a limited appearance under Rules Regulating Florida Bar 4-1.2(c), 4-4.2(b), and 4-4.3(b) and Florida Family Law Rule of Procedure 12.040. A limited appearance means the attorney is not handling the whole case for the client, but is only being retained to do a specific part of the case.

### **Where can I look for more information?**

See Rules Reg. Fla. Bar 4-1.2(c), 4-4.2(b), and 4-4.3(b) and Florida Family Law Rule of Procedure 12.040.



## AGREEMENT LIMITING REPRESENTATION

**(This agreement is supplemental to the Attorney-Client fee agreement and is limited to addressing the consequences of Limited Legal Representation by an attorney in Florida)**

TO THE CLIENT: THIS IS A LEGALLY BINDING CONTRACT. PLEASE READ IT CAREFULLY AND MAKE CERTAIN THAT YOU UNDERSTAND ALL OF THE TERMS AND CONDITIONS. YOU MAY TAKE THIS CONTRACT HOME WITH YOU, REVIEW IT WITH ANOTHER ATTORNEY IF YOU WISH, AND ASK ANY QUESTIONS YOU MAY HAVE BEFORE SIGNING.

EMPLOYMENT OF AN ATTORNEY FOR LIMITED REPRESENTATION REQUIRES THAT THE ATTORNEY AND CLIENT CAREFULLY AND THOROUGHLY REVIEW THE DUTIES AND RESPONSIBILITIES EACH WILL ASSUME. ANY LIMITED REPRESENTATION AGREEMENT SHOULD DESCRIBE, IN DETAIL, THE ATTORNEY'S DUTIES IN THE CLIENT'S INDIVIDUAL CASE.

1. **SERVICES/LIMITED SCOPE OF REPRESENTATION:** Client, *{name}* \_\_\_\_\_, employs Attorney, *{name}* \_\_\_\_\_ to provide representation only in the limited matter(s) described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. **COMPLIANCE WITH CHAPTER 4 OF THE RULES REGULATING THE FLORIDA BAR:** Although legal assistance is limited, an attorney-client relationship exists, and the client is entitled to the standards of professional responsibility established by Chapter 4 of the Rules Regulating the Florida Bar, including confidentiality, competence, and diligence.
3. **COMPLIANCE WITH FLORIDA FAMILY LAW RULE OF PROCEDURE 12.040:** An Attorney hired to provide limited representation in court must comply with Florida Family Law Rule of Procedure 12.040, as follows:
- a. The attorney will file with the court a Notice of Limited Appearance, Florida Family Law Rules of Procedure Form 12.900(b), signed by the client, specifically limiting the attorney's appearance to the particular proceeding or matter in which the attorney appears.
  - b. If the attorney seeks to withdraw from representation before the conclusion of a limited appearance, the attorney must:
    - (1) File a motion with the court setting forth the reasons and serve that motion on the client and interested persons, and
    - (2) Obtain approval of the court.
  - c. At the conclusion of the proceeding or matter, the attorney's role terminates without the necessity of leave of court, on the attorney filing Termination of Limited Appearance, Florida Family Law Rules of Procedure Form 12.900(d). The notice shall include the names and last known addresses of the person(s) represented by the withdrawing attorney.
  - d. THE CLIENT IS ADVISED THAT ANY OBJECTION TO THE ATTORNEY'S "TERMINATION OF LIMITED

Florida Family Law Rules of Procedure Form 12.900(g), Agreement Limiting Representation (09/12)

APPEARANCE" MUST BE MADE IN WRITING BY THE CLIENT BY PROVIDING THE JUDGE, THE ATTORNEY, AND EACH OTHER INTERESTED PERSON (OR THEIR ATTORNEY) A COPY AND FILING THE ORIGINAL WITH THE CLERK OF COURT.

4. **ADDITIONAL SERVICES/REPRESENTATION:** The attorney and client may later determine that the attorney should provide additional limited services or assume full representation. The attorney may decline to provide additional services.
- a. If the attorney agrees to provide additional services, those additional services should be specifically listed in an amendment to this agreement, signed and dated by both the attorney and the client.
  - b. If the attorney and client agree that the attorney shall serve as the client's attorney of record on all matters related to handling the client's case, the client and the attorney should indicate that agreement in an amendment to this agreement, signed and dated by both the attorney and the client.
  - c. In either case, additional compliance with the notice requirement of Rule 12.040 will be required by the attorney.
  - d. THE ATTORNEY AND THE CLIENT SHOULD NOT RELY ON VERBAL DISCUSSIONS OR VERBAL AGREEMENTS WHEN CHANGING THE TERMS OF THE ATTORNEY'S RESPONSIBILITY FOR REPRESENTATION.
5. **ATTORNEYS' FEES AND COURT COSTS:** The attorney and the client have made a separate agreement in writing as to payment of attorneys' fees and all costs associated with the case and the attorney's representation.

BY SIGNING THIS AGREEMENT YOU ACKNOWLEDGE THAT YOU HAVE CAREFULLY READ AND FULLY UNDERSTAND ALL OF THE FOREGOING TERMS, AND YOU INTEND TO BE LEGALLY BOUND BY THEM.

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Client

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

I HAVE BEEN PROVIDED A FULLY EXECUTED COPY OF THIS AGREEMENT LIMITING REPRESENTATION

\_\_\_\_\_

Client

## INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(h), NOTICE OF RELATED CASES (09/12)

### When should this form be used?

Florida Rule of Judicial Administration 2.545(d) requires the **petitioner** in a family law case to file with the court a notice of related cases, if any. Your circuit may also require this form to be filed even if there are no related cases. A case is considered related if:

- it involves the same parties, children, or issues and is pending when the family law case is filed; or
- it affects the court's jurisdiction to proceed; or
- an order in the related case may conflict with an order on the same issues in the new case; or
- an order in the new case may conflict with an order in the earlier case.

This form is used to provide the required notice to the court.

This form should be typed or printed in black ink. It must be **filed** with the **clerk of the circuit court** with the initial pleading in the family law case.

### What should I do next?

A copy of the form must be served on the presiding judges, either the chief judge or the family law administrative judge, and all parties in the related cases. You should also keep a copy for your records. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### Where can I look for more information?

**Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms.** The words that are in "**bold underline**" in these instructions are defined there. For further information, see Florida Rule of Judicial Administration 2.545(d).

### Special notes . . .

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms

Instructions for Florida Family Law Rules of Procedure Form 12.900(h), Notice of Related Cases (09/12)

**must** also 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent.

### NOTICE OF RELATED CASES

1. Petitioner submits this Notice of Related Cases as required by Florida Rule of Judicial Administration 2.545(d). A related case may be an open or closed civil, criminal, guardianship, domestic violence, juvenile delinquency, juvenile dependency, or domestic relations case. A case is "related" to this family law case if it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; if it affects the court's jurisdiction to proceed; if an order in the related case may conflict with an order on the same issues in the new case; or if an order in the new case may conflict with an order in the earlier litigation.

[check **one** only]

**There are no related cases.**

**The following are the related cases (add additional pages if necessary):**

#### Related Case No. 1

Case Name(s): \_\_\_\_\_

Petitioner : \_\_\_\_\_

Respondent : \_\_\_\_\_

Case No.: \_\_\_\_\_ Division: \_\_\_\_\_

Type of Proceeding: [check **all that apply**]

Dissolution of Marriage

Paternity

Custody

Adoption

Child Support

Modification/Enforcement/Contempt Proceedings

Juvenile Dependency

Juvenile Delinquency

Termination of Parental Rights

Criminal

Domestic/Sexual/Dating/Repeat

Mental Health

Violence Injunctions

Other {specify} \_\_\_\_\_

State where case was decided or is pending:  Florida  Other: {specify} \_\_\_\_\_

Name of Court where case was decided or is pending (for example, Fifth Circuit Court, Marion County, Florida): \_\_\_\_\_

Title of last Court Order/Judgment (if any): \_\_\_\_\_

Date of Court Order/Judgment (if any): \_\_\_\_\_

Relationship of cases [check **all** that apply]:

pending case involves same parties, children, or issues;

may affect court's jurisdiction;

order in related case may conflict with an order in this case;

order in this case may conflict with previous order in related case.

Statement as to the relationship of the cases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Related Case No. 2**

Case Name(s): \_\_\_\_\_

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

Case No.: \_\_\_\_\_ Division: \_\_\_\_\_

Type of Proceeding: [check **all** that apply]

Dissolution of Marriage

Paternity

Custody

Adoption

Child Support

Modification/Enforcement/Contempt Proceedings

Juvenile Dependency

Juvenile Delinquency

Termination of Parental Rights

Criminal

Domestic/Sexual/Dating/Repeat

Mental Health

Violence Injunctions

Other {specify} \_\_\_\_\_

State where case was decided or is pending:  Florida  Other: {specify} \_\_\_\_\_

Name of Court where case was decided or is pending (for example, Fifth Circuit Court, Marion County, Florida): \_\_\_\_\_

Title of last Court Order/Judgment (if any): \_\_\_\_\_

Date of Court Order/Judgment (if any): \_\_\_\_\_

Relationship of cases [check **all that apply**]:

pending case involves same parties, children, or issues;

may affect court's jurisdiction;

order in related case may conflict with an order in this case;  
 order in this case may conflict with previous order in related case.

Statement as to the relationship of the cases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Related Case No. 3**

Case Name(s): \_\_\_\_\_

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

Case No.: \_\_\_\_\_ Division: \_\_\_\_\_

Type of Proceeding: **[check all that apply]**

- |  |  |
|--|--|
| <input type="checkbox"/> Dissolution of Marriage                               | <input type="checkbox"/> Paternity                                     |
| <input type="checkbox"/> Custody   | <input type="checkbox"/> Adoption                                      |
| <input type="checkbox"/> Child Support   | <input type="checkbox"/> Modification/Enforcement/Contempt Proceedings |
| <input type="checkbox"/> Juvenile Dependency                                   | <input type="checkbox"/> Juvenile Delinquency                          |
| <input type="checkbox"/> Termination of Parental Rights                        | <input type="checkbox"/> Criminal                                      |
| <input type="checkbox"/> Domestic/Sexual/Dating/Repeat<br>Violence Injunctions | <input type="checkbox"/> Mental Health                                 |
|  | <input type="checkbox"/> Other <i>{specify}</i> _____                  |

State where case was decided or is pending:  Florida  Other: *{specify}* \_\_\_\_\_

Name of Court where case was decided or is pending (*for example, Fifth Circuit Court, Marion County, Florida*): \_\_\_\_\_

Title of last Court Order/Judgment (if any): \_\_\_\_\_

Date of Court Order/Judgment (if any): \_\_\_\_\_

Relationship of cases [check **all** that apply]:

- pending case involves same parties, children, or issues;  
 may affect court's jurisdiction;  
 order in related case may conflict with an order in this case;  
 order in this case may conflict with previous order in related case.

Statement as to the relationship of the cases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. [check **one** only]

I **do not** request coordination of litigation in any of the cases listed above.



I **do** request coordination of the following cases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. [check **all** that apply]  
     Assignment to one judge  
     Coordination of existing cases  
will conserve judicial resources and promote an efficient determination of these cases  
because: \_\_\_\_\_.
4. The Petitioner acknowledges a continuing duty to inform the court of any cases in this or any other  
state that could affect the current proceeding.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Petitioner's Signature  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

### CERTIFICATE OF SERVICE

**I CERTIFY** that I delivered a copy of this Notice of Related Cases to the \_\_\_\_\_ County  
Sheriff's Department or a certified process server for service on the Respondent, and [**check all used**]  
( ) e-mailed, ( ) mailed, ( ) hand delivered, a copy to {name} \_\_\_\_\_,  
who is the [**check all that apply**] ( ) judge assigned to new case, ( ) chief judge or family law  
administrative judge, ( ) {name} \_\_\_\_\_, a party to the related case,  
( ) {name} \_\_\_\_\_, a party to the related case on {date} \_\_\_\_\_.

\_\_\_\_\_  
Signature of Petitioner/Attorney for Petitioner  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.902(b), FAMILY LAW FINANCIAL AFFIDAVIT (SHORT FORM) (09/12)**

### **When should this form be used?**

This form should be used when you are involved in a family law case which requires a **financial affidavit** and your individual gross income is **UNDER \$50,000 per year** unless:

- (1) You are filing a simplified dissolution of marriage under rule 12.105 and both parties have waived the filing of a financial affidavit;
- (2) You have no minor children, no support issues, and have filed a written settlement agreement disposing of all financial issues; or
- (3) The court lacks jurisdiction to determine any financial issues.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** the original with the **clerk of the circuit court** in the county where the **petition** was filed and keep a copy for your records.

### **What should I do next?**

A copy of this form must be served on the other **party** in your case within 45 days of being served with the petition, if it is not served on him or her with your initial papers. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** The words that are in **“bold underline”** in these instructions are defined there. For further information, see Florida Family Law Rule of Procedure 12.285.

### **Special notes...**

If you want to keep your address confidential because you are the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h).

Instructions to Florida Family Law Rules of Procedure Form 12.902(b), Family Law Financial Affidavit (Short Form) (09/12)

The affidavit must be completed using **monthly** income and expense amounts. If you are paid or your bills are due on a schedule which is not monthly, you must convert those amounts. Hints are provided below for making these conversions.

**Hourly** - If you are paid by the hour, you may convert your income to monthly as follows:

Hourly amount	x	Hours worked per week	=	Weekly amount
Weekly amount	x	52 Weeks per year	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Daily** - If you are paid by the day, you may convert your income to monthly as follows:

Daily amount	x	Days worked per week	=	Weekly amount
Weekly amount	x	52 Weeks per year	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Weekly** - If you are paid by the week, you may convert your income to monthly as follows:

Weekly amount	x	52 Weeks per year	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Bi-weekly** - If you are paid every two weeks, you may convert your income to monthly as follows:

Bi-weekly amount	x	26	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Semi-monthly** - If you are paid twice per month, you may convert your income to monthly as follows:

Semi-monthly amount	x	2	=	<b>Monthly Amount</b>
---------------------	---	---	---	-----------------------

Expenses may be converted in the same manner.

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### FAMILY LAW FINANCIAL AFFIDAVIT (SHORT FORM)

(Under \$50,000 Individual Gross Annual Income)

I, *{full legal name}* \_\_\_\_\_, being sworn, certify that the following information is true:

My Occupation: \_\_\_\_\_ Employed by: \_\_\_\_\_

Business Address: \_\_\_\_\_

Pay rate: \$ \_\_\_\_\_ ( ) every week ( ) every other week ( ) twice a month ( ) monthly ( ) other: \_\_\_\_\_

\_\_\_ Check here if unemployed and explain on a separate sheet your efforts to find employment.

#### SECTION I. PRESENT MONTHLY GROSS INCOME:

**All amounts must be MONTHLY.** See the instructions with this form to figure out money amounts for anything that is NOT paid monthly. Attach more paper, if needed. Items included under "other" should be listed separately with separate dollar amounts.

1. \$ \_\_\_\_\_ Monthly gross salary or wages
2. \_\_\_\_\_ Monthly bonuses, commissions, allowances, overtime, tips, and similar payments
3. \_\_\_\_\_ Monthly business income from sources such as self-employment, partnerships, close corporations, and/or independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) (Attach sheet itemizing such income and expenses.)
4. \_\_\_\_\_ Monthly disability benefits/SSI
5. \_\_\_\_\_ Monthly Workers' Compensation
6. \_\_\_\_\_ Monthly Unemployment Compensation
7. \_\_\_\_\_ Monthly pension, retirement, or annuity payments
8. \_\_\_\_\_ Monthly Social Security benefits
9. \_\_\_\_\_ Monthly alimony actually received (Add 9a and 9b)
  - 9a. From this case: \$ \_\_\_\_\_
  - 9b. From other case(s): \_\_\_\_\_

10. \_\_\_\_\_ Monthly interest and dividends
11. \_\_\_\_\_ Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income) (Attach sheet itemizing such income and expense items.)
12. \_\_\_\_\_ Monthly income from royalties, trusts, or estates
13. \_\_\_\_\_ Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses
14. \_\_\_\_\_ Monthly gains derived from dealing in property (not including nonrecurring gains)
15. \_\_\_\_\_ Any other income of a recurring nature (list source) \_\_\_\_\_
16. \_\_\_\_\_
17. \$ \_\_\_\_\_ **TOTAL PRESENT MONTHLY GROSS INCOME** (Add lines 1–16)

**PRESENT MONTHLY DEDUCTIONS:**

18. \$ \_\_\_\_\_ Monthly federal, state, and local income tax (corrected for filing status and allowable dependents and income tax liabilities)
  - a. Filing Status \_\_\_\_\_
  - b. Number of dependents claimed \_\_\_\_\_
19. \_\_\_\_\_ Monthly FICA or self-employment taxes
20. \_\_\_\_\_ Monthly Medicare payments
21. \_\_\_\_\_ Monthly mandatory union dues
22. \_\_\_\_\_ Monthly mandatory retirement payments
23. \_\_\_\_\_ Monthly health insurance payments (including dental insurance), excluding portion paid for any minor children of this relationship
24. \_\_\_\_\_ Monthly court-ordered child support actually paid for children from another relationship
25. \_\_\_\_\_ Monthly court-ordered alimony actually paid (Add 25a and 25b)
  - 25a. from this case: \$ \_\_\_\_\_
  - 25b. from other case(s): \_\_\_\_\_
26. \$ \_\_\_\_\_ **TOTAL DEDUCTIONS ALLOWABLE UNDER SECTION 61.30, FLORIDA STATUTES**  
(Add lines 18 through 25).
27. \$ \_\_\_\_\_ **PRESENT NET MONTHLY INCOME** (Subtract line 26 from line 17)

**SECTION II. AVERAGE MONTHLY EXPENSES**

**A. HOUSEHOLD:**

Mortgage or rent \$ \_\_\_\_\_  
 Property taxes \$ \_\_\_\_\_  
 Utilities \$ \_\_\_\_\_  
 Telephone \$ \_\_\_\_\_  
 Food \$ \_\_\_\_\_  
 Meals outside home \$ \_\_\_\_\_  
 Maintenance/Repairs \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_

**B. AUTOMOBILE**

Gasoline \$ \_\_\_\_\_  
 Repairs \$ \_\_\_\_\_  
 Insurance \$ \_\_\_\_\_

**C. CHILD(REN)'S EXPENSES**

Day care \$ \_\_\_\_\_  
 Lunch money \$ \_\_\_\_\_  
 Clothing \$ \_\_\_\_\_  
 Grooming \$ \_\_\_\_\_  
 Gifts for holidays \$ \_\_\_\_\_  
 Medical/Dental (uninsured) \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_

**D. INSURANCE**

Medical/Dental \$ \_\_\_\_\_  
 Child(ren)'s medical/dental \$ \_\_\_\_\_  
 Life \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_

**E. OTHER EXPENSES NOT LISTED ABOVE**

Clothing \$ \_\_\_\_\_  
 Medical/Dental (uninsured) \$ \_\_\_\_\_  
 Grooming \$ \_\_\_\_\_  
 Entertainment \$ \_\_\_\_\_  
 Gifts \$ \_\_\_\_\_  
 Religious organizations \$ \_\_\_\_\_  
 Miscellaneous \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**F. PAYMENTS TO CREDITORS**

CREDITOR:	MONTHLY PAYMENT
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

28. \$ \_\_\_\_\_ **TOTAL MONTHLY EXPENSES** (add ALL monthly amounts in A through F above)

**SUMMARY**

29. \$ \_\_\_\_\_ **TOTAL PRESENT MONTHLY NET INCOME** (from line 27 of SECTION I. INCOME)  
 30. \$ \_\_\_\_\_ **TOTAL MONTHLY EXPENSES** (from line 28 above)  
 31. \$ \_\_\_\_\_ **SURPLUS** (If line 29 is more than line 30, subtract line 30 from line 29. This is the amount of your surplus. Enter that amount here.)  
 32. (\$ \_\_\_\_\_) **(DEFICIT)** (If line 30 is more than line 29, subtract line 29 from line 30. This is the amount of your deficit. Enter that amount here.)

**SECTION III. ASSETS AND LIABILITIES**

Use the nonmarital column only if this is a petition for dissolution of marriage and you believe an item is "nonmarital," meaning it belongs to only one of you and should not be divided. You should indicate to whom you believe the item(s) or debt belongs. (Typically, you will only use this column if property/debt was owned/owed by one spouse before the marriage. See the "General Information for Self-Represented Litigants" found at the beginning of these forms and section 61.075(1), Florida Statutes, for definitions of "marital" and "nonmarital" assets and liabilities.)

**A. ASSETS:**

DESCRIPTION OF ITEM(S). List a description of each separate item owned by you (and/or your spouse, if this is a petition for dissolution of marriage). LIST ONLY LAST 4 DIGITS OF ACCOUNT NUMBERS. Check the line next to any asset(s) which you are requesting the judge award to you.	Current Fair Market Value	Nonmarital (check correct column)	
		husband	wife
Cash (on hand)	\$		
Cash (in banks or credit unions)			
Stocks, Bonds, Notes			
Real estate: (Home)			
(Other)			
Automobiles			
Other personal property			
Retirement plans (Profit Sharing, Pension, IRA, 401(k)s, etc.)			
Other			
<input type="checkbox"/> Check here if additional pages are attached.			
<b>Total Assets</b> (add next column)	\$		

**B. LIABILITIES:**

DESCRIPTION OF ITEM(S). List a description of each separate debt owed by you (and/or your spouse, if this is a petition for dissolution of marriage). LIST ONLY LAST 4 DIGITS OF ACCOUNT NUMBERS. Check the line next to any debt(s) for which you believe you should be responsible.	Current Amount Owed	Nonmarital (check correct column)	
		husband	wife
Mortgages on real estate: First mortgage on home	\$		
Second mortgage on home			
Other mortgages			
Auto loans			
Charge/credit card accounts			



DESCRIPTION OF ITEM(S). List a description of each separate debt owed by you (and/or your spouse, if this is a petition for dissolution of marriage). LIST ONLY LAST 4 DIGITS OF ACCOUNT NUMBERS. Check the line next to any debt(s) for which you believe you should be responsible.	Current Amount Owed	Nonmarital (check correct column)	
		husband	wife
Other			
Check here if additional pages are attached.			
<b>Total Debts</b> (add next column)	\$		

**C. CONTINGENT ASSETS AND LIABILITIES:**

INSTRUCTIONS: If you have any **POSSIBLE assets** (income potential, accrued vacation or sick leave, bonus, inheritance, etc.) or **POSSIBLE liabilities** (possible lawsuits, future unpaid taxes, contingent tax liabilities, debts assumed by another), you must list them here.

Contingent Assets Check the line next to any contingent asset(s) which you are requesting the judge award to you.	Possible Value	Nonmarital (check correct column)	
		husband	wife
	\$		
<b>Total Contingent Assets</b>	\$		

Contingent Liabilities Check the line next to any contingent debt(s) for which you believe you should be responsible.	Possible Amount Owed	Nonmarital (check correct column)	
		husband	wife
	\$		
<b>Total Contingent Liabilities</b>	\$		

**SECTION IV. CHILD SUPPORT GUIDELINES WORKSHEET**

(Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet, MUST be filed with the court at or prior to a hearing to establish or modify child support. This requirement cannot be waived by the parties.)

[Check **one** only]

Florida Family Law Rules of Procedure Form 12.902(b), Family Law Financial Affidavit (Short Form) (09/12)

\_\_\_\_\_ **A Child Support Guidelines Worksheet IS or WILL BE filed in this case.** This case involves the establishment or modification of child support.

\_\_\_\_\_ **A Child Support Guidelines Worksheet IS NOT being filed in this case.** The establishment or modification of child support is not an issue in this case.

I certify that a copy of this document was [check all used]: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or deputy clerk.]

\_\_\_\_\_ Personally known

\_\_\_\_\_ Produced identification

Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_ *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULE OF PROCEDURE FORM 12.902(c), FAMILY LAW FINANCIAL AFFIDAVIT (LONG FORM)(09/12)**

### **When should this form be used?**

This form should be used when you are involved in a family law case which requires a **financial affidavit** and your individual gross income is **\$50,000 OR MORE** per year unless:

- (1) You are filing a simplified dissolution of marriage under rule 12.105 and both parties have waived the filing of financial affidavits;
- (2) you have no minor children, no support issues, and have filed a written settlement agreement disposing of all financial issues; or
- (3) the court lacks jurisdiction to determine any financial issues.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should then **file** the original with the **clerk of the circuit court** in the county where the **petition** was filed and keep a copy for your records.

### **What should I do next?**

A copy of this form must be served on the other **party** in your case within 45 days of being served with the petition, if it is not served on him or her with your initial papers. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** The words that are in **“bold underline”** in these instructions are defined there. For further information, see Florida Family Law Rule of Procedure 12.285.

### **Special notes...**

If you want to keep your address confidential because you are the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h).

The affidavit must be completed using **monthly** income and expense amounts. If you are paid or your bills are due on a schedule which is not monthly, you must convert those amounts. Hints are provided below for making these conversions.

Instructions for Florida Family Law Rules of Procedure Form 12.902(c), Family Law Financial Affidavit (Long Form) (09/12)



**Hourly** - If you are paid by the hour, you may convert your income to monthly as follows:

Hourly amount	x	Hours worked per week	=	Weekly amount
Weekly amount	x	52 Weeks per year	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Daily** - If you are paid by the day, you may convert your income to monthly as follows:

Daily amount	x	Days worked per week	=	Weekly amount
Weekly amount	x	52 Weeks per year	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Weekly** - If you are paid by the week, you may convert your income to monthly as follows:

Weekly amount	x	52 Weeks per year	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Bi-weekly** - If you are paid every two weeks, you may convert your income to monthly as follows:

Bi-weekly amount	x	26	=	Yearly amount
Yearly amount	÷	12 Months per year	=	<b>Monthly Amount</b>

**Semi-monthly** - If you are paid twice per month, you may convert your income to monthly as follows:

Semi-monthly amount	x	2	=	<b>Monthly Amount</b>
---------------------	---	---	---	-----------------------

Expenses may be converted in the same manner.

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### FAMILY LAW FINANCIAL AFFIDAVIT (LONG FORM)

(\$50,000 or more Individual Gross Annual Income)

I, {full legal name} \_\_\_\_\_, being sworn, certify  
that the following information is true:

#### SECTION I. INCOME

1. My age is: \_\_\_\_\_
2. My occupation is: \_\_\_\_\_
3. I am currently

[Check **all** that apply]

- a.  Unemployed

Describe your efforts to find employment, how soon you expect to be employed, and the pay you expect to receive: \_\_\_\_\_

- b.  Employed by: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip code: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Pay rate: \$ \_\_\_\_\_ ( ) every week ( ) every other week ( ) twice a month  
( ) monthly ( ) other: \_\_\_\_\_

If you are expecting to become unemployed or change jobs soon, describe the change you expect and why and how it will affect your income: \_\_\_\_\_

\_\_\_\_\_  
Check here if you currently have more than one job. List the information above for the second job(s) on a separate sheet and attach it to this affidavit.

c. \_\_\_\_\_ Retired. Date of retirement: \_\_\_\_\_  
 Employer from whom retired: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip code: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

**LAST YEAR'S GROSS INCOME:**

	Your Income	Other Party's Income ( <i>if known</i> )
YEAR _____	\$ _____	\$ _____

**PRESENT MONTHLY GROSS INCOME:**

**All amounts must be MONTHLY.** See the instructions with this form to figure out money amounts for anything that is NOT paid monthly. Attach more paper, if needed. Items included under "other" should be listed separately with separate dollar amounts.

1. \$ \_\_\_\_\_ Monthly gross salary or wages
2. \_\_\_\_\_ Monthly bonuses, commissions, allowances, overtime, tips, and similar payments
3. \_\_\_\_\_ Monthly business income from sources such as self-employment, partnerships, close corporations, and/or independent contracts (Gross receipts minus ordinary and necessary expenses required to produce income.)(Attach sheet itemizing such income and expenses.)
4. \_\_\_\_\_ Monthly disability benefits/SSI
5. \_\_\_\_\_ Monthly Workers' Compensation
6. \_\_\_\_\_ Monthly Unemployment Compensation
7. \_\_\_\_\_ Monthly pension, retirement, or annuity payments
8. \_\_\_\_\_ Monthly Social Security benefits
9. \_\_\_\_\_ Monthly alimony actually received (Add 9a and 9b)
  - 9a. From this case: \$ \_\_\_\_\_
  - 9b. From other case(s): \_\_\_\_\_
10. \_\_\_\_\_ Monthly interest and dividends
11. \_\_\_\_\_ Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income) (Attach sheet itemizing such income and expense items.)
12. \_\_\_\_\_ Monthly income from royalties, trusts, or estates
13. \_\_\_\_\_ Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses (Attach sheet itemizing each item and amount.)
14. \_\_\_\_\_ Monthly gains derived from dealing in property (not including nonrecurring gains)  
 Any other income of a recurring nature (identify source)
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \$ \_\_\_\_\_ **TOTAL PRESENT MONTHLY GROSS INCOME** (Add lines 1 through 16).

**PRESENT MONTHLY DEDUCTIONS:**

**All amounts must be MONTHLY.** See the instructions with this form to figure out money amounts for anything that is NOT paid monthly.

18. \$ \_\_\_\_\_ Monthly federal, state, and local income tax (corrected for filing status and allowable dependents and income tax liabilities)
  - a. Filing Status \_\_\_\_\_
  - b. Number of dependents claimed \_\_\_\_\_
19. \_\_\_\_\_ Monthly FICA or self-employment taxes



- 20. \_\_\_\_\_ Monthly Medicare payments
- 21. \_\_\_\_\_ Monthly mandatory union dues
- 22. \_\_\_\_\_ Monthly mandatory retirement payments
- 23. \_\_\_\_\_ Monthly health insurance payments (including dental insurance), excluding portion paid for any minor children of this relationship
- 24. \_\_\_\_\_ Monthly court-ordered child support actually paid for children from another relationship
- 25. \_\_\_\_\_ Monthly court-ordered alimony actually paid (Add 25a and 25b)
  - 25a. from this case: \$ \_\_\_\_\_
  - 25b. from other case(s): \_\_\_\_\_

26. \$ \_\_\_\_\_ **TOTAL DEDUCTIONS ALLOWABLE UNDER SECTION 61.30, FLORIDA STATUTES**  
 (Add lines 18 through 25).

27. \$ \_\_\_\_\_ **PRESENT NET MONTHLY INCOME**  
 (Subtract line 26 from line 17).

**SECTION II. AVERAGE MONTHLY EXPENSES**

**Proposed/Estimated Expenses.** If this is a dissolution of marriage case **and** your expenses as listed below do not reflect what you actually pay currently, you should write "estimate" next to each amount that is estimated.

**HOUSEHOLD:**

- 1. \$ \_\_\_\_\_ Monthly mortgage or rent payments
- 2. \_\_\_\_\_ Monthly property taxes (if not included in mortgage)
- 3. \_\_\_\_\_ Monthly insurance on residence (if not included in mortgage)
- 4. \_\_\_\_\_ Monthly condominium maintenance fees and homeowner's association fees
- 5. \_\_\_\_\_ Monthly electricity
- 6. \_\_\_\_\_ Monthly water, garbage, and sewer
- 7. \_\_\_\_\_ Monthly telephone
- 8. \_\_\_\_\_ Monthly fuel oil or natural gas
- 9. \_\_\_\_\_ Monthly repairs and maintenance
- 10. \_\_\_\_\_ Monthly lawn care
- 11. \_\_\_\_\_ Monthly pool maintenance
- 12. \_\_\_\_\_ Monthly pest control
- 13. \_\_\_\_\_ Monthly misc. household
- 14. \_\_\_\_\_ Monthly food and home supplies
- 15. \_\_\_\_\_ Monthly meals outside home
- 16. \_\_\_\_\_ Monthly cable t.v.
- 17. \_\_\_\_\_ Monthly alarm service contract
- 18. \_\_\_\_\_ Monthly service contracts on appliances
- 19. \_\_\_\_\_ Monthly maid service

Other:

- 20. \_\_\_\_\_
- 21. \_\_\_\_\_
- 22. \_\_\_\_\_
- 23. \_\_\_\_\_
- 24. \_\_\_\_\_

25. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 1 through 24).

**AUTOMOBILE:**

- 26. \$ \_\_\_\_\_ Monthly gasoline and oil
- 27. \_\_\_\_\_ Monthly repairs
- 28. \_\_\_\_\_ Monthly auto tags and emission testing
- 29. \_\_\_\_\_ Monthly insurance
- 30. \_\_\_\_\_ Monthly payments (lease or financing)
- 31. \_\_\_\_\_ Monthly rental/replacements
- 32. \_\_\_\_\_ Monthly alternative transportation (bus, rail, car pool, etc.)
- 33. \_\_\_\_\_ Monthly tolls and parking
- 34. \_\_\_\_\_ Other: \_\_\_\_\_
- 35. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 26 through 34)

**MONTHLY EXPENSES FOR CHILDREN COMMON TO BOTH PARTIES:**

- 36. \$ \_\_\_\_\_ Monthly nursery, babysitting, or day care
- 37. \_\_\_\_\_ Monthly school tuition
- 38. \_\_\_\_\_ Monthly school supplies, books, and fees
- 39. \_\_\_\_\_ Monthly after school activities
- 40. \_\_\_\_\_ Monthly lunch money
- 41. \_\_\_\_\_ Monthly private lessons or tutoring
- 42. \_\_\_\_\_ Monthly allowances
- 43. \_\_\_\_\_ Monthly clothing and uniforms
- 44. \_\_\_\_\_ Monthly entertainment (movies, parties, etc.)
- 45. \_\_\_\_\_ Monthly health insurance
- 46. \_\_\_\_\_ Monthly medical, dental, prescriptions (nonreimbursed only)
- 47. \_\_\_\_\_ Monthly psychiatric/psychological/counselor
- 48. \_\_\_\_\_ Monthly orthodontic
- 49. \_\_\_\_\_ Monthly vitamins
- 50. \_\_\_\_\_ Monthly beauty parlor/barber shop
- 51. \_\_\_\_\_ Monthly nonprescription medication
- 52. \_\_\_\_\_ Monthly cosmetics, toiletries, and sundries
- 53. \_\_\_\_\_ Monthly gifts from child(ren) to others (other children, relatives, teachers, etc.)
- 54. \_\_\_\_\_ Monthly camp or summer activities
- 55. \_\_\_\_\_ Monthly clubs (Boy/Girl Scouts, etc.)
- 56. \_\_\_\_\_ Monthly time-sharing expenses
- 57. \_\_\_\_\_ Monthly miscellaneous
- 58. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 36 through 57)

**MONTHLY EXPENSES FOR CHILD(REN) FROM ANOTHER RELATIONSHIP**

(other than court-ordered child support)

- 59. \$ \_\_\_\_\_
- 60. \_\_\_\_\_
- 61. \_\_\_\_\_
- 62. \_\_\_\_\_
- 63. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 59 through 62)

**MONTHLY INSURANCE:**

64. \$ \_\_\_\_\_ Health insurance, excluding portion paid for any minor child(ren) of this relationship

65. \_\_\_\_\_ Life insurance

66. \_\_\_\_\_ Dental insurance

Other:

67. \_\_\_\_\_

68. \_\_\_\_\_

69. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 64 through 68)

**OTHER MONTHLY EXPENSES NOT LISTED ABOVE:**

70. \$ \_\_\_\_\_ Monthly dry cleaning and laundry

71. \_\_\_\_\_ Monthly clothing

72. \_\_\_\_\_ Monthly medical, dental, and prescription (unreimbursed only)

73. \_\_\_\_\_ Monthly psychiatric, psychological, or counselor (unreimbursed only)

74. \_\_\_\_\_ Monthly non-prescription medications, cosmetics, toiletries, and sundries

75. \_\_\_\_\_ Monthly grooming

76. \_\_\_\_\_ Monthly gifts

77. \_\_\_\_\_ Monthly pet expenses

78. \_\_\_\_\_ Monthly club dues and membership

79. \_\_\_\_\_ Monthly sports and hobbies

80. \_\_\_\_\_ Monthly entertainment

81. \_\_\_\_\_ Monthly periodicals/books/tapes/CDs

82. \_\_\_\_\_ Monthly vacations

83. \_\_\_\_\_ Monthly religious organizations

84. \_\_\_\_\_ Monthly bank charges/credit card fees

85. \_\_\_\_\_ Monthly education expenses

86. \_\_\_\_\_ Other: (include any usual and customary expenses not otherwise mentioned in the items listed above) \_\_\_\_\_

87. \_\_\_\_\_

88. \_\_\_\_\_

89. \_\_\_\_\_

90. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 70 through 89)

**MONTHLY PAYMENTS TO CREDITORS:** (only when payments are currently made by you on outstanding balances). List only last 4 digits of account numbers.

MONTHLY PAYMENT AND NAME OF CREDITOR(s):

91. \$ \_\_\_\_\_

92. \_\_\_\_\_

93. \_\_\_\_\_

94. \_\_\_\_\_

95. \_\_\_\_\_

96. \_\_\_\_\_

97. \_\_\_\_\_

98. \_\_\_\_\_

99. \_\_\_\_\_

100. \_\_\_\_\_

101. \_\_\_\_\_

102. \_\_\_\_\_

103. \_\_\_\_\_
104. \$ \_\_\_\_\_ **SUBTOTAL** (add lines 91 through 103)
105. \$ \_\_\_\_\_ **TOTAL MONTHLY EXPENSES:**  
(add lines 25, 35, 58, 63, 69, 90, and 104 of Section II, Expenses)

**SUMMARY**

106. \$ \_\_\_\_\_ **TOTAL PRESENT MONTHLY NET INCOME** (from line 27 of SECTION I. INCOME)
107. \$ \_\_\_\_\_ **TOTAL MONTHLY EXPENSES** (from line 105 above)
108. \$ \_\_\_\_\_ **SURPLUS** (If line 106 is more than line 107, subtract line 107 from line 106. This is the amount of your surplus. Enter that amount here.)
109. (\$ \_\_\_\_\_) **(DEFICIT)** (If line 107 is more than line 106, subtract line 106 from line 107. This is the amount of your deficit. Enter that amount here.)

**SECTION III. ASSETS AND LIABILITIES**

**A. ASSETS (This is where you list what you OWN.)**

**INSTRUCTIONS:**

**STEP 1:** In column A, list a description of each separate item owned by you (and/or your spouse, if this is a petition for dissolution of marriage). Blank spaces are provided if you need to list more than one of an item.

**STEP 2:** If this is a petition for dissolution of marriage, check the line in Column A next to any item that you are requesting the judge award to you.

**STEP 3:** In column B, write what you believe to be the current fair market value of all items listed.

**STEP 4:** Use column C only if this is a petition for dissolution of marriage and you believe an item is "nonmarital," meaning it belongs to only one of you and should not be divided. You should indicate to whom you believe the item belongs. (Typically, you will only use Column C if property was owned by one spouse before the marriage. See the "General Information for Self-Represented Litigants" found at the beginning of these forms and section 61.075(1), Florida Statutes, for definitions of "marital" and "nonmarital" assets and liabilities.)

<b>A</b> <b>ASSETS: DESCRIPTION OF ITEM(S)</b> <b>LIST ONLY LAST FOUR DIGITS OF ACCOUNT NUMBERS.</b> <b>Check the line next to any asset(s) which you are requesting the judge award to you.</b>		<b>B</b> <b>Current Fair Market Value</b>	<b>C</b> <b>Nonmarital (Check correct column)</b>	
			husband	wife
<input type="checkbox"/>	Cash (on hand)	\$		
<input type="checkbox"/>	Cash (in banks or credit unions)			
<input type="checkbox"/>				
<input type="checkbox"/>	Stocks/Bonds			
<input type="checkbox"/>				
<input type="checkbox"/>				

	Notes (money owed to you in writing)			
	Money owed to you (not evidenced by a note)			
	Real estate: (Home)			
	(Other)			
	Business interests			
	Automobiles			
	Boats			
	Other vehicles			
	Retirement plans (Profit Sharing, Pension, IRA, 401(k)s, etc.)			
	Furniture & furnishings in home			
	Furniture & furnishings elsewhere			
	Collectibles			



<b>A</b> <b>LIABILITIES: DESCRIPTION OF ITEM(S)</b> <b>LIST ONLY LAST FOUR DIGITS OF ACCOUNT NUMBERS.</b> <b>Check the line next to any debt(s) for which you believe you should be responsible.</b>		<b>B</b> <b>Current Amount Owed</b>	<b>C</b> <b>Nonmarital (Check correct column)</b>	
			husband	wife
	Mortgages on real estate: First mortgage on home	\$		
	Second mortgage on home			
	Other mortgages			
	Charge/credit card accounts			
	Auto loan			
	Auto loan			
	Bank/Credit Union loans			
	Money you owe (not evidenced by a note)			
	Judgments			
	Other:			
<b>Total Debts (add column B)</b>		<b>\$</b>		

**C. NET WORTH (excluding contingent assets and liabilities)**

\$ \_\_\_\_\_ **Total Assets** (enter total of Column B in Asset Table; Section A)

\$ \_\_\_\_\_ **Total Liabilities** (enter total of Column B in Liabilities Table; Section B)

\$ \_\_\_\_\_ **TOTAL NET WORTH (Total Assets minus Total Liabilities)**  
(excluding contingent assets and liabilities)

**D. CONTINGENT ASSETS AND LIABILITIES**

**INSTRUCTIONS:**

If you have any **POSSIBLE assets** (income potential, accrued vacation or sick leave, bonus, inheritance, etc.) or **POSSIBLE liabilities** (possible lawsuits, future unpaid taxes, contingent tax liabilities, debts assumed by another), you must list them here.

<b>A</b> <b>Contingent Assets</b> Check the line next to any contingent asset(s) which you are requesting the judge award to you.		<b>B</b> <b>Possible Value</b>	<b>C</b> <b>Nonmarital</b> <b>(Check correct column)</b>	
			husband	wife
		\$		
<b>Total Contingent Assets</b>		\$		

<b>A</b> <b>Contingent Liabilities</b> Check the line next to any contingent debt(s) for which you believe you should be responsible.		<b>B</b> <b>Possible Amount Owed</b>	<b>C</b> <b>Nonmarital</b> <b>(Check correct column)</b>	
			husband	wife
		\$		
<b>Total Contingent Liabilities</b>		\$		



**E. CHILD SUPPORT GUIDELINES WORKSHEET.** Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet, MUST be filed with the court at or prior to a hearing to establish or modify child support. This requirement cannot be waived by the parties.

[Check **one** only]

\_\_\_\_ **A Child Support Guidelines Worksheet IS or WILL BE filed in this case.** This case involves the establishment or modification of child support.

\_\_\_\_ **A Child Support Guidelines Worksheet IS NOT being filed in this case.** The establishment or modification of child support is not an issue in this case.

I certify that a copy of this financial affidavit was [check all used]: ( ) e-mailed ( ) mailed, ( ) faxed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or deputy clerk]

\_\_\_\_ Personally known  
\_\_\_\_ Produced identification

Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: {choose only **one**} ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_,

{name of business} \_\_\_\_\_,

{address} \_\_\_\_\_,

{city} \_\_\_\_\_, {state} \_\_\_\_\_, {telephone number} \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.902(e), CHILD SUPPORT GUIDELINES WORKSHEET (09/12)**

### **When should this form be used?**

You should complete this worksheet if **child support** is being requested in your case. If you know the income of the other **party**, this worksheet should accompany your **financial affidavit**. If you do not know the other party's income, this form must be completed after the other party files his or her financial affidavit, and **serves** a copy on you.

This form should be typed or printed in black ink. You should file the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

### **What should I do next?**

A copy of this form must be served on the other party in your case. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

**Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms.** The words that are in "**bold underline**" in these instructions are defined there. For further information, see section 61.30, Florida Statutes.

### **Special notes...**

If you want to keep your address confidential because you are the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h).

The chart below contains the guideline amounts that you should use when calculating child support. This amount is based on the number of children and the combined income of the parents, and it is divided between the parents in direct proportion to their income or earning capacity. From time to time, some of the amounts in the child support guidelines chart will change. Be sure you have the most recent version of the chart before using it.

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (09/12)

Because the guidelines are based on monthly amounts, it may be necessary to convert some income and expense figures from other frequencies to monthly. You should do this as follows:

<b>If payment is twice per month</b>	Payment amount	x 2 =	<b>Monthly amount</b>
<b>If payment is every two weeks</b>	Payment amount	x 26 =	Yearly amount due
	Yearly amount	÷ 12 =	<b>Monthly amount</b>
<b>If payment is weekly</b>	Weekly amount	x 52 =	Yearly amount due
	Yearly amount	÷ 12 =	<b>Monthly amount</b>

If you or the other parent request that the court award an amount that is different than the guideline amount, you must also complete and attach a **Motion to Deviate from Child Support Guidelines**, Florida Supreme Court Approved Family Law Form 12.943.

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), 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.

### CHILD SUPPORT GUIDELINES CHART

Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (09/12)

Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622
3000.00	644	1001	1252	1412	1540	1647
3050.00	654	1016	1271	1433	1563	1671
3100.00	663	1031	1289	1453	1586	1695
3150.00	673	1045	1308	1474	1608	1720
3200.00	682	1060	1327	1495	1631	1744
3250.00	691	1075	1345	1516	1654	1769
3300.00	701	1090	1364	1537	1677	1793
3350.00	710	1105	1382	1558	1700	1818
3400.00	720	1120	1401	1579	1723	1842
3450.00	729	1135	1419	1599	1745	1867
3500.00	738	1149	1438	1620	1768	1891
3550.00	748	1164	1456	1641	1791	1915
3600.00	757	1179	1475	1662	1814	1940
3650.00	767	1194	1493	1683	1837	1964
3700.00	776	1208	1503	1702	1857	1987
3750.00	784	1221	1520	1721	1878	2009
3800.00	793	1234	1536	1740	1899	2031
3850.00	802	1248	1553	1759	1920	2053
3900.00	811	1261	1570	1778	1940	2075
3950.00	819	1275	1587	1797	1961	2097
4000.00	828	1288	1603	1816	1982	2119
4050.00	837	1302	1620	1835	2002	2141
4100.00	846	1315	1637	1854	2023	2163
4150.00	854	1329	1654	1873	2044	2185
4200.00	863	1342	1670	1892	2064	2207
4250.00	872	1355	1687	1911	2085	2229

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (09/12)

Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
4300.00	881	1369	1704	1930	2106	2251
4350.00	889	1382	1721	1949	2127	2273
4400.00	898	1396	1737	1968	2147	2295
4450.00	907	1409	1754	1987	2168	2317
4500.00	916	1423	1771	2006	2189	2339
4550.00	924	1436	1788	2024	2209	2361
4600.00	933	1450	1804	2043	2230	2384
4650.00	942	1463	1821	2062	2251	2406
4700.00	951	1477	1838	2081	2271	2428
4750.00	959	1490	1855	2100	2292	2450
4800.00	968	1503	1871	2119	2313	2472
4850.00	977	1517	1888	2138	2334	2494
4900.00	986	1530	1905	2157	2354	2516
4950.00	993	1542	1927	2174	2372	2535
5000.00	1000	1551	1939	2188	2387	2551
5050.00	1006	1561	1952	2202	2402	2567
5100.00	1013	1571	1964	2215	2417	2583
5150.00	1019	1580	1976	2229	2432	2599
5200.00	1025	1590	1988	2243	2447	2615
5250.00	1032	1599	2000	2256	2462	2631
5300.00	1038	1609	2012	2270	2477	2647
5350.00	1045	1619	2024	2283	2492	2663
5400.00	1051	1628	2037	2297	2507	2679
5450.00	1057	1638	2049	2311	2522	2695
5500.00	1064	1647	2061	2324	2537	2711
5550.00	1070	1657	2073	2338	2552	2727
5600.00	1077	1667	2085	2352	2567	2743
5650.00	1083	1676	2097	2365	2582	2759
5700.00	1089	1686	2109	2379	2597	2775
5750.00	1096	1695	2122	2393	2612	2791
5800.00	1102	1705	2134	2406	2627	2807
5850.00	1107	1713	2144	2418	2639	2820
5900.00	1111	1721	2155	2429	2651	2833
5950.00	1116	1729	2165	2440	2663	2847
6000.00	1121	1737	2175	2451	2676	2860
6050.00	1126	1746	2185	2462	2688	2874

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (09/12)



Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
6100.00	1131	1754	2196	2473	2700	2887
6150.00	1136	1762	2206	2484	2712	2900
6200.00	1141	1770	2216	2495	2724	2914
6250.00	1145	1778	2227	2506	2737	2927
6300.00	1150	1786	2237	2517	2749	2941
6350.00	1155	1795	2247	2529	2761	2954
6400.00	1160	1803	2258	2540	2773	2967
6450.00	1165	1811	2268	2551	2785	2981
6500.00	1170	1819	2278	2562	2798	2994
6550.00	1175	1827	2288	2573	2810	3008
6600.00	1179	1835	2299	2584	2822	3021
6650.00	1184	1843	2309	2595	2834	3034
6700.00	1189	1850	2317	2604	2845	3045
6750.00	1193	1856	2325	2613	2854	3055
6800.00	1196	1862	2332	2621	2863	3064
6850.00	1200	1868	2340	2630	2872	3074
6900.00	1204	1873	2347	2639	2882	3084
6950.00	1208	1879	2355	2647	2891	3094
7000.00	1212	1885	2362	2656	2900	3103
7050.00	1216	1891	2370	2664	2909	3113
7100.00	1220	1897	2378	2673	2919	3123
7150.00	1224	1903	2385	2681	2928	3133
7200.00	1228	1909	2393	2690	2937	3142
7250.00	1232	1915	2400	2698	2946	3152
7300.00	1235	1921	2408	2707	2956	3162
7350.00	1239	1927	2415	2716	2965	3172
7400.00	1243	1933	2423	2724	2974	3181
7450.00	1247	1939	2430	2733	2983	3191
7500.00	1251	1945	2438	2741	2993	3201
7550.00	1255	1951	2446	2750	3002	3211
7600.00	1259	1957	2453	2758	3011	3220
7650.00	1263	1963	2461	2767	3020	3230
7700.00	1267	1969	2468	2775	3030	3240
7750.00	1271	1975	2476	2784	3039	3250
7800.00	1274	1981	2483	2792	3048	3259
7850.00	1278	1987	2491	2801	3057	3269

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (09/12)

Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
7900.00	1282	1992	2498	2810	3067	3279
7950.00	1286	1998	2506	2818	3076	3289
8000.00	1290	2004	2513	2827	3085	3298
8050.00	1294	2010	2521	2835	3094	3308
8100.00	1298	2016	2529	2844	3104	3318
8150.00	1302	2022	2536	2852	3113	3328
8200.00	1306	2028	2544	2861	3122	3337
8250.00	1310	2034	2551	2869	3131	3347
8300.00	1313	2040	2559	2878	3141	3357
8350.00	1317	2046	2566	2887	3150	3367
8400.00	1321	2052	2574	2895	3159	3376
8450.00	1325	2058	2581	2904	3168	3386
8500.00	1329	2064	2589	2912	3178	3396
8550.00	1333	2070	2597	2921	3187	3406
8600.00	1337	2076	2604	2929	3196	3415
8650.00	1341	2082	2612	2938	3205	3425
8700.00	1345	2088	2619	2946	3215	3435
8750.00	1349	2094	2627	2955	3224	3445
8800.00	1352	2100	2634	2963	3233	3454
8850.00	1356	2106	2642	2972	3242	3464
8900.00	1360	2111	2649	2981	3252	3474
8950.00	1364	2117	2657	2989	3261	3484
9000.00	1368	2123	2664	2998	3270	3493
9050.00	1372	2129	2672	3006	3279	3503
9100.00	1376	2135	2680	3015	3289	3513
9150.00	1380	2141	2687	3023	3298	3523
9200.00	1384	2147	2695	3032	3307	3532
9250.00	1388	2153	2702	3040	3316	3542
9300.00	1391	2159	2710	3049	3326	3552
9350.00	1395	2165	2717	3058	3335	3562
9400.00	1399	2171	2725	3066	3344	3571
9450.00	1403	2177	2732	3075	3353	3581
9500.00	1407	2183	2740	3083	3363	3591
9550.00	1411	2189	2748	3092	3372	3601
9600.00	1415	2195	2755	3100	3381	3610
9650.00	1419	2201	2763	3109	3390	3620

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (09/12)

Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
9700.00	1422	2206	2767	3115	3396	3628
9750.00	1425	2210	2772	3121	3402	3634
9800.00	1427	2213	2776	3126	3408	3641
9850.00	1430	2217	2781	3132	3414	3647
9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### NOTICE OF FILING CHILD SUPPORT GUIDELINES WORKSHEET

PLEASE TAKE NOTICE, that {name} \_\_\_\_\_, is filing his/her  
Child Support Guidelines Worksheet attached and labeled Exhibit 1.

### CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing with the Child Support Guidelines Worksheet was  
[check all used]: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed  
below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Party or his/her Attorney

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

Florida Bar Number: \_\_\_\_\_

<b>CHILD SUPPORT GUIDELINES WORKSHEET</b>			
	<b>A. FATHER</b>	<b>B. MOTHER</b>	<b>TOTAL</b>
<b>1. Present Net Monthly Income</b> Enter the amount from line 27, Section I of Florida Family Law Rules of Procedure Form 12.902(b) or (c), Financial Affidavit.			
<b>2. Basic Monthly Obligation</b> There is (are) {number} _____ minor child(ren) common to the parties. Using the total amount from line 1, enter the appropriate amount from the child support guidelines chart.			
<b>3. Percent of Financial Responsibility</b> Divide the amount on line 1A by the total amount on line 1 to get Father's percentage of financial responsibility. Enter answer on line 3A. Divide the amount on line 1B by the total amount on line 1 to get Mother's percentage of financial responsibility. Enter answer on line 3B.	%	%	
<b>4. Share of Basic Monthly Obligation</b> Multiply the number on line 2 by the percentage on line 3A to get Father's share of basic obligation. Enter answer on line 4A. Multiply the number on line 2 by the percentage on line 3B to get Mother's share of basic obligation. Enter answer on line 4B.			
<b>Additional Support — Health Insurance, Child Care &amp; Other</b>			
<b>5. a. 100% of Monthly Child Care Costs</b> [Child care costs should not exceed the level required to provide quality care from a licensed source. See section 61.30(7), Florida Statutes, for more information.]			

CHILD SUPPORT GUIDELINES WORKSHEET			
	A. FATHER	B. MOTHER	TOTAL
<b>b.</b> Total Monthly Child(ren)'s Health Insurance Cost [This is only amounts actually paid for health insurance on the child(ren).]			
<b>c.</b> Total Monthly Child(ren)'s Noncovered Medical, Dental and Prescription Medication Costs			
<b>d.</b> Total Monthly Child Care & Health Costs [Add lines 5a + 5b +5c].			
<b>6.</b> Additional Support Payments Multiply the number on line 5d by the percentage on line 3A to determine the Father's share. Enter answer on line 6A. Multiply the number on line 5d by the percentage on line 3B to determine the Mother's share. Enter answer on line 6B.			
Statutory Adjustments/Credits			
<b>7. a.</b> Monthly child care payments actually made			
<b>b.</b> Monthly health insurance payments actually made			
<b>c.</b> Other payments/credits actually made for any noncovered medical, dental and prescription medication expenses of the child(ren) not ordered to be separately paid on a percentage basis. (See section 61.30 (8), Florida Statutes)			
<b>8.</b> Total Support Payments actually made (Add 7a through 7c)			
<b>9. MINIMUM CHILD SUPPORT OBLIGATION FOR EACH PARENT</b> [Line 4 plus line 6; minus line 8]			
Substantial Time-Sharing (GROSS UP METHOD) If each parent exercises time-sharing at least 20 percent of the overnights in the year (73 overnights in the year), complete Nos. 10 through 21			
	A. FATHER	B. MOTHER	TOTAL

<b>CHILD SUPPORT GUIDELINES WORKSHEET</b>			
	<b>A. FATHER</b>	<b>B. MOTHER</b>	<b>TOTAL</b>
<b>10.</b> Basic Monthly Obligation x 150% [Multiply line 2 by 1.5]			
<b>11.</b> Increased Basic Obligation for each parent. Multiply the number on line 10 by the percentage on line 3A to determine the Father's share. Enter answer on line 11A. Multiply the number on line 10 by the percentage on line 3B to determine the Mother's share. Enter answer on line 11B.			
<b>12.</b> Percentage of overnight stays with each parent. The child(ren) spend(s) _____ overnight stays with the Father each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12A. The child(ren) spend(s) _____ overnight stays with the Mother each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12B.	%	%	
<b>13.</b> Parent's support multiplied by other Parent's percentage of overnights. [Multiply line 11A by line 12B. Enter this number in 13A. Multiply line 11B by line 12A. Enter this number in 13B.]			
<b>Additional Support — Health Insurance, Child Care &amp; Other</b>			
<b>14. a.</b> Total Monthly Child Care Costs [Child care costs should not exceed the level required to provide quality care from a licensed source. See section 61.30(7), Florida Statutes, for more information.]			
<b>b.</b> Total Monthly Child(ren)'s Health Insurance Cost [This is only amounts actually paid for health insurance on the child(ren).]			
<b>c.</b> Total Monthly Child(ren)'s Noncovered Medical, Dental and Prescription Medication Costs.			
<b>d.</b> Total Monthly Child Care & Health Costs [Add lines 14a + 14b + 14c.]			



<b>CHILD SUPPORT GUIDELINES WORKSHEET</b>			
	<b>A. FATHER</b>	<b>B. MOTHER</b>	<b>TOTAL</b>
<b>15. Additional Support Payments.</b> Multiply the number on line 14d by the percentage on line 3A to determine the Father's share. Enter answer on line 15A. Multiply the number on line 14d by the percentage on line 3B to determine the Mother's share. Enter answer on line 15B.			
<b>Statutory Adjustments/Credits</b>			
<b>16. a.</b> Monthly child care payments actually made			
<b>b.</b> Monthly health insurance payments actually made			
<b>c.</b> Other payments/credits actually made for any noncovered medical, dental and prescription medication expenses of the child(ren) not ordered to be separately paid on a percentage basis. [See section 61.30(8), Florida Statutes]			
<b>17. Total Support Payments actually made</b> [Add 16a through 16c]			
<b>18. Total Additional Support Transfer Amount</b> [Line 15 minus line 17; enter any negative number as zero]			
<b>19. Total Child Support Owed from Father to Mother</b> [Add line 13A plus line 18A]			
<b>20. Total Child Support Owed from Mother to Father</b> [Add line 13B plus line 18B]			
<b>21. Actual Child Support to Be Paid.</b> [Comparing lines 19 and 20, Subtract the smaller amount owed from the larger amount owed and enter the result in the column for the parent that owes the larger amount of support]	\$		

**ADJUSTMENTS TO GUIDELINES AMOUNT.** If you or the other parent is requesting the Court to award a child support amount that is more or less than the child support guidelines, you must complete and file

Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943.

[check **one** only]

- a. \_\_\_\_ **Deviation from the guidelines amount is requested.** The Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943, is attached.
- b. \_\_\_\_ **Deviation from the guidelines amount is NOT requested.** The Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943, is not attached.

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.910(a), SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL (09/12)**

### **When should this form be used?**

This form should be used to obtain **personal service** on the other **party** when you begin your lawsuit. **Service** is required for **all** documents filed in your case. Service means giving a copy of the required papers to the other party using the procedure that the law requires. Generally, there are two ways to make service: (1) personal service, or (2) service by e-mail, mail, or hand delivery. A third method for service is called **constructive service**; however, the relief a court may grant may be limited in a case where constructive service has been used.

The law requires that certain documents be served by **personal service** if personal service is possible. **Personal service** means that a summons (this form) and a copy of the forms you are filing with the court that must be personally served are delivered by a deputy sheriff or private process server

- directly to the other party, **or**
- to someone over the age of fifteen with whom the other party lives.

Personal service is required for **all petitions**, including petitions for modification. You cannot serve these papers on the other party yourself or by mail or hand delivery. Personal service must be made by the sheriff's department in the county where the other party lives or works or by a private process server certified in the county where the other party lives or works.

In many counties, there are private process servers who, for a fee, will personally serve the summons and other documents that require personal service. You should look under **process servers** in the yellow pages of the telephone book for a list of private process servers in your area. You may use a private process server to serve any paper required to be personally served in a family law case **except** a petition for injunction for protection against domestic or repeat violence.

### **How do I start?**

When you begin your lawsuit, you need to complete this form (summons) and a **Process Service Memorandum**, Florida Supreme Court Approved Family Law Form 12.910(b). The forms should be typed or printed legibly in black ink. Next, you will need to take these forms and, if you have not already done so, **file** your petition with the **clerk of the circuit court** in the county where you live. You should keep a copy of the forms for your records. The clerk will sign the summons, and then the summons, a copy of the papers to be served, and the process service memorandum must be delivered to the appropriate sheriff's office or to a private process server for service on the other party.

Instructions for Florida Family Law Rules of Procedure Form 12.910(a), Summons: Personal Service on an Individual (09/12)

**IF THE OTHER PARTY LIVES IN THE COUNTY WHERE SUIT IS FILED:** Ask the clerk in your county about any local procedures regarding service. Generally, if the other party lives in the county in which you are filing suit and you want the sheriff's department to serve the papers, you will file the summons along with a **Process Service Memorandum**, Florida Supreme Court Approved Family Law Form 12.910(b), with the clerk and the clerk will forward those papers to the sheriff for service. Make sure that you attach a copy of the papers you want personally served to the summons. You may also need to provide the sheriff with a stamped envelope addressed to you. This will allow the sheriff to send the proof of service to you, after the sheriff serves your papers on the other party. However, in some counties the sheriff may send the proof of service directly to the clerk. If you are instructed to supply a self-addressed, stamped envelope and you receive the proof of service, you should file the proof of service with the clerk after you receive it from the sheriff. Also, you will need to find out how much the sheriff charges to serve the papers. Personal checks are not accepted. You should attach to the summons a cashier's check or money order made payable to the sheriff, and either give it to the clerk for delivery to the sheriff or send all of the paperwork and the fee to the sheriff yourself. The clerk will tell you which procedure to use. The costs for service may be waived if you are indigent.

If you want a private process server to serve the other party, you should still bring the summons to the clerk's office and have the clerk sign it for you. You should deliver the summons, along with the copy of your initial petition and any other papers to be served, and a **Process Service Memorandum**, Florida Supreme Court Approved Family Law Form 12.910(b), to the private process server. The private process server will charge you a fee for serving the papers. After service is complete, proof of service by the private process server must be filed with the clerk. You should discuss how this will occur with the private process server.

**IF THE OTHER PARTY LIVES IN ANOTHER COUNTY:** If the other party lives in another county, service needs to be made by a sheriff in the county where the other party lives or by a private process server certified in the county where the other party lives. Make sure that you attach a copy of the papers you want personally served to the summons as well as the **Process Service Memorandum**, Florida Supreme Court Approved Family Law Form 12.910(b). If you want the sheriff to serve the papers, the clerk may send your papers to that sheriff's office for you, or you may have to send the papers yourself. The clerk will tell you which procedure to use. Either way, you will need to provide the sheriff with a stamped envelope addressed to you. This will allow the sheriff to send the proof of service to you, after the sheriff serves your papers on the other party. You should file the proof of service with the clerk after you receive it from the sheriff. Also, you will need to find out how much the sheriff charges to serve the papers. Personal checks are not accepted. You should attach to the summons a cashier's check or money order made payable to the sheriff, and either give it to the clerk for delivery to the sheriff or send all of the paperwork and the fee to the sheriff yourself. The clerk will tell you which procedure to use. The costs for service may be waived if you are indigent.

If you want a private process server to serve the other party, you should still bring the summons to the clerk's office where the clerk will sign it for you. You should deliver the summons, along with the copy of your initial petition and any other papers to be served, and a **Process Service Memorandum**, Florida Instructions for Florida Family Law Rules of Procedure Form 12.910(a), Summons: Personal Service on an Individual (09/12)

Supreme Court Approved Family Law Form 12.910(b), to the private process server. The private process server will charge you a fee for serving the papers. After service is complete, proof of service by the private process server must be filed with the clerk. You should discuss how this will occur with the private process server.

**IF THE OTHER PARTY CANNOT BE LOCATED OR DOES NOT LIVE IN FLORIDA:** If, after you have made a diligent effort to locate the other party, you absolutely cannot locate the other party, you may serve the other party by publication. Service by publication is also known as **constructive service**. You may also be able to use constructive service if the other party does not live in Florida. **However, Florida courts have only limited jurisdiction over a party who is served by constructive service and may have only limited jurisdiction over a party living outside of Florida regardless of whether that party is served by constructive or personal service;** that is, the judge's power to order the other party to do certain things may be limited. For example, the judge may be able to grant your request for a divorce, but the judge may not be able to address issues such as child support, spousal support (alimony), or division of property or debts.

Regardless of the type of service used, if the other party once lived in Florida but is living outside of Florida now, you should include in your petition a statement regarding the length of time the party lived in Florida, if any, and when. For example: Respondent last lived in Florida from {date} \_\_\_\_\_ to {date} \_\_\_\_\_.

**This area of the law is very complex and you may need to consult with an attorney regarding the proper type of service to be used in your case if the other party does not live in Florida or cannot be located.**

### **What happens when the papers are served on the other party?**

The date and hour of service are written on the original summons and on all copies of it by the person making the service. The person who delivers the summons and copies of the petition must file a proof of service with the clerk or provide a proof of service to you for filing with the court. **It is your responsibility to make sure the proof of service has been returned to the clerk and placed in your case file.**

### **Where can I look for more information?**

**Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms.** For further information regarding service of process, see chapters 48 and 49, Florida Statutes, and rule 1.070, Florida Rules of Civil Procedure, as well as the instructions for **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**, Florida Supreme Court Approved Family Law Form 12.913(a)(1), **Notice of Action for Family Cases with Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), **Affidavit of Diligent Service and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b), and **Affidavit of Diligent Search**, Florida Family Law Rules of Procedure Form 12.913(c).

Instructions for Florida Family Law Rules of Procedure Form 12.910(a), Summons: Personal Service on an Individual (09/12)

### Special notes...

If you have been unable to obtain proper service on the other party within **120 days** after filing your lawsuit, the court will dismiss your lawsuit against the other party unless you can show the court a good reason why service was not made within **120 days**. For this reason, if you had the local sheriff serve the papers, you should check with the clerk every couple of weeks after completing the service papers to see if service has been completed. You may need to supply the sheriff with a new or better address. If you had a private process server or a sheriff in another county serve the papers, you should be in contact with that person or sheriff until you receive proof of service from that person or sheriff. You should then file the proof of service with the clerk immediately.

If the other party fails to respond, i.e., fails to file a written response with the court, within **20 days** after the service of the summons, you are entitled to request a **default**. See the instructions to **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922 (a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b), for further information. You will need to file an **Affidavit of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(b), before a default may be granted.

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 Rules of Procedure Form 12.900(a), 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL  
ORDEN DE COMPARECENCIA: SERVICIO PERSONAL EN UN INDIVIDUO  
CITATION: L'ASSIGNATION PERSONAL SUR UN INDIVIDUEL**

TO/PARA/A: {enter other party's full legal name} \_\_\_\_\_  
{address (including city and state)/location for service} \_\_\_\_\_.

**IMPORTANT**

A lawsuit has been filed against you. You have **20 calendar days** after this summons is served on you to file a written response to the attached complaint/petition with the clerk of this circuit court, located at: {street address} \_\_\_\_\_.

A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be **filed** if you want the Court to hear your side of the case.

**If you do not file your written response on time, you may lose the case, and your wages, money, and property may be taken thereafter without further warning from the Court.** There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, you must also serve a copy of your written response on the party serving this summons at:

{Name and address of party serving summons} \_\_\_\_\_  
\_\_\_\_\_.

**If the party serving summons has designated e-mail address(es) for service or is represented by an attorney, you may designate e-mail address(es) for service by or on you. Service must be in accordance with Florida Rule of Judicial Administration 2.516.**



**Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents, upon request.**

**You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be served at the address on record at the clerk's office.**

**WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.**

## **IMPORTANTE**

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Localizado en: \_\_\_\_\_ . Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, usted puede consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presente su respuesta ante el tribunal, usted debe enviar por correo o entregar una copia de su respuesta a la persona denominada abajo.

Si usted elige presentar personalmente una respuesta por escrito, en el mismo momento que usted presente su respuesta por escrito al Tribunal, usted debe enviar por correo o llevar una copia de su respuesta por escrito a la parte entregando esta orden de comparecencia a:

Nombre y dirección de la parte que entrega la orden de comparecencia: \_\_\_\_\_  
\_\_\_\_\_.

**Copias de todos los documentos judiciales de este caso, incluyendo las ordenes, estan disponibles en la oficina del Secretario de Juzgado del Circuito [Clerk of the Circuit Court's office]. Estos documentos pueden ser revisados a su solicitud.**

**Usted debe de mantener informada a la oficina del Secretario de Juzgado del Circuito de su dirección actual. (Usted puede presentar \_\_\_\_\_ el Formulario: Ley de Familia de la Florida 12.915, Florida Supreme Court Approved Family Law Form 12.915, Designation of Current Mailing and E-mail Address.) Los papeles que se presenten en el futuro en esta demanda judicial seran enviados por correo a la dirección que este registrada en la oficina del Secretario.**

**ADVERTENCIA: Regla 12.285 (Rule 12.285), de las Reglas de Procedimiento de Ley de Familia de la Florida [Florida Family Law Rules of Procedure], requiere cierta revelación automática de documentos e información. El incumplimiento, puede resultar en sanciones, incluyendo la desestimación o anulación de los alegatos.**

## IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Qui se trouve à: {L'Adresse} \_\_\_\_\_. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite à la partie qui vous dépose cette citation.

Nom et adresse de la partie qui dépose cette citation: \_\_\_\_\_

**Les photocopies de tous les documents tribunaux de cette cause, y compris des arrêts, sont disponibles au bureau du greffier. Vous pouvez consulter ces documents, sur demande.**

**Il faut aviser le greffier de votre adresse actuelle. (Vous pouvez déposer Florida Supreme Court Approved Family Law Form 12.915, Designation of Current Mailing and E-mail Address.) Les documents de l'avenir de ce procès seront envoyés à l'adresse que vous donnez au bureau du greffier.**

**ATTENTION: La règle 12.285 des règles de procédure du droit de la famille de la Floride exige que l'on remette certains renseignements et certains documents à la partie adverse. Tout refus de les fournir pourra donner lieu à des sanctions, y compris le rejet ou la suppression d'un ou de plusieurs actes de procédure.**

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named person.

DATED: \_\_\_\_\_

CLERK OF THE CIRCUIT COURT

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW  
FORM 12.915,  
DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS (09/12)**

**When should this form be used?**

This form should be used to inform the clerk and the other **party** of your current mailing and e-mail address(es) or **any change of address**. It is very important that the court and the other party in your case have your correct address.

A party not represented by an attorney may choose to designate e-mail address(es) for **service**. A primary and up to two secondary e-mail addresses can be designated. If you do so and the other party is represented by an attorney or has also designated e-mail address(es) for service, e-mail will be the **exclusive means of service**.

If there is any change in your mailing or e-mail address(es), you must complete a new form, file it with the clerk, and serve a copy on any other party or parties in your case.

**What should I do next?**

This form should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records. A copy of this form must be served on any other party in your case. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

**Where can I look for more information?**

**Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms.** The words that are in **bold underline** in these instructions are defined there.

**Special notes...**

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 Rules of Procedure Form 12.900(a), 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS

I, {full legal name} \_\_\_\_\_, being sworn, certify that  
my current mailing address is: {Street} \_\_\_\_\_  
{City} \_\_\_\_\_, {State} \_\_\_\_\_ {Zip} \_\_\_\_\_ {Telephone No.} \_\_\_\_\_  
{Fax No.} \_\_\_\_\_.

I designate as my current e-mail address(es): \_\_\_\_\_  
\_\_\_\_\_

**I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing and e-mail address(es) and that all future papers in this lawsuit will be served at the address(es) on record at the clerk's office.**

I certify that a copy of this document was [check all used]: ( ) e-mailed ( ) mailed ( ) faxed  
( ) hand-delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

\_\_\_\_\_ Personally known

\_\_\_\_\_ Produced identification

Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_

*{name of business}* \_\_\_\_\_,

*{street}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORMS 12.920(a), MOTION FOR REFERRAL TO GENERAL MAGISTRATE, 12.920(b), ORDER OF REFERRAL TO GENERAL MAGISTRATE, and 12.920(c), NOTICE OF HEARING BEFORE GENERAL MAGISTRATE (09/12)**

### **When should these forms be used?**

A **general magistrate** is an attorney appointed by a **judge** to take testimony and recommend decisions on certain matters connected with a divorce. These recommendations are then reviewed by the judge and are generally approved unless contrary to the law or the facts of the case. The primary purposes of having general magistrates hear family law matters are to reduce the costs of litigation and to speed up cases. Either **party** may request that their case, or portions of their case, be heard by a general magistrate by filing **Motion for Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(a). You must also prepare an **Order of Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(b), to submit to the judge assigned to your case.

Many times, the court, either on its own motion or under current administrative orders of the court, may refer your case to a general magistrate. Even in those instances, you may be required to prepare and submit an **Order of Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(b), to the judge.

Once a general magistrate has been appointed to your case, the general magistrate will assign a time and place for a **hearing** as soon as reasonably possible after the referral is made. The general magistrate will give notice of that hearing to each of the parties directly or will direct a party or attorney in the case to file and serve a notice of hearing on the other party. If you are asked to send the notice of hearing, you will need to use the form entitled **Notice of Hearing Before General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(c). Regardless of who prepares the notice of hearing, the moving party (the one who requested referral to the general magistrate) is required to have the notice properly served on the other party.

These forms should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

### **What should I do next?**

Instructions for Florida Family Law Rules of Procedure Forms 12.920(a), Motion for Referral to General Magistrate, 12.920(b), Order of Referral to General Magistrate, and 12.920(c), Notice of Hearing Before General Magistrate (09/12)

If you are filing a **Motion for Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(a), you need to send or deliver your motion directly to the judge assigned to your case, along with an **Order of Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(b), and an addressed, stamped envelope for each party in the case. The judge will then either grant or deny the motion, usually without a hearing.

If you are required to submit an **Order of Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(b), to the judge assigned to your case, you will need to send or deliver the order directly to the judge, along with addressed, stamped envelopes for each party in the case.

The party who prepares any of these forms must file the original with the clerk of the circuit court. A copy of the motion must be served on any other party in your case. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

**Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms.** The words that are in **bold underline** in these instructions are defined there. For further information, see Florida Family Law Rule of Procedure 12.490.

### **Special notes...**

**IMPORTANT: After the judge refers your case to a general magistrate, either party (including the party who was required to prepare and submit the Order of Referral) may object to the referral within 10 days of the date that the referral is made (if the Order of Referral is served by mail, the parties have an additional 5 days within which to object to the referral). Every litigant is entitled to have his or her case heard by a judge.** However, before you decide to object to an Order of Referral to General Magistrate, you should consider the potential extra costs and time delays that may result from having a judge hear your case instead of a general magistrate. You may want to speak with an attorney in your area who can assist you in making a more informed decision regarding whether you should file an objection to an Order of Referral to General Magistrate.

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 Rules of Procedure Form 12.900(a), 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.

Instructions for Florida Family Law Rules of Procedure Forms 12.920(a), Motion for Referral to General Magistrate, 12.920(b), Order of Referral to General Magistrate, and 12.920(c), Notice of Hearing Before General Magistrate (09/12)

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### MOTION FOR REFERRAL TO GENERAL MAGISTRATE

I, *{full legal name}* \_\_\_\_\_, request that the Court enter an order referring this case to a general magistrate. The case should be referred to a general magistrate on the following issues: *{explain}*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that a copy of this document was [check all used]: ( ) e-mailed ( ) mailed ( ) faxed  
( ) hand delivered to the person(s) listed below on *{date}* \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Party or his/her attorney:  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_



E-mail Address(es): \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent  
This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,  
*{name of business}* \_\_\_\_\_,  
*{address}* \_\_\_\_\_,  
*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent.

### ORDER OF REFERRAL TO GENERAL MAGISTRATE

THIS CASE IS REFERRED TO THE GENERAL MAGISTRATE on the following issues:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

AND ANY OTHER MATTER RELATED THERETO.

IT IS FURTHER ORDERED that the above issues are referred to General Magistrate

{name} \_\_\_\_\_,  
for further proceedings, under rule 12.490 of the Florida Family Law Rules of Procedure and current administrative orders of the Court. Financial Affidavits, Florida Family Law Rules of Procedure Form 12.902(b) or (c), shall be filed in accordance with Florida Family Law Rule of Procedure 12.285. The General Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any.

The General Magistrate shall assign a time for the proceedings as soon as reasonably possible after this referral is made and shall give notice to each of the parties either directly or by directing counsel or a party to file and serve a notice of hearing.

Counties within the State of Florida may have different rules. Please consult the ( ) Clerk of the Court ( ) Family Law Intake Staff ( ) other \_\_\_\_\_ relating to this procedure.

**A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE REFERRAL.**

If either party files a timely objection, this matter shall be returned to the undersigned judge with a notice stating the amount of time needed for hearing.

**REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT EXCEPTIONS.**

YOU ARE ADVISED THAT IN THIS CIRCUIT:

- a. \_\_\_\_ electronic recording is provided by the court. A party may provide a court reporter at that party's expense.
- b. \_\_\_\_ a court reporter is provided by the court.

**SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.**

ORDERED on \_\_\_\_\_.

---

CIRCUIT JUDGE

COPIES TO:  
Petitioner (or his or her attorney)  
Respondent (or his or her attorney)

Florida Family Law Rules of Procedure Form 12.920(b), Order of Referral to General Magistrate (09/12)

General Magistrate

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### NOTICE OF HEARING BEFORE GENERAL MAGISTRATE

[fill in **all** blanks]

TO: \_\_\_\_\_

There will be a hearing before General Magistrate *{name of general magistrate}* \_\_\_\_\_,  
on *{date}* \_\_\_\_\_, at *{time}* \_\_\_\_ m., in Room \_\_\_\_\_ of the \_\_\_\_\_  
Courthouse, on the following issues: \_\_\_\_\_

\_\_\_\_\_ hour(s) \_\_\_\_\_ minutes have been reserved for this hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

**If the matter before the General Magistrate is a Motion for Civil Contempt/Enforcement, FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.**

PLEASE GOVERN YOURSELF ACCORDINGLY.

**This part to be filled out by the court or filled in with information you have obtained from the court:**

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:**

\_\_\_\_\_  
*{identify applicable court personnel by name, address, and telephone number}*

**at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

**SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.**

YOU ARE HEREBY ADVISED THAT IN THIS CIRCUIT:

- a. \_\_\_\_\_ electronic recording is provided by the court. A party may provide a court reporter at that party's expense.
- b. \_\_\_\_\_ a court reporter is provided by the court.

If you are represented by an attorney or plan to retain an attorney for this matter you should notify the attorney of this hearing.

If this matter is resolved, the moving party shall contact the General Magistrate's Office to cancel this hearing.

I certify that a copy of this document was [**check all used**]: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Party or his/her Attorney  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

Florida Bar Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_ *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE  
FORM 12.930(a), NOTICE OF SERVICE OF STANDARD FAMILY LAW  
INTERROGATORIES (09/12)**

**When should this form be used?**

You should use this form to tell the court that you are asking the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. The standard family law interrogatories are designed to supplement the information provided in the **Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should carefully read the standard interrogatory forms, Florida Family Law Rules of Procedure Form 12.930(b) and (c), to determine which questions, if any, the other party needs to answer in order to provide you with information not covered by the financial affidavit forms.

This form should be typed or printed in black ink. You must indicate whether you are sending the interrogatories for original and enforcement proceedings **or** the interrogatories for modification proceedings. You must also indicate which questions you are asking the other party to answer. After completing this form you should **file** the original with the **clerk of the circuit court** in the county where your case was filed and keep a copy for your records.

**What should I do next?**

You must serve the other party with a copy of this form along with an original and a copy of the appropriate interrogatories, Florida Family Law Rules of Procedure Form 12.930(b) or (c), if service is by mail or hand delivery. You must serve a copy of this form and a copy of the interrogatories if service is by e-mail. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

**You may want to inform the other party of the following information:**

As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and serve you with the answers. **Service** of the answers must be in compliance with Florida Rule of Judicial Administration 2.516. His or her answers may be written on as many separate sheets of paper as necessary. He or she should number each page and indicate which question(s) he or she is answering, and be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. Do **not** file the original or a copy with the clerk of the circuit court except as provided in Florida Rule of Civil Procedure 1.340(e).



The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. **If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.**

### **Where can I look for more information?**

**Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms.** The words that are **bold underline** in these instructions are defined there. For further information, see Florida Family Law Rules of Procedure 12.280, 12.285, 12.340, and 12.380, and Florida Rules of Civil Procedure 1.280, 1.340, and 1.380.

### **Special notes...**

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 Rules of Procedure Form 12.900(a), 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### NOTICE OF SERVICE OF STANDARD FAMILY LAW INTERROGATORIES

I, {full legal name} \_\_\_\_\_, have on {date} \_\_\_\_\_,  
served upon {name of person served} \_\_\_\_\_,  
to be answered under oath within 30 days after service, the Standard Family Law Interrogatories for  
[check **one** only]

(  ) Original or Enforcement Proceedings (  ) Modification Proceedings

I am requesting that the following standard questions be answered: [check **all** that apply]

\_\_\_\_\_ 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_ 7  
Background Education Employment Assets Liabilities Miscellaneous Long Form  
Information Affidavit

In addition, I am requesting that the attached {#} \_\_\_\_\_ questions be answered.

I certify that a copy of this document was [check **all used**]: (  ) e-mailed (  ) mailed (  ) faxed  
(  ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

#### Other party or his/her attorney:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Party or his/her Attorney  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

Florida Bar Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.930(b), STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS (09/12)**

### **When should this form be used?**

This form should be used to ask the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. If the other party fails to answer the questions, you may ask the **judge** to order the other party to answer the questions. (You cannot ask these questions before the **petition** has been **filed**.)

The questions in this form should be used in **original proceedings** or **enforcement proceedings** and are meant to supplement the information provided in the **Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should read all of the questions in this form to determine which questions, if any, the other party needs to answer in order to provide you with information not covered in the financial affidavit forms. If there are questions to which you already know the answer, you may choose not to ask them.

This form should be typed or printed in black ink. You must complete the box at the beginning of this form to indicate which questions you are requesting that the other party answer.

You must serve the other party with an original and a copy of these interrogatories and a copy of the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), if by mail or hand delivery. You must serve an original of these interrogatories and a copy of the **Notice**, if by e-mail. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

You should also keep a copy for your records. You should not file this form with the clerk of the circuit court. However, you must file the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure 12.930(a), to tell the court that you have sent this form to the other party.

### **Where can I look for more information?**

**Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms.** The words that are in **bold underline** in these instructions are defined there. For further information, see the instructions for **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), Florida Family Law Rules of Procedure 12.280, 12.285, 12.340, and 12.380; and Florida Rules of Civil Procedure 1.280, 1.340, and 1.380.

Instructions for Florida Family Law Rules of Procedure Form 12.930(b), Standard Family Law Interrogatories for Original or Enforcement Proceedings (09/12)

### Special notes...

In addition to the standard questions in this form, you may ask up to 10 additional questions. You should type or print legibly your additional questions on a separate sheet of paper and attach it to this form. If you want to ask more than 10 additional questions, you will need to get permission from the judge.

**You may want to inform the other party of the following information:** As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and serve you with the answers. **Service** of the answers must be in accordance with Florida Rule of Judicial Administration 2.516. His or her answers shall be written in the blank space provided after each separately numbered interrogatory. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories. He or she should be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. **DO NOT FILE THE ORIGINAL OR A COPY WITH THE CLERK OF THE COURT EXCEPT AS PROVIDED BY FLORIDA RULE OF CIVIL PROCEDURE 1.340(e) AND IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.425.** The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.

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 Rules of Procedure Form 12.900(a), 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.



**1. BACKGROUND INFORMATION:**

- a. State your full legal name and any other name by which you have been known.
- b. State your present residence and telephone numbers.

**2. EDUCATION:**

- a. List all business, commercial, and professional licenses that you have obtained.
- b. List all of your education including, but not limited to, vocational or specialized training, including the following:
  - (1) name and address of each educational institution.
  - (2) dates of attendance.
  - (3) degrees or certificates obtained or anticipated dates of same.

**3. EMPLOYMENT:**

- a. For each place of your employment or self-employment during the last 3 years, state the following:
  - (1) name, address, and telephone number of your employer.
  - (2) dates of employment.
  - (3) job title and brief description of job duties.
  - (4) starting and ending salaries.
  - (5) name of your direct supervisor.
  - (6) all benefits received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

- b. Other than as an employee, if you have been engaged in or associated with any business, commercial, or professional activity within the last 3 years that was not detailed above, state for each such activity the following:
  - (1) name, address, and telephone number of each activity.
  - (2) dates you were connected with such activity.
  - (3) position title and brief description of activities.
  - (4) starting and ending compensation.
  - (5) name of all persons involved in the business, commercial, or professional activity with you.
  - (6) all benefits and compensation received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.
  
- c. If you have been unemployed at any time during the last 3 years, state the dates of unemployment. If you have not been employed at any time in the last 3 years, give the information requested above in question 3.a for your last period of employment.

4. **ASSETS:**

- a. **Real Estate.** State the street address, if any, and if not, the legal description of all real property that you own or owned during the last 3 years. For each property, state the following:
  - (1) the names and addresses of any other persons or entities holding any interest and their percentage of interest.
  - (2) the purchase price, the cost of any improvements made since it was purchased, and the amount of any depreciation taken.
  - (3) the fair market value on the date of your separation from your spouse.
  - (4) the fair market value on the date of the filing of the petition for dissolution of marriage.
  
- b. **Tangible Personal Property.** List all items of tangible personal property that are owned by you or in which you have had any interest during the last 3 years including, but not limited to, motor



vehicles, tools, furniture, boats, jewelry, art objects or other collections, and collectibles whose fair market value exceeds \$100. For each item, state the following:

- (1) the percentage and type of interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest.
- (3) the date you acquired your interest.
- (4) the purchase price.
- (5) the present fair market value.
- (6) the fair market value on the date of your separation from your spouse.
- (7) the fair market value on the date of the filing of the petition for dissolution of marriage.

c. **Intangible Personal Property.** Other than the financial accounts (checking, savings, money market, credit union accounts, retirement accounts, or other such cash management accounts) listed in the answers to interrogatories 4.d and 4.e below, list all items of intangible personal property that are owned by you or in which you have had any ownership interest (including closed accounts) within the last 3 years, including but not limited to, partnership and business interests (including good will), deferred compensation accounts unconnected with retirement, including but not limited to stock options, sick leave, and vacation pay, stocks, stock funds, mutual funds, bonds, bond funds, real estate investment trust, receivables, certificates of deposit, notes, mortgages, and debts owed to you by another entity or person. For each item, state the following:

- (1) the percentage and type of interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest and the names and addresses of the persons and entities who are indebted to you.
- (3) the date you acquired your interest.
- (4) the purchase price, acquisition cost, or loaned amount.
- (5) the fair market value or the amounts you claim are owned by or owed to you:
  - (a) presently, at the time of answering these interrogatories.
  - (b) on the date of your separation from your spouse.
  - (c) on the date of the filing of the petition for dissolution of marriage.

**You may comply with this interrogatory (4.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. However, if the date of acquisition, the purchase price and the market valuations are not clearly reflected in the periodic statements which are furnished then these questions must be answered separately. You do not have to resubmit any periodic statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- d. **Retirement Accounts:** List all information regarding each retirement account/plan, including but not limited to defined benefit plans, 401k, 403B, IRA accounts, pension plans, Florida Retirement System plans (FRS), Federal Government plans, money purchase plans, HR10 (Keogh) plans, profit sharing plans, annuities, employee savings plans, etc. that you have established and/or that have been established for you by you, your employer, or any previous employer. For each account, state the following:
- (1) the name and last 4 digits of the account number of each account/plan and where it is located.
  - (2) the type of account/plan.
  - (3) the name and address of the fiduciary plan administrator/service representative.
  - (4) the fair market value of your interest in each account/plan.
    - (a) present value.
    - (b) value on the date of separation.
    - (c) value on the date of filing of the petition for dissolution of marriage
  - (5) whether you are vested or not vested; and if vested, in what amount, as of a certain date and the schedule of future vesting.
  - (6) the date at which you became/become eligible to receive some funds in this account/plan.
  - (7) monthly benefits of the account/plan if no fair market value is ascertained.
  - (8) beneficiary(ies) and/or alternate payee(s).
- e. **Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of each institution.
  - (2) name in which the account is or was maintained.
  - (3) the last 4 digits of account numbers.
  - (4) name of each person authorized to make withdrawals from the accounts.
  - (5) highest balance within each of the preceding 3 years.
  - (6) lowest balance within each of the preceding 3 years.

**You may comply with this interrogatory (4.e) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished pursuant to rule 12.285 (Mandatory Disclosure).**

- f. **Closed Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) closed within the last 3 years, in which you have had any legal or equitable interest, regardless of whether the interest is or was

held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) the last 4 digits of account numbers.
- (4) name of each person authorized to make withdrawals from the accounts.
- (5) date account was closed.

- g. **Trust.** For any interest in an estate, trust, insurance policy, or annuity, state the following:
- (1) If you are the beneficiary of any estate, trust, insurance policy, or annuity, give for each one the following:
    - (a) identification of the estate, trust, insurance policy, or annuity.
    - (b) the nature, amount, and frequency of any distributions of benefits.
    - (c) the total value of the beneficiaries' interest in the benefit.
    - (d) whether the benefit is vested or contingent.
  - (2) If you have established any trust or are the trustee of a trust, state the following:
    - (a) the date the trust was established.
    - (b) the names and addresses of the trustees.
    - (c) the names and addresses of the beneficiaries.
    - (d) the names and addresses of the persons or entities who possess the trust documents.
    - (e) each asset that is held in each trust, with its fair market value.
- h. **Canceled Life Insurance Policies.** For all policies of life insurance within the preceding 3 years that you no longer hold, own, or have any interest in, state the following:
- (1) name of company that issued the policy and last 4 digits of policy number.
  - (2) name, address, and telephone number of agent who issued the policy.
  - (3) amount of coverage.
  - (4) name of insured.
  - (5) name of owner of policy.
  - (6) name of beneficiaries.
  - (7) premium amount.
  - (8) date the policy was surrendered.
  - (9) amount, if any, of monies distributed to the owner.

- i. **Name of Accountant, Bookkeeper, or Records Keeper.** State the names, addresses, and telephone numbers of your accountant, bookkeeper, and any other persons who possess your financial records, and state which records each possesses.
  
- j. **Safe Deposit Boxes, Lock Boxes, Vaults, Etc.** For all safe deposit boxes, lock boxes, vaults, or similar types of depositories, state the following:
  - (1) The names and addresses of all banks, depositories, or other places where, at any time during the period beginning 3 years before the initiation of the action, until the date of your answering this interrogatory, you did any of the following:
    - (a) had a safe deposit box, lock box, or vault.
    - (b) were a signatory or co-signatory on a safe deposit box, lock box, or vault.
    - (c) had access to a safe deposit box, lock box, or vault.
    - (d) maintained property.
  - (2) The box or identification numbers and the name and address of each person who has had access to any such depository during the same time period.
  - (3) All persons who have possession of the keys or combination to the safe deposit box, lock box, or vault.
  - (4) Any items removed from any safe deposit boxes, lock boxes, vaults, or similar types of depositories by you or your agent during that time, together with the present location and fair market value of each item.
  - (5) All items in any safe deposit boxes, lock boxes, vaults, or similar types of depositories and fair market value of each item.

5. **LIABILITIES:**

- a. **Loans, Liabilities, Debts, and Other Obligations.** For all loans, liabilities, debts, and other obligations (other than credit cards and charge accounts) listed in your Financial Affidavit, indicate for each the following:
  - (1) name and address of the creditor.
  - (2) name in which the obligation is or was incurred.
  - (3) last 4 digits of loan or account number, if any.
  - (4) nature of the security, if any.
  - (5) payment schedule.
  - (6) present balance and current status of your payments.
  - (7) total amount of arrearage, if any.
  - (8) balance on the date of your separation from your spouse.

(9) balance on the date of the filing of the petition for dissolution of marriage.

**You may comply with this interrogatory (5.a) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- b. **Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of the creditor.
  - (2) name in which the account is or was maintained.
  - (3) names of each person authorized to sign on the accounts.
  - (4) last 4 digits of account numbers.
  - (5) present balance and current status of your payments.
  - (6) total amount of arrearage, if any.
  - (7) balance on the date of your separation from your spouse.
  - (8) balance on the date of the filing of the petition for dissolution of marriage.
  - (9) highest and lowest balance within each of the preceding 3 years.

**You may comply with this interrogatory (5.b) by providing copies of all periodic (monthly quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- c. **Closed Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) closed with no remaining balance, within the last 3 years, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of each creditor.
  - (2) name in which the account is or was maintained.
  - (3) last 4 digits of account numbers.
  - (4) names of each person authorized to sign on the accounts.
  - (5) date the balance was paid off.

(6) amount of final balance paid off.

**You may comply with this interrogatory (5.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

**6. MISCELLANEOUS:**

- a. If you are claiming an unequal distribution of marital property or enhancement or appreciation of nonmarital property, state the amount claimed and all facts upon which you rely in your claim.
- b. If you are claiming an asset or liability is nonmarital, list the asset or liability and all facts upon which you rely in your claim.
- c. If the mental or physical condition of a spouse or child is an issue, identify the person and state the name and address of all health care providers involved in the treatment of that person for said mental or physical condition.
- d. Detail your proposed parenting plan for the minor child(ren), including your proposed time-sharing schedule. Alternatively, attach a copy of your proposed parenting plan.
- e. If you are claiming that the other parent's time-sharing with the minor child(ren) should be limited, supervised, or otherwise restricted, or that you should have sole parental responsibility for the minor child(ren), with or without time-sharing with the other parent, or that you should have ultimate responsibility over specific aspects of the child(ren)'s welfare or that these responsibilities should be divided between you and the other parent, state your reasons and all facts which you rely upon to support your claim.

- 7. LONG FORM AFFIDAVIT:** If you filed the short form affidavit, Florida Family Law Rules of Procedure Form 12.902(b), and you were specifically requested in the Notice of Service of Standard Family Law Interrogatories to file the Long Form Affidavit, Form 12.902(c), you must do so within the time to serve the answers to these interrogatories.

I certify that a copy of this document was [check all used]: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

**I understand that I am swearing or affirming under oath to the truthfulness of the answers to these interrogatories and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or deputy clerk.]

\_\_\_\_ Personally known  
\_\_\_\_ Produced identification  
\_\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.



## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.930(c), STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS (09/12)**

### **When should this form be used?**

This form should be used to ask the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. If the other party fails to answer the questions, you may ask the **judge** to order the other party to answer the questions. (You cannot ask these questions before the **petition** has been **filed**.)

The questions in this form should be used in **modification proceedings** and are meant to supplement the information provided in the **Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should read all of the questions in this form to determine which questions, if any, the other party needs to answer in order to provide you with information not covered in the financial affidavit forms. If there are questions to which you already know the answer, you may choose not to ask them.

This form should be typed or printed in black ink. You must complete the box at the beginning of this form to indicate which questions you are requesting that the other party answer.

You must serve the other party with an original and a copy of these interrogatories and a copy of the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), if by mail or hand delivery. You must serve an original of these interrogatories and a copy of the **Notice**, if by e-mail. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

You should also keep a copy for your records. You should not file this form with the clerk of the circuit court. However, you must file the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to tell the court that you have sent this form to the other party.

After you receive the completed answers to the interrogatories, **DO NOT FILE THE ORIGINAL OR A COPY WITH THE CLERK OF THE COURT UNLESS THE ANSWERS ARE ADMITTED INTO EVIDENCE BY THE COURT AND ARE IN COMPLIANCE WITH FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.425**

### **Where can I look for more information?**

Instructions for Florida Family Law Rules of Procedure Form 12.930(c), Standard Family Law Interrogatories for Modification Proceedings (09/12)

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** The words that are in **bold underline** in these instructions are defined there. For further information, see the instructions for **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), Florida Family Law Rules of Procedure 12.280, 12.285, 12.340, and 12.380; and Florida Rules of Civil Procedure 1.280, 1.340, and 1.380.

### **Special notes**

In addition to the standard questions in this form, you may ask up to 10 additional questions. You should type or print legibly your additional questions on a separate sheet of paper and attach it to this form. If you want to ask more than 10 additional questions, you will need to get permission from the judge.

**You may want to inform the other party of the following information:** As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and serve you with the answers. **Service** of the answers must be in accordance with Florida Rule of Judicial Administration 2.516. His or her answers shall be written in the blank space provided after each separately numbered interrogatory. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories. He or she should be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. **DO NOT FILE THE ORIGINAL OR A COPY WITH THE CLERK OF THE CIRCUIT COURT UNLESS THE ANSWERS ARE ADMITTED INTO EVIDENCE BY THE COURT AND ARE IN COMPLIANCE WITH THE REQUIREMENTS OF FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.425.** The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.

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 Rules of Procedure Form 12.900(a), 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.



**1. BACKGROUND INFORMATION:**

- a. State your full legal name and any other name by which you have been known.
- b. State your present residence and telephone numbers.

**2. EDUCATION:**

- a. List all business, commercial, and professional licenses that you have obtained since the entry of the Final Judgment sought to be modified.
- b. List all of your education since the entry of the Final Judgment sought to be modified including, but not limited to, vocational or specialized training, including the following:
  - (1) name and address of each educational institution.
  - (2) dates of attendance.
  - (3) degrees or certificates obtained or anticipated dates of same.

**3. EMPLOYMENT:**

- a. For each place of your employment or self-employment since the entry of the Final Judgment sought to be modified, state the following:
  - (1) name, address, and telephone number of your employer.
  - (2) dates of employment.
  - (3) job title and brief description of job duties.
  - (4) starting and ending salaries.
  - (5) name of your direct supervisor.
  - (6) all benefits received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

- b. Other than as an employee, if you have been engaged in or associated with any business, commercial, or professional activity since the entry of the Final Judgment sought to be modified that was not detailed above, state for each such activity the following:
  - (1) name, address, and telephone number of each activity.
  - (2) dates you were connected with such activity.
  - (3) position title and brief description of activities.
  - (4) starting and ending compensation.
  - (5) name of all persons involved in the business, commercial, or professional activity with you.
  - (6) all benefits and compensation received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.
  
- c. If you have been unemployed at any time since the entry of the Final Judgment sought to be modified, state the dates of unemployment. If you have not been employed at any time since the entry of the Final Judgment sought to be modified, give the information requested above in question 3.a for your last period of employment.

**4. ASSETS:**

- a. **Real Estate.** State the street address, if any, and if not, the legal description of all real property that you own or owned during the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. For each property, state the following:
  - (1) the names and addresses of any other persons or entities holding any interest and their percentage of interest.
  - (2) the present fair market value.
  
- b. **Tangible Personal Property.** List all items of tangible personal property that are owned by you or in which you have had any interest during the last 3 years, or since the entry of the Final

Judgment sought to be modified, if shorter, including, but not limited to, motor vehicles, tools, furniture, boats, jewelry, art objects or other collections, and collectibles whose fair market value exceeds \$100. For each item, state the following:

- (1) the percentage and type of interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest.
- (3) the present fair market value.

- c. **Intangible Personal Property.** Other than the financial accounts (checking, savings, money market, credit union accounts, retirement accounts, or other such cash management accounts) listed in the answers to interrogatories 4.d and 4.e below, list all items of intangible personal property that are owned by you or in which you have had any ownership interest (including closed accounts) within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, including but not limited to, partnership and business interests (including good will), deferred compensation accounts unconnected with retirement, including but not limited to stock options, sick leave, and vacation pay, stocks, stock funds, mutual funds, bonds, bond funds, real estate investment trust, receivables, certificates of deposit, notes, mortgages, and debts owed to you by another entity or person. For each item, state the following:

- (1) the percentage and type of interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest and the names and addresses of the persons and entities who are indebted to you
- (3) the present fair market value or the amounts you claim are owned by or owed to you, at the time of answering these interrogatories.

**You may comply with this interrogatory (4.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. However, if the date of acquisition, the purchase price and the market valuations are not clearly reflected in the periodic statements which are**

**furnished, then these questions must be answered separately. You do not have to resubmit any periodic statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- d. **Retirement Accounts:** List all information regarding each retirement account/plan, including but not limited to defined benefit plans, 401k, 403B, IRA accounts, pension plans, Florida Retirement System plans (FRS), Federal Government plans, money purchase plans, HR10 (Keogh) plans, profit sharing plans, annuities, employee savings plans, etc. that you have established and/or that have been established for you by you, your employer, or any previous employer. For each account, state the following:
- (1) the name and last 4 digits of the account number of each account/plan and where it is located.
  - (2) the type of account/plan.
  - (3) the name and address of the fiduciary plan administrator/service representative.
  - (4) the present fair market value of your interest in each account/plan.
  - (5) whether you are vested or not vested; and if vested, in what amount, as of a certain date and the schedule of future vesting.
  - (6) the date at which you became/become eligible to receive some funds in this account/plan.
  - (7) monthly benefits of the account/plan if no fair market value is ascertained.
  - (8) beneficiary(ies) and/or alternate payee(s).
- e. **Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of each institution.
  - (2) name in which the account is or was maintained.
  - (3) last 4 digits of account numbers.
  - (4) names of each person authorized to make withdrawals from the accounts.
  - (5) highest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.
  - (6) lowest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.

**You may comply with this interrogatory (4.e) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished pursuant to rule 12.285 (Mandatory Disclosure).**

- f. **Closed Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) closed within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of each institution.
  - (2) name in which the account is or was maintained.
  - (3) last 4 digits of account numbers.
  - (4) name of each person authorized to make withdrawals from the accounts.
  - (5) date account was closed.
- g. **Trust.** For any interest in an estate, trust, insurance policy, or annuity, state the following:
- (1) If you are the beneficiary of any estate, trust, insurance policy, or annuity, give for each one the following:
    - (a) identification of the estate, trust, insurance policy, or annuity.
    - (b) the nature, amount, and frequency of any distributions of benefits.
    - (c) the total value of the beneficiaries' interest in the benefit.
    - (d) whether the benefit is vested or contingent.



- (2) If you have established any trust or are the trustee of a trust, state the following:
- (a) the date the trust was established.
  - (b) the names and addresses of the trustees.
  - (c) the names and addresses of the beneficiaries.
  - (d) the names and addresses of the persons or entities who possess the trust documents.
  - (e) each asset that is held in each trust, with its fair market value.

- h. **Name of Accountant, Bookkeeper, or Records Keeper.** State the names, addresses, and telephone numbers of your accountant, bookkeeper, and any other persons who possess your financial records, and state which records each possesses.

5. **LIABILITIES:**

- a. **Loans, Liabilities, Debts, and Other Obligations.** For all loans, liabilities, debts, and other obligations (other than credit cards and charge accounts) listed in your Financial Affidavit, indicate for each the following:
- (1) name and address of the creditor.
  - (2) name in which the obligation is or was incurred.
  - (3) last 4 digits of loan or account number, if any.
  - (4) nature of the security, if any.
  - (5) payment schedule.
  - (6) present balance and current status of your payments.
  - (7) total amount of arrearage, if any.

**You may comply with this interrogatory (5.a) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 Mandatory Disclosure).**

- b. **Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of the creditor.
  - (2) name in which the account is or was maintained.
  - (3) name of each person authorized to sign on the accounts.
  - (4) last 4 digits of account numbers.
  - (5) present balance and current status of your payments.
  - (6) total amount of arrearage, if any.
  - (7) highest and lowest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.

**You may comply with this interrogatory (5.b) by providing copies of all periodic (monthly quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- c. **Closed Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) closed with no remaining balance, within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of each creditor.
  - (2) name in which the account is or was maintained.
  - (3) last 4 digits of account numbers.

- (4) name of each person authorized to sign on the accounts.
- (5) date the balance was paid off.
- (6) amount of final balance paid off.

**You may comply with this interrogatory (5.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

**6. MISCELLANEOUS:**

- a. If you are claiming a diminished earning capacity since the entry of the Final Judgment sought to be modified as grounds to modify alimony or deviate from the child support established in your case, describe in detail how your earning capacity is lowered and state all facts upon which you rely in your claim. If unemployed, state how, why, and when you lost your job.
- b. If you are claiming a change in mental or physical condition since the entry of the Final Judgment sought to be modified as grounds to modify alimony or change the child support established in your case, describe in detail how your mental and/or physical capacity has changed and state all facts upon which you rely in your claim. Identify the change in your mental and/or physical capacity, and state the name and address of all health care providers involved in the treatment of this mental or physical condition.
- c. If you are requesting a change in shared or sole parental responsibility, ultimate decision-making, the time-sharing schedule, the parenting plan, or any combination thereof, for the minor child(ren), describe in detail the change in circumstances since the entry of the Final Judgment sought to be modified that you feel justify the requested change. State when the change of circumstances occurred, how the change or circumstances affects the child(ren), and why it is in the best interests of the child(ren) that the Court make the requested change. Attach your proposed parenting plan.
- d. If you do not feel the requested change in shared or sole parental responsibility, ultimate decision-making, the time-sharing schedule, the parenting plan, or any combination thereof, for the minor child(ren) is in their best interests, or if you feel there has not been a change in circumstances since the entry of the Final Judgment sought to be modified, describe in detail any facts since the entry of the Final Judgment sought to be modified that you feel justify the Court denying the requested change. State what requested change, if any, in shared or sole

parenting responsibility, ultimate decision-making, the time-sharing schedule, or of the parenting plan is justified or agreeable to you and why it is in the best interests of the child(ren).

7. **LONG FORM AFFIDAVIT:** If you filed the Short Form Affidavit, Florida Family Law Rules of Procedure Form 12.902(b), and you were specifically requested in the Notice of Service of Standard Family Law Interrogatories to file the Long Form Affidavit, Form 12.902(c), you must do so within the time to serve the answers to these interrogatories.

I certify that a copy of this document was **[check all used]**: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on *{date}*\_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

**I understand that I am swearing or affirming under oath to the truthfulness of the answers to these interrogatories and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Florida Family Law Rules of Procedure Form 12.930(c), Standard Family Law Interrogatories for Modification Proceedings (09/12)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or  
deputy clerk.]

\_\_\_\_ Personally known  
\_\_\_\_ Produced identification  
\_\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**  
[fill in **all** blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent  
This form was completed with the assistance of:  
*{name of individual}* \_\_\_\_\_,  
*{name of business}* \_\_\_\_\_,  
*{address}* \_\_\_\_\_,  
*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.932, CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE (09/12)**

### **When should this form be used?**

**Mandatory disclosure** requires each **party** in a **dissolution of marriage** case to provide the other party with certain financial information and documents. These documents must be served on the other party within 45 days of **service** of the petition for **dissolution of marriage** or supplemental petition for modification on the **respondent**. The mandatory disclosure rule applies to all original and **supplemental** dissolution of marriage cases, except simplified dissolution of marriage cases and cases where the respondent is served by **constructive service** and does not answer. You should use this form to notify the court and the other party that you have complied with the mandatory disclosure rule.

**Each party must provide the other party with the documents listed in section 2 of this form if the relief being sought is permanent regardless of whether it is an initial or supplemental proceeding. ONLY THE ORIGINAL OF THE COMPLETED FORM IS FILED WITH THE COURT. EXCEPT FOR THE FINANCIAL AFFIDAVIT AND CHILD SUPPORT GUIDELINES WORKSHEET, NO DOCUMENTS SHALL BE FILED IN THE COURT FILE WITHOUT A PRIOR COURT ORDER. THE DOCUMENTS LISTED ON THE FORM ARE TO BE GIVEN TO THE OTHER PARTY.** If your individual gross annual income is under \$50,000, you should complete the **Family Law Financial Affidavit (Short Form)**, Florida Family Law Rules of Procedure Form 12.902(b). If your individual gross annual income is \$50,000 or more, you should complete the **Family Law Financial Affidavit (Long Form)**, Florida Family Law Rules of Procedure Form 12.902(c).

In addition, there are separate mandatory disclosure requirements that apply to **temporary financial hearings**, which are listed in section 1 of this form. The party seeking temporary financial relief must serve these documents on the other party with the notice of temporary financial hearing. The responding party must serve the required documents on the party seeking temporary relief. Service by e-mail **or** mail shall be at least 7 days before the temporary financial relief hearing. Service by delivery shall be no later than 5:00 p.m., 2 business days before the hearing. Any documents that have already been served under the requirements for temporary or initial proceedings do not need to be reserved again in the same proceeding. If a supplemental petition is filed, seeking modification, then the mandatory disclosure requirements begin again.

This form should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records. A copy of this form must be served on any other party in your case. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

Instructions to Florida Family Law Rules of Procedure Form 12.932, Certificate of Compliance with Mandatory Disclosure (09/12)

## What should I do next?

After you have provided the other party all of the financial information and documents and have filed this form certifying that you have complied with this rule, you are under a continuing duty to promptly give the other party any information or documents that change your financial status or that make the information already provided inaccurate. You should not file with the clerk any of the documents listed in the certificate of compliance other than the financial affidavit and the child support guidelines worksheet. Refer to the instructions regarding the petition in your case to determine how you should proceed after filing this form.

## Where can I look for more information?

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** The words that are in bold underline in these instructions are defined there. For further information, see Florida Family Law Rule of Procedure 12.285.

## Special notes...

You may provide copies of required documents; however, the originals must be produced for inspection if the other party requests to see them.

Although the financial affidavits are based on individual gross income, either party may ask the other party to complete the **Family Law Financial Affidavit (Long Form)**, Florida Family Law Rules of Procedure Form 12.902(c), by serving the appropriate interrogatory form. (See **Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(b) (original proceedings) or (c) (modification proceedings)).

Any portion of the mandatory disclosure rule may be modified by order of the judge or agreement of the parties. Therefore, you and your spouse may agree that you will not require each other to produce the documents required under the mandatory disclosure rule. This exception does **not** apply to the **Financial Affidavit**, Family Law Rules of Procedure Form 12.902(b) or (c), which is required in all cases and cannot be waived.

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), 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.

Instructions to Florida Family Law Rules of Procedure Form 12.932, Certificate of Compliance with Mandatory Disclosure (09/12)

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

## CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE

**ONLY THE ORIGINAL OF THIS COMPLETED FORM IS  
FILED WITH THE COURT. EXCEPT FOR THE FINANCIAL  
AFFIDAVIT AND CHILD SUPPORT GUIDELINES WORKSHEET,  
NO DOCUMENTS SHALL BE FILED IN THE COURT FILE  
WITHOUT A PRIOR COURT ORDER. THE DOCUMENTS  
LISTED BELOW ARE TO BE GIVEN TO THE OTHER PARTY.**

I, *{full legal name}* \_\_\_\_\_, certify that I have  
complied with the mandatory disclosure required by Florida Family Law Rule 12.285 as follows:

### 1. FOR TEMPORARY FINANCIAL RELIEF, ONLY:

The date the following documents were served: \_\_\_\_\_.

[Check **all** that apply]

- a. \_\_\_\_ Financial Affidavit
  - ( ) Florida Family Law Rules of Procedure Form 12.902(b) (short form)
  - ( ) Florida Family Law Rules of Procedure Form 12.902(c) (long form)
- b. \_\_\_\_ All personal (1040) federal tax, gift tax, and intangible personal property tax returns for the preceding year; **or**
  - ( ) Transcript of tax return as provided by IRS form 4506-T; **or**
  - ( ) IRS forms W-2, 1099, and K-1 for the past year because the income tax return for the past year has not been prepared.
- c. \_\_\_\_ Pay stubs or other evidence of earned income for the 3 months before the service of the financial affidavit.

### 2. FOR INITIAL, SUPPLEMENTAL, AND PERMANENT FINANCIAL RELIEF:

The date the following documents were served: \_\_\_\_\_.

[Check **all** that apply]

- a. \_\_\_\_ Financial Affidavit

Florida Family Law Rules of Procedure Form 12.932, Certificate of Compliance with Mandatory Disclosure  
(09/12)



- ( ) Florida Family Law Rules of Procedure Form 12.902(b) (short form)  
 ( ) Florida Family Law Rules of Procedure Form 12.902(c) (long form)
- b. \_\_\_ All personal (1040) federal and state income tax returns, gift tax returns, and intangible personal property tax returns for the preceding 3 years;  
 ( ) IRS forms W-2, 1099, and K-1 for the past year because the income tax return for the past year has not been prepared.
- c. \_\_\_ Pay stubs or other evidence of earned income for the 3 months before the service of the financial affidavit.
- d. \_\_\_ A statement identifying the source and amount of all income for the 3 months before the service of the financial affidavit, if not reflected on the pay stubs produced.
- e. \_\_\_ All loan applications and financial statements prepared for any purpose or used for any purpose within the 12 months preceding the service of the financial affidavit.
- f. \_\_\_ All deeds to real estate in which I presently own or owned an interest within the past 3 years. All promissory notes in which I presently own or owned an interest within the last 12 months. All present leases in which I own an interest.
- g. \_\_\_ All periodic statements for the last 3 months for all checking accounts and for the last year for all savings accounts, money market funds, certificates of deposit, etc.
- h. \_\_\_ All brokerage account statements for the last 12 months.
- i. \_\_\_ Most recent statement for any pension, profit sharing, deferred compensation, or retirement plan (for example, IRA, 401(k), 403(b), SEP, KEOGH, etc.) and summary plan description for any such plan in which I am a participant or alternate payee.
- j. \_\_\_ The declaration page, the last periodic statement, and the certificate for any group insurance for all life insurance policies insuring my life or the life of me or my spouse.
- k. \_\_\_ All health and dental insurance cards covering either me or my spouse and/or our dependent child(ren).
- l. \_\_\_ Corporate, partnership, and trust tax returns for the last 3 tax years, in which I have an ownership or interest greater than or equal to 30%.
- m. \_\_\_ All credit card and charge account statements and other records showing my (our) indebtedness as of the date of the filing of this action and for the prior 3 months. All promissory notes on which I presently owe or owed within the past year. All lease agreements I presently owe.
- n. \_\_\_ All premarital and marital agreements between the parties to this case.
- o. \_\_\_ If a modification proceeding, all written agreements entered into between the parties at any time since the order to be modified was entered.
- p. \_\_\_ All documents and tangible evidence relating to claims for an unequal distribution of marital property, enhancement or appreciation in nonmarital property, or nonmarital status of an asset or debt.
- q. \_\_\_ Any court order directing that I pay or receive spousal support (alimony) or child support.

I certify that a copy of this document was [check all used]: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the person(s) listed below on {date}\_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

**I understand that I am swearing or affirming under oath to the accuracy of my compliance with the mandatory disclosure requirements of Florida Family Law Rule of Procedure 12.285 and that, unless otherwise indicated with specificity, this disclosure is complete. I further understand that the punishment for knowingly making a false statement or incomplete disclosure includes fines and/or imprisonment.**

\_\_\_\_\_  
Signature of Party

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

- \_\_\_\_\_ Personally known
- \_\_\_\_\_ Produced identification
- \_\_\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS**

**BELOW:** [fill in **all** blanks] This form was prepared for the: *{choose only one}*

( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE

### FORM 12.996(b), NOTICE TO PAYOR (09/12)

#### When should this form be used?

This form should be used when an **Income Deduction Order** has been entered by the Court which is to take effect immediately.

This form should be typed or printed in black ink. After completing this form, the original of this form should be **filed** with the **clerk of the circuit court** in the county in which the action is pending. You should keep a copy for your own records.

#### What should I do next?

A copy of this form, and a copy of the Income Deduction Order, must be sent to the **obligor's** payor by certified mail, return receipt requested. The return receipt should be sent to the person that prepared this form so that it can be filed with the clerk along with Florida Family Law Rules of Procedure Form 12.996(c), **Notice of Filing Return Receipt**.

A copy of this form must also be served on the other party or his or her attorney. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

#### Where can I look for more information?

**Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms.** The words that are in "**bold underline**" in these instructions are defined there. For further information, see section 61.1301, Florida Statutes.

#### Special Instructions...

The Obligor's social security number must be written on the copies of the Notice to Payor that are mailed to the Obligor's Payor and served on the other party or his or her attorney. The social security number should **not** be written on the copy of the Notice to Payor filed with the court.

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), 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.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### NOTICE TO PAYOR

TO:

Name of Obligor's Payor: \_\_\_\_\_

Payor's Address: \_\_\_\_\_  
\_\_\_\_\_

RE:

**Obligor**

**Obligee**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Obligor's social security number:** \_\_\_\_\_.

**NOTE: The Obligor's social security number should be placed on the copy of the Notice to Payor that is mailed to the Obligor's Payor. This line should be left blank on the original Notice to Payor filed with the court.**

**YOU, THE PAYOR, ARE HEREBY NOTIFIED** that, under section 61.1301, Florida Statutes, you have the responsibilities and rights set forth below with regard to the accompanying Income Deduction Order and/or any attachment(s):

1. You are required to deduct from the obligor's income the amount specified in the income deduction order, and in the case of a delinquency the amount specified in the notice of delinquency, and to pay that amount to the State of Florida Disbursement Unit. The amount actually deducted plus all administrative charges shall not be excess of the amount allowed under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. §1673(b) as amended.
2. You must implement income deduction no later than the first payment date which occurs more than 14 days after the date the income deduction order was served on you, and you shall conform the amount specified in the income deduction order or, in Title IV-D cases, the income deduction notice, to the obligor's pay cycle. The court should request at the time of the order that the payment cycle will reflect that of the obligor.

3. You must forward, within 2 days after each date the obligor is entitled to payment from you, to the State of Florida Disbursement Unit, the amount deducted from the obligor's income, a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction order, or in Title IV-D cases, income deduction notice, and the specific date each deduction is made. If the IV-D agency is enforcing the order, you shall make these notifications to the agency.
4. If you fail to deduct the proper amount from the obligor's income, you are liable for the amount you should have deducted, plus costs, interest, and reasonable attorneys' fees;
5. You may collect up to \$5 against the obligor's income to reimburse you for administrative costs for the first income deduction and up to \$2 for each deduction thereafter.
6. The notice to payor, or, in Title IV-D cases, income deduction notice, and in the case of a delinquency, the notice of delinquency, are binding on you until further notice by the obligee, IV-D agency, or the court or until you no longer provide income to the obligor.
7. When you no longer provide income to the obligor, you shall notify the obligee and provide the obligor's last known address and the name and address of the obligor's new payor, if known. If you violate this provision, you are subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. If the IV-D agency is enforcing the order, you shall make these notifications to the agency instead of the obligee. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order.
8. You shall not discharge, refuse to employ, or take disciplinary action against an obligor because of the requirement for income deduction. A violation of this provision subjects you to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction, if any alimony or child support obligation is owing. If no alimony or child support obligation is owing, the penalty shall be paid to the obligor.
9. The obligor may bring a civil action in the courts of this state against a payor who refuses to employ, discharges, or otherwise disciplines an obligor because of income deduction. The obligor is entitled to reinstatement of all wages and benefits lost, plus reasonable attorneys' fees and costs incurred.
10. The requirement for income deduction has priority over all other legal processes under state law pertaining to the same income and that payment, as required by the notice to payor or the income deduction notice, is a complete defense by the payor against any claims of the obligor or his or her creditors as to the sum paid.
11. When you receive notices to payor or income deduction notices requiring that the income of two or more obligors be deducted and sent to the same depository, the payor may combine the amounts that are to be paid to the depository in a single payment as long as the payments attributable to each obligor are clearly identified.

12. If you receive more than one notice to payor or income deduction notice against the same obligor, the payor shall contact the court or, in Title IV-D cases, the Title IV-D agency for further instructions.
13. In a Title IV-D case, if an obligation to pay current support is reduced or terminated due to the emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, income deduction continues at the rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified.
14. All notices to the obligee shall be sent to the address provided in this notice to payor, or any place thereafter the obligee requests in writing.
15. An employer who employed 10 or more employees in any quarter during the preceding state fiscal year or who was subject to and paid tax to the Department of Revenue in an amount of \$20,000 or more shall remit support payments deducted pursuant to an income deduction order or income deduction notice and provide associated case data to the State Disbursement Unit by electronic means approved by the department. Payors who are required to remit support payments electronically can find more information on how to do so by accessing the State Disbursement Unit's website at [www.floridasdu.com](http://www.floridasdu.com) and clicking on "Payments." Payment options include Expert Pay, Automated Clearing House (ACH) credit through your financial institution, [www.myfloridacounty.com](http://www.myfloridacounty.com), or Western Union. Payors may contact the SDU Customer Service Employer telephone line at 1-888-833-0743.
16. Additional information regarding the implementation of this Notice to Payor may be found at [www.florida.sdu.com](http://www.florida.sdu.com).

I certify that a copy of this document was [check all used]: (  ) e-mailed (  ) mailed (  ) faxed (  ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
 Signature of Party or his/her attorney  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{street}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.996(c) NOTICE OF FILING RETURN RECEIPT (09/12)**

### **When should this form be used?**

This form should be used when an **Income Deduction Order**, Florida Family Law Rules of Procedure Form 12.996(a), is entered by the court and a **Notice to Payor**, Florida Family Law Rules of Procedure Form 12.996(b), has been sent by certified mail to the **obligor's payor**. When the post office returns the return receipt to you showing that the obligor's payor has received the **Notice to Payor**, you should type or print this form in black ink. After completing this form, you should sign it and attach the return receipt you received from the post office. The original of this form (and the attached return receipt) should be **filed** with the **clerk of the circuit court** in the county in which the action is pending. You should keep a copy for your own records.

### **What should I do next?**

A copy of this form must also be served on the other party or his or her attorney. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

**Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms.** The words that are in "**bold underline**" in these instructions are defined there. For further information, see section 61.1301, Florida Statutes.

### **Special notes...**

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 a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), 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.



IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

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

\_\_\_\_\_,  
Petitioner,  
and  
\_\_\_\_\_,  
Respondent.

### NOTICE OF FILING RETURN RECEIPT

{Name} \_\_\_\_\_, the [check only one] ( ) Petitioner ( ) Respondent, files the attached Return Receipt in reference to the Notice to Payor sent by certified mail to {Payor's name} \_\_\_\_\_, the [check only one] ( ) Petitioner's ( ) Respondent's employer.

I certify that a copy of this document was [check all used]: ( ) e-mailed ( ) mailed ( ) faxed ( ) hand delivered to the persons(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_  
Signature of Party or his/her Attorney

Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in all blanks] This form was prepared for the: *{choose only one}*

( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{street}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.