

Supreme Court of Florida

COPY

No. 84,337

IN RE: FAMILY LAW RULES OF PROCEDURE.

[February 1, 1996]

OVERTON, J.

We have for review a motion for clarification regarding the Florida Family Law Forms that we adopted in our opinion in In re Family Law Rules of Procedure, 663 So. 2d 1049 (Fla. 1995). We have jurisdiction. Art. V, § 2(a), Fla. Const.

In the motion, the movant asks that we clarify two inadvertent inconsistencies in form 12.901(a), Petition by Parties for Simplified Dissolution of Marriage. First, the movant notes that the form states that "[n]either party is a member of the military service," even though such a prohibition is not necessary to obtain a simplified dissolution. Second, the movant notes that the form requires the parties to sign before a

notary public but Appendix 1 of the forms states that the form is to be executed before a clerk of court. The Florida Bar's Family Law Rules Committee has filed a response in which it agrees that the inconsistencies should be corrected.

Accordingly, we amend Florida Family Law Form 12.901(a) to eliminate the requirement regarding military service and to require that the form be signed before the clerk of court rather than before a notary. The corrected form is as set forth in the attached appendix. These amendments shall become effective February 1, 1996.

It is so ordered.

GRIMES, C.J., and SHAW, KOGAN, HARDING, WELLS and ANSTEAD, JJ.,
concur.

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

APPENDIX

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT, IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner

and

Respondent.

PETITION BY PARTIES FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

There are no children of the marriage under 18 years of age and a marital settlement agreement, Florida Family Law Form 12.901(h), has been reached by the parties.

[~~to~~ fill in all blanks]

We, {name} _____, Husband and {name} _____, Wife, together file this petition/request and say:

1. We both are asking the court for a dissolution of our marriage. (we want it ended)
2. The Husband lives in {name} _____ County, Florida, and has lived there since {date} _____. The Wife lives in {name} _____ County, Florida, and has lived there since {date} _____.
3. We were married to each other on {date} _____ in the city of {place} _____ county of, {name} _____, state or country of {name} _____.
4. Our marriage is irretrievably broken. (it cannot be fixed)
5. Together, we have no minor (under 18) or dependent children and the Wife is not pregnant.
6. We have made a marital settlement agreement dividing our assets and our debts (what we own and what we owe). We are satisfied with this agreement. The marital settlement agreement (Florida Family Law Form 12.901(h)) is attached and was signed freely and voluntarily by each of us, and we intend to be bound by it.
7. We have each filled out and signed financial affidavits (Florida Family Law Form 12.901(d) or 12.901(c)), that are attached to this petition.

8. [one only] ____ yes or ____ no
The wife wants to have her former name of {name} _____ back.

9. We each certify that we have not been threatened or pressured into signing this request. We each understand that the result of signing this request may be a final judgment ending our marriage allowing no further relief.

10. We each understand that we **both must come** to the judge to testify about the things we are asking for in this petition/request.

11. We understand that we each may have legal rights against each other because of the marriage and that by signing this request we may be giving up those rights.

12. We ask the court to end our marriage and approve the marital settlement agreement.

HUSBAND

DATED: _____

Signature of husband

Printed name

Address

City State Zip

Telephone (area code and number)

Telefax (area code and number)

WIFE

DATED: _____

Signature of wife

Printed name

Address

City State Zip

Telephone (area code and number)

Telefax (area code and number)

SWORN TO and signed before me on [date] _____, 19__.

CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM THEY MUST FILL IN THE
BLANKS BELOW: [✍ fill in all blanks]**

I, {name of nonlawyer} _____, a nonlawyer, located at
{street} _____ {city} _____ {state} _____,
{phone} _____, helped {name} of wife _____, fill out
this form.

Original Proceeding - Family Law Rules of Procedure

Ron Eubanks, d/b/a Able Legal Document Service, Fort Walton
Beach, Florida,

for Movant

John F. Harkness, Jr., Executive Director, The Florida Bar,
Tallahassee, Florida; and Michael L. Hastings, Chairperson,
Family Law Rules Committee, St. Petersburg, Florida,

for The Florida Bar's Family Law Rules Committee,
Responding