

**FLORIDA BAR RE: REVISIONS
TO SIMPLIFIED FORMS,
PURSUANT TO RULE 10-2.1(a)
OF THE RULES REGULATING THE FLORIDA BAR
No. 92,023**

[September 10, 1998]

PER CURIAM.

The Board of Governors of The Florida Bar, pursuant to rule 10-2.1(a) of the Rules Regulating the Florida Bar, petitions this Court to approve revisions to the simplified legal forms for use by nonlawyers. Rule 10-2.1(a) allows nonlawyers to assist in the completion of legal forms approved by this Court^[1]. The purpose of the rule is to provide broader access to the court system while continuing to protect the public from those persons not competent to give legal advice. Florida Bar re Approval of Forms Pursuant to Rule 10-1.1(b) of the Rules Regulating the Florida Bar, 591 So. 2d 594, 595 (Fla. 1991).

Pursuant to rule 10-2.1(a), this Court has adopted forms of a fill-in-the-blank type that require only the insertion of factual information. *Id.* at 595. Proposed revisions to the forms for Residential Eviction Summons, Final Judgment--Damages, and Residential Lease--Single Family Home and Duplex are the final product of The Florida Bar Standing Committee on Simplified Forms. Official notice of the Bar's intent to file this petition was published in the December 15, 1997, edition of The Florida Bar News as required by rule 1-12.1(g) of the Rules Regulating The Florida Bar.

We have considered comments submitted by the following interested parties: the Housing Workgroup of Florida Legal Services, Inc.; attorney Henry P. Trawick, of Sarasota; and attorney T. Rankin Terry, Jr., of Fort Myers. Most of the comments note that portions of the revised simplified forms create a potential for confusion in that the revisions do not conform to statutory requirements. Most significantly, the Housing Workgroup notes that several sections of the residential lease form contain language conflicting with statutory requirements. The Housing Workgroup suggests deleting the lease form entirely from the forms package because the standardized lease form potentially encroaches upon the rights of leasing parties to privately negotiate specific terms of leases.

The chairman of The Florida Bar Standing Committee on Simplified Forms responds that the Committee does not oppose proposed changes contained in comments to the revisions including the suggestion that the Residential Lease for Single Family Homes and Duplexes be removed from the forms package. Likewise, the Committee does not oppose a suggested modification of the Eviction Summons form to substitute a statutory designation of legal holiday and of the Final Judgment form to include additional information. The Committee also does not oppose the suggestion to refrain from deleting language in paragraph three of the Eviction Summons form.

After having considered the petition and the comments submitted, we recognize the need to ensure that the forms conform to statutory language. Therefore, we approve the revised forms with the following substantive changes: (1) the addition of the phrase "observed by the clerk of the court" after "any legal holiday" in the Eviction Summons; (2) the retention in paragraph three of the Eviction Summons of the sentence stating "YOU MUST PAY THE CLERK THE RENT EACH TIME IT BECOMES DUE UNTIL THE LAWSUIT IS OVER"; (3) the addition of the phrase "bear interest at the legal rate pursuant to section 55.03, Florida Statutes" in the form for Final Judgment--Damages. We delete entirely the

Residential Lease for Single Family Home and Duplex.

In addition to the forms, The Florida Bar has prepared instructions to accompany the forms. While we authorize the publication of the instructions, we do not express an opinion on their legal correctness. We authorize deletion of the instructions accompanying the deleted Residential Lease form. Because local procedures may vary from circuit to circuit, the chief judge of each circuit is authorized to prepare supplemental directions for using the forms. All such supplemental directions shall be filed with the clerk of the court in the respective circuits and with the clerk of this Court.

Accordingly, and upon consideration of the proposed revisions, we adopt same with the substantive and stylistic changes reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by strike-through type. The Residential Lease form is deleted entirely from the simplified forms. These revisions will become effective upon the release of this opinion.

It is so ordered.

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

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

Original Proceeding - Rules Regulating The Florida Bar

John F. Harkness, Jr., Executive Director, Tallahassee, Florida, Edward R. Blumberg, President, Miami, Florida, Howard C. Coker, President-elect, Jacksonville, Florida, Thomas Brent Freeman, Chair, Standing Committee on Simplified Forms, Clearwater, Florida, and Mary Ellen Bateman, UPL Counsel, Tallahassee, Florida,

for Petitioner

Alice M. Vickers, Tallahassee, Florida, on behalf of the Housing Workgroup of Florida Legal Services, Inc., Henry P. Trawick, Sarasota, Florida, and T. Rankin Terry, Jr., Fort Myers, Florida,

Responding

APPENDIX

SUMMONS--EVICTIION
CLAIM IN THE COUNTY
COURT, IN AND FOR

(insert county in which rental property is
located)

COUNTY, FLORIDA

CASE NO.: _____

(insert case number assigned by
Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

EVICTIION SUMMONS- - RESIDENTIAL

(Insert name of Tenant)

Defendant.

_____ /

TO: _____

(Insert name, address, and phone number of Tenant)

PLEASE READ CAREFULLY

You are being sued by _____ to require you to move out of the place

(insert Landlord's name)

where you are living for the reasons given in the attached complaint.

You are entitled to a trial to decide whether you can be required to move, but you MUST do ALL of the things listed below. You must do them within 5 days (not including Saturday, Sunday or any legal holiday ~~s~~ observed by the clerk of the court) after the date these papers were given to you or to a person who lives with you or were posted at your home.

THE THINGS YOU MUST DO ARE AS FOLLOWS:

1. Write down the reason(s) why you think you should not be forced to move. The written reason(s) must be given to the ~~C~~court ~~C~~lerk at _____,

(insert name of county)

_____.

(insert address of courthouse)

2. Mail or take a copy of your written reason(s) to:

(insert Landlord's name and address)

3. Give the ~~C~~court ~~C~~lerk the rent that is due as set forth in the landlord's complaint or as determined by the Court. YOU MUST PAY THE CLERK THE RENT EACH TIME IT BECOMES DUE UNTIL THE LAWSUIT IS OVER. Whether you win or lose the lawsuit, the ~~J~~judge may pay this rent to the ~~L~~landlord.

4. If you and the ~~L~~landlord do not agree on the amount of rent owed, give the ~~C~~court ~~C~~lerk the money you say you owe; ~~t~~Then before the ~~T~~rial you must ask the ~~J~~judge to set a hearing to decide what amount should be given to the court ~~C~~lerk.

IF YOU DO NOT DO ALL OF THESE THINGS WITHIN 5 WORKING DAYS, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE:

You are commanded to serve this ~~S~~summons and a copy of the ~~C~~omplaint in this lawsuit on the above-named ~~D~~efendant.

DATED on the ~~the~~ _____ day of _____, 19____.

Clerk of the Court

By: _____

Deputy Clerk

Clerk's Address : _____

Telephone Number: _____

This form was completed with the assistance of: Name: _____

Address: _____

Telephone Number: _____

FINAL JUDGMENT--

**DAMAGES IN THE
COUNTY COURT, IN AND
FOR**

(insert county in which rental property is
located)

CASE NO.: _____

(insert case number assigned by
Clerk of the Court)

(Insert name of Landlord),

(Insert address of Landlord)

Plaintiff,

vs.

(Insert name of Tenant),

(Insert address of Tenant)

Defendant.

_____ /

FINAL JUDGMENT

THIS ACTION came before the Court upon Plaintiff's Complaint for unpaid rent. On the evidence presented, it is

ADJUDGED that Plaintiff, _____, recover from Defendant,

(insert Landlord's name)

_____, the sum of \$ _____ with costs in the sum of

(insert Tenant's name)

\$ _____, making a total of \$ _____, that shall bear interest at the legal rate pursuant to section 55.03, Florida Statutes, ~~of 12% a year~~ for which let execution now issue.

ORDERED in _____,

(insert city in which court is located)

_____ COUNTY, FLORIDA on _____,

(insert county in which court is located)

on _____, ~~19~~_____.

(County/Circuit)
Judge

cc: (insert name of Landlord)

(insert name of Tenant)

Approved for use under rule 10-2.1(a) of This form was completed with the
the Rules Regulating The Florida Bar assistance of: _____

Name: _____

The Florida Bar 1998 Address _____

Phone Number _____

FOOTNOTES:

1.The text of rule 10-2.1(a) was previously found at rule 10-1.1(b). The renumbering occurred in 1992 and became effective on January 1, 1993. Florida Bar re Amendment to Rules Regulating the Florida Bar, 605 So. 2d 252, 427 (Fla. 1992).