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IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA FAMILY LAW RULES OF PROCEDURE— 2020 REGULAR-CYCLE REPORT

SC20–162

AMENDED REGULAR-CYCLE REPORT OF THE FAMILY LAW RULES COMMITTEE (AMENDED TO ADD PAGE NUMBERS)

Mary Lou Cuellar-Stilo, Chair of the Family Law Rules Committee (the Committee) and Joshua E. Doyle, Executive Director of The Florida Bar file this regular-cycle report. This report is filed pursuant to Florida Rule of Judicial Administration 2.140(b).

All rule and form amendments have been approved by the full Committee, and, as required by Florida Rule of Judicial Administration 2.140, reviewed by The Florida Bar's Board of Governors. The voting records of the Committee and the Board of Governors may be seen in Table of Contents (Appendix A). Pursuant to Florida Rule of Judicial Administration 2.140(b), the amendments were published for comment in the June 1, 2019, edition of The Florida Bar *News*. For the court's convenience, the Committee provided Appendix D, a draft publication notice. Comments were received from Jodi Terracina, F.R.P. and the Family Law Section (Section). (*See* Appendix E). The proposed amendments may be seen in full page format (Appendix B) and in two-column format (Appendix C). To preserve the unique formatting of the forms, Appendix B has page numbers on the top of the page. The minutes of the Committee from June 2014 to January 2019 are included as Appendix F.

Each proposed amendment is detailed below. Amendments to Form 12.900(h) (Notice of Related Cases) were published for comment and a comment was received by the Family Law Section. The Committee decided to not include the amendments in this report and may include the amendments in a joint out of cycle report with the Rules of Judicial Administration.

The Committee proposes amendments to Rule 12.060 (Transfers of Actions), Rule 12.070 (Process), Rule 12.285 (Mandatory Disclosure), Rule 12.350 (Production of Documents and Things and Entry on Land for Inspection and Other Purposes), Rule 12.410 (Subpoena), Rule 12.491 (Child Support Enforcement), Form 12.900(b) (Notice of Limited Appearance), Form 12.900(c) (Consent to Limited Appearance by Attorney), Form 12.900(d) (Termination of Limited

Appearance), Form 12.900(e) (Acknowledgement of Assistance by Attorney), Form 12.900(g) (Agreement Limiting Representation), Form 12.902(b) (Family Law Financial Affidavit (Short Form)), Form 12.902(c) (Family Law Financial Affidavit) (Long Form)), Form 12.902(e) (Notice of Filing Child Support Guidelines Worksheet), Form 12.902(f)(3) (Martial Settlement Agreement for Simplified Dissolution of Marriage), Form 12.910(a) (Summons: Personal Service on an Individual), Form 12.913(b) (Affidavit of Diligent Search and Inquiry), Form 12.913(c) (Affidavit of Diligent Search), Form 12.921 (Notice of Hearing (Child Support Enforcement Hearing Officer)), Form 12.928 (Cover Sheet for Family Court Cases), Form 12.930(a) (Notice of Service of Standard Family Law Interrogatories), Form 12.930(b) (Standard Family Law Interrogatories for Original or Enforcement Proceedings), Form 12.930(c) (Standard Family Law Interrogatories for Modification Proceedings), Form 12.932 (Certificate of Compliance with Mandatory Disclosure), Form 12.975(a) (Petition for Grandparent Visitation with Minor Child(ren), Form 12.975(b) (Order on Grandparent's Petition for Visitation with Minor Child(ren), Form 12.984(b) (Response by Parenting Coordinator), 12.984(c) (Parenting Coordinator Report of an Emergency), Form 12.996(b) (Notice to Payor), and Form 12.996(c) (Notice of Filing Return Receipt).

RULE 12.060. TRANSFERS OF ACTIONS

Magistrate Kirigin recommended that the Committee consider amending Rule 12.060 (Transfers of Actions) to make sure that all necessary information is transferred when the venue is changed to a new county. The Committee determined that given the varied systems clerks throughout the state used, there is no uniform way through rule amendment to ensure smoother transitions. However, the Committee did recognize that a separate amendment was needed to Rule 12.060(c). The Committee proposes replacing "may" with "must" in the last sentence of the subdivision. The Committee recommends that this rule be consistent with Florida Rule of Civil Procedure 1.060 (Transfers of Actions).

RULE 12.070. PROCESS

The clerk representative for the Committee recommended a change to Rule 12.070(e)(2) regarding the correct affidavit of diligent search form for cases involving parental responsibility, custody, or time-sharing with a minor child. The Committee determined that the citation to Form 12.913(c) in subdivision (e) was incorrect and that Form 12.913(b) should be used. Specifically, the Committee

proposes replacing “c” with “b” at the end of the first sentence in subdivision (e)(2).

RULE 12.285. MANDATORY DISCLOSURE

The Committee on its own initiative decided to update this rule. The Committee made extensive updates.

In subdivision (b)(1), the Committee proposes adding “, whether an initial proceeding or supplemental proceeding,” for greater clarity for the reader. In subdivision (b)(1)(A), the Committee suggests deleting “The” at the beginning of the sentence and replacing it with “Any” for greater clarity for the reader. Also, in that subdivision, the Committee proposes deleting “with the notice of” and replacing it with “at least ten days prior to the” for greater specification for the reader. Last, in that subdivision, the Committee suggests adding “already” before “been served” for greater clarity for the reader. In subdivision (b)(1)(B), the Committee proposes adding “, if not otherwise seeking relief,” after “The responding party” for clarity for the reader. Also in this subdivision, the Committee suggests deleting the end of the first sentence and the rest of the subdivision and adding to the end of the subdivision “at least five days prior to the temporary financial hearing, unless the documents have already been served under subdivision (b)(2) of this rule” for greater clarity and to simplify the rule.

Comment on Subdivision (c) by the Family Law Section

The Committee originally proposed a modification to subdivision (c) (adding “or if” before “they have no minor children...”) that was published for comment in The Florida Bar *News*. The Section in its comment specifically opposed the revision to subdivision (c). (*See* Appendix E, Page 4.) The Committee, in response to comment, withdraws its amendment to subdivision (c) as the Committee has decided to continue to study the issue. The Committee does expect to provide a more detailed and expansive revision to the subdivision in a subsequent report. Thus, there are no suggested amendments currently pending before the Court for subdivision (c).

In subdivision (d)(2), the Committee recommends adding “complete” and “personal” at the beginning of the first sentence for greater specification for the reader. Also, in this subdivision, the Committee suggests deleting “intangible personal property” and replacing it with “foreign” for greater clarity for the reader

and to update the rule. In addition, in this subdivision, the Committee suggests adding "3" prior to "year" and "s" after "year" so the parties will have to provide "3 years" of tax returns as the Committee believes that additional tax returns beyond one year are needed for better understanding of the parties' financial situation. Last, in this subdivision, the Committee proposes adding ", including all attachments, including Forms W-2, 1099, K-1, and all accompanying schedules and worksheets comprising the entire tax return" for greater specification of the items that are required when providing a complete tax return.

At the end of subdivision (d)(3), the Committee suggests adding a sentence that specifies the additional tax forms that must be disclosed when income tax returns have not been filed for the prior two years.

In subdivision (d)(4), the Committee proposes deleting "3" and replacing it with "6" so that parties are required to provide 6 months of pay stubs for a better understanding of the parties' financial situation. Also, in this subdivision, the Committee proposes deleting "service of the financial affidavit" and replacing it with "compliance with these disclosure requirements for temporary financial relief" for greater specification for the reader.

The Committee originally proposed a modification to subdivision (e)(1) that required the parties to provide all documents supporting the figures in the financial affidavit. After publication of this amendment in the Florida Bar *News*, the Section sent the Committee a comment that opposed the modification to subdivision (e)(1). (*See* Appendix E, page 6.) The Section believed that the original proposal was too broad. The Committee agreed with the comment and now provides the Court an amendment that limits the documents to be provided to documents regarding income, assets, and debts. Specifically, the Committee now suggests adding a sentence requiring the parties to provide all documents supporting the income, assets, and liabilities figures from the financial affidavit.

In subdivision (e)(2), the Committee suggests adding "complete" and "personal" at the beginning of the first sentence for greater specification for the reader. Also, in this subdivision, the Committee proposes deleting "intangible personal property" and replacing it with "foreign" for greater clarity for the reader and to update the rule. At the end of the first sentence of the subdivision, the Committee recommends adding ", including all attachments, including Forms W-2,

1099, K-1, and all accompany schedules and worksheets comprising the entire tax return" to provide specification of items that are required when providing a complete tax return. Last, at the end of the subdivision, the Committee proposes adding an additional sentence to allow parties to file an IRS transcript instead of the federal income tax return for temporary hearings.

At the end of subdivision (e)(3), the Committee recommends adding a sentence that specifies the additional tax forms that must be disclosed when income tax returns have not been filed for the prior two years.

In subdivision (e)(4), the Committee suggests deleting "3" and replacing it with "6" to require parties to provide 6 months of pay stubs for better understanding of the parties' financial situation. Also, in this subdivision, the Committee proposes deleting "service of the financial affidavit" and replacing it with "compliance with these disclosure requirements for initial or supplemental proceeding" for greater specification for the reader.

In subdivision (e)(5), the Committee proposes deleting "3" and replacing it with "6" to require parties to provide 6 months of statements regarding sources of income for a better understanding of the parties' financial situation. Also, in this subdivision, the Committee suggests deleting "service of the financial affidavit required by this rule" and replacing it with "compliance with these disclosure requirements for initial or supplemental proceedings" for greater specification for the reader.

In subdivision (e)(6), the Committee suggests adding a comma after "loan applications" and deleting the "and" before "financial statements" at the beginning of the subdivision for grammar because the Committee proposes adding ", credit reports, or any other form of financial disclosure, including financial aid forms," to include additional financial information for a better understanding of the parties' financial situation. In addition, in the subdivision, the Committee proposes deleting "12" and replacing it with "24" to require parties to disclose 24 months of financial statements for a better understanding of parties' financial situations. Last, in this subdivision, the Committee recommends deleting "service of that party's financial affidavit required by this rule" and replacing it with "compliance with these disclosure requirements for initial or supplemental proceedings" for greater specification for the reader.

In subdivision (e)(7), at the beginning of the subdivision, the Committee proposes deleting "within" for grammar and adding "evidencing any ownership

interest in property held at any time during" and "or other documents evidencing money owed to either party at any time" to the first sentence for greater specification for the reader. Also, in the first sentence of the subdivision, the Committee proposes deleting "12" and replacing it with "24" to require parties to disclose 24 months of promissory notes for a better understanding of the parties' financial situation. Also, in that sentence, the Committee suggests deleting "present" before the word "leases" as that language is not necessary. In addition, in the same sentence, the Committee proposes deleting "in which the party owns or owned an interest," as this language is not needed after adding "evidencing any ownership interest in property held at any time." At the end of subdivision, the Committee recommends deleting "any other person" and replacing it with "a party or a minor or adult dependent child of both parties" as "any other person" was too broad. Also, at the end of the subdivision, the Committee recommends adding "wherein either the party" for grammar and anticipation of the new subdivisions (e)(7)(A) and (e)(7)(B). Last, the Committee recommends adding two new subdivisions (e)(7)(A) and (e)(7)(B) to add greater specification for when deeds held in trust need to be disclosed in mandatory disclosure.

In subdivision (e)(8), the Committee proposes deleting "3" and replacing it with "12" to require the parties to disclose 12 months of account statements for a better understanding of the parties' financial situation. Also, in subdivision (e)(8), the Committee proposes deleting "from the last 12 months" as language is no longer needed as the time frame is 12 months for all accounts. Also, in this subdivision, the Committee recommends deleting "any other person" and replacing it with "a party or a minor or adult dependent child of both parties" as "any other person" was too broad. Last, in this subdivision, the Committee recommends adding a new sentence requiring canceled check and registers be produced in mandatory disclosure for fairness and complete disclosure.

In subdivision (e)(9), the Committee proposes deleting "any other person" and replacing it with "a party or a minor or adult dependent child of both parties" as "any other person" was too broad. Last, in this subdivision, the Committee proposes adding a new sentence requiring canceled check and registers be produced in mandatory disclosure for fairness and complete disclosure.

In subdivision (e)(10), the Committee recommends adding "and statements for the past 12 months" to require parties to disclose listed account statements for the past 12 months for a better understanding of the parties' financial situation.

Also, in the subdivision, the Committee proposes adding "an" and "receiving payments" in the middle and at the end of the first sentence for greater specification for the reader.

The Committee recommends adding a new subdivision (e)(11) regarding virtual currency to update the rule. The Committee proposes renumbering the remaining subdivision as (e)(12), (e)(13), (e)(14), (e)(15), (e)(16), respectively, to accommodate the new subdivision (e)(11).

In the newly numbered subdivision (e)(12), the Committee suggests adding "statements for the past 12 months," to require parties to disclose life insurance statements for the past 12 months for a better understanding of the parties' financial situation.

In the newly numbered subdivision (e)(13), the Committee proposes deleting "greater than or equal to 30%" for a better understanding of the parties' financial situation.

In newly numbered subdivision (e)(14), the Committee suggests adding "evidencing a party's indebtedness" for greater clarity for the reader. Also, in that sentence the Committee recommends deleting "12" and "3" and replacing them with "24" to require the parties to disclose 24 months of promissory notes and other records showing the party's indebtedness for a better understanding of parties' financial situation. In addition, in the first sentence of the subdivision, the Committee recommends adding "whether since paid or not," and "preceding compliance with these disclosure requirements" for greater clarity for the reader. At the end of the subdivision, the Committee suggests deleting "any other person" and replacing it with "a party or a minor or adult dependent child of both parties" as "any other person" was too broad. The Section in its comment suggested adding "in full or in part" in the first sentence of this subdivision after "24 months." (*See* Appendix E, page 6.) The Committee declines to accept the Section's suggestions as the Committee believes "whether since paid or not" is sufficient to encompass paid in full debt or debt paid in part.

In newly numbered subdivision (e)(15), the Committee suggests adding to the first sentence a phrase regarding disclosure of non-paternity affidavits or judgments disestablishing paternity for complete disclosure. The Section in its

comment suggested that the new phrase be moved to another location in the rule. (*See* Appendix E, page 6.) The Committee declines to adopt the suggestion of the Section. The Committee believes the phrase's location in this subdivision is appropriate as these documents are analogous to a premarital or marital agreement as they are crucial in the Court deciding the ultimate issues in the paternity or dissolution of marriage case.

In newly numbered subdivision (e)(16), the Committee proposes deleting "and tangible evidence" twice as the phrase is unnecessary.

In subdivision (g), the Committee recommends deleting "fewer than 24 hours" and adding "not" before "served on the opposing party" and "within the time periods set forth in subdivision (b)(1), as applicable," to make timeframe consistent throughout the rule. Although (b)(1) gives specific timeframes for disclosure, subdivision (g) only permits sanctions if the documents are given less than 24 hours before the hearing. The Section's comment pointed out that in this subdivision there was a typographical error and "not" was excluded before "served on the opposing party" (*See* Appendix E, page 6-7.) The Committee agrees with the change and that change is proposed by the Committee at this time as described above.

In subdivision (h), the Committee proposes deleting "at least 5 days" for clarity for the reader.

General Comment on the Rule from Ms. Terracina

After publication of the amendments in the Bar *News*, the Committee received a comment from Ms. Jodi Terracina. Ms. Terracina was concerned about whether the respondent's mandatory disclosures would date back to the filing of the petition for dissolution of marriage. The Committee appreciates Ms. Terracina comments but has decided to make no changes in response to her comment. The Committee believes that the timeframes for the mandatory disclosure are greatly expanded with the proposed amendments to Rule 12.285 and will likely date back to when the petition for dissolution of marriage was filed and if the date is not included, a party may specifically request necessary records.

RULE 12.350. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY ON LAND FOR INSPECTION AND OTHER PURPOSES

The Committee considered changes to Rule 12.350 (Production of Document and Things and Entry on Land for Inspection and Other Purposes) on its own initiative and in conjunction with the changes made to Rule 12.285. In subdivision (a), the Committee recommends adding a colon for grammar. In subdivision (b), the Committee proposes adding a sentence that requires a notice that states with specificity the documents that are produced under the rule. In subdivision (d), the Committee recommends adding a phrase emphasizing the requirement of a notice that states with specificity the documents that are produced under the rule. After publication of this amendment in the Florida Bar *News*, the Section sent the Committee a comment that suggested that the rule specify that the notice be in compliance with Rule of Judicial Administration 2.425. (*See* Appendix E, Page 7.) The Committee agreed with that suggestion and the Committee proposes those amendments to both subdivision (b) and (d).

RULE 12.410. SUBPOENA

The Committee received a referral from Linda Sasser regarding an incorrect cite in subdivision (c)(1). The Committee agrees with Ms. Sasser and in subdivision (c)(1), the Committee recommends deleting "b" and replacing it with "a" so that the reference is to "12.080(a)."

The Committee also suggests adding a colon to subdivision (c)(1) for grammar.

RULE 12.491. CHILD SUPPORT ENFORCEMENT

The Committee received a referral from Lisa Pratt regarding orders from child support hearing officers. Ms. Pratt suggested that the orders have language on them regarding the ten days a party has to file a motion to vacate and to specify that a transcript is required to file a motion to vacate. The Committee agreed with Ms. Pratt and recommends the following changes.

In subdivision (b), the Committee recommends adding a colon after "for" for grammar.

The Committee proposes adding a new subdivision (e)(1)(A) that requires specific language in bold type for orders and notices regarding the procedure for a motion to vacate.

The Committee also proposes adding a new subdivision (e)(1)(B) that requires that notices and orders contain whether electronic recording or court reporting is provided by the court or whether a court reporter would be at the party's expense.

In subdivision (f), the Committee proposes adding a new sentence requiring the recommended order to contain the name and address of the court reporter, if a court reporter was present. After publication, the Section sent the Committee a comment that suggested that the rule include information on how a litigant can obtain a recording of the hearing. (*See* Appendix E, page 7.) The Committee agrees with the Section's comment and proposes also in subdivision (f), adding a new sentence to include information on how a litigant can obtain a recording if the hearing was recorded.

General Comments on the Forms by the Section

The Section's comment contains several general comments on the forms (*See* Appendix E, page 1-3 and 7-8.) The Committee addresses the general comments in the following paragraphs.

Serving

The Section suggested in its comment that in the second sentence under the "What should I do next?" section, replacing "providing" with "serving" throughout the forms for clarity. (*See* Appendix E, Page 7-8.) The Committee agreed and modified the proposed amendments in conformity with the comment in Form 12.900(b) (Notice of Limited Appearance), Form 12.900(c) (Consent to Limited Appearance), Form 12.900(d) (Termination of Limited Appearance), 12.900(e) (Acknowledgement of Assistance by Attorney), Form 12.902(b) (Family Law Financial Affidavit (Short Form)), Form 12.902(c) (Family Law Financial Affidavit (Long Form)), 12.902(e) (Child Support Guideline Worksheet), Form 12.902(f)(3) (Martial Settlement Agreement), and Form 12.910(a) (Summons: Personal Service on an Individual), Form 12.913(b) (Affidavit of Diligent Search and Inquiry), Form 12.913(c) (Affidavit of Diligent Search), Form 12.928 (Cover Sheet for Family Court Cases), and Form 12.930(a) (Notice of Service of Standard Family Law Interrogatories).

Electronic Filing

Prior to publication in several of the forms, the Committee proposed the first sentence under the "What should I do Next?" section, read "A copy of this form must be filed electronically with the court ..." The Section in its comment opposed the amendment as pro se parties are not required to file electronically. (*See* Appendix E, page 1) The Committee agreed and removed electronically from that phrase and the proposed amendment is now in conformity with the Section's suggestion in the following forms: Form 12.900(b) (Notice of Limited Appearance), Form 12.900(c) (Consent to Limited Appearance), Form 12.900(d) (Termination of Limited Appearance), 12.900(e) (Acknowledgement of Assistance by Attorney), Form 12.902(b) (Family Law Financial Affidavit (Short Form)), Form 12.902(c) (Family Law Financial Affidavit (Long Form)), 12.902(f)(3) (Martial Settlement Agreement), and Form 12.910(a) (Summons: Personal Service on an Individual), Form 12.913(b) (Affidavit of Diligent Search and Inquiry), Form 12.913(c) (Affidavit of Diligent Search), Form 12.928 (Cover Sheet for Family Court Cases), and Form 12.930(a) (Notice of Service of Standard Family Law Interrogatories).

Gender Neutral

The Section suggested in its comment that the forms be made gender neutral (*See* Appendix E, Page 1.) The Committee agrees with that suggestion and made the changes in the proposed forms. Specifically, in Form 12.902(b) (Family Law Financial Affidavit (Short Form)) and 12.902(c) (Family Law Financial Affidavit (Long Form)), husband and wife are replaced with petitioner and respondent, in Form 12.902(e) (Child Support Guidelines Worksheet), mother and father are replaced with petitioner and respondent, in Form 12.902(f)(3) (Martial Settlement Agreement), husband and wife are replaced with petitioner and respondent and "wife's, husband's, or both" is replaced with "in one spouse's name, or in both spouses' names."

Jurat

The Section in its comment suggests that notarization remain in the forms (*See* Appendix E, page 2.) The Committee disagrees and believes removing the notarization requirement from the forms would allow greater access to the courts. However, in response to comment, the Committee did modify its original proposed jurat language to track the exact language from section 92.525, Florida Statutes. Specifically, the written declaration is amended in Form 12.900(h) (Notice of

Related Cases), Form 12.902(b) (Family Law Financial Affidavit (Short Form)) and (c) (Family Law Financial Affidavit (Long Form)), 12.913(b) (Affidavit of Diligent Search and Inquiry), 12.913(c) (Affidavit of Diligent Search), Form 12.930(b) (Standard Family Law Interrogatories for Original or Enforcement Proceedings), Form 12.930(c) (Standard Family Law Interrogatories for Modification Proceedings), Form 12.932 (Certificate of Compliance with Mandatory Disclosure), and Form 12.975(a) (Petition for Grandparent Visitation With Minor Child(ren)).

E-Portal website

The Section in its comment suggests that the Committee include the website for the e-portal on all the forms. (*See* Appendix E, page 1.) The Committee declines to make this change at this time. The Committee is concerned that the website might change and the forms will not be able to be amended quickly to reflect the change.

FORM 12.900(b) NOTICE OF LIMITED APPEARANCE

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in this form's instructions, the Committee recommends in the second paragraph of the instructions deleting "the original" and replacing it with "this document" for clarity when parties file electronically. Also, under the section "What should I do next?", the Committee proposes amending the first sentence and adding a new paragraph for clarity on the service process. After the section "What should I do next?", the Committee suggests adding new sections regarding e-filing and e-service elections. Under the section "Where can I look for more information?", the Committee recommends deleting "and Florida Rule of Judicial Administration 2.516" as the cite to Rule of Judicial Administration is not necessary due to amendments to Rule 12.040.

In the form, the Committee recommends adding "Telephone Number" to the certificate of service at the end of the form.

FORM 12.900(c) CONSENT TO LIMITED APPEARANCE BY ATTORNEY

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing.

Specifically, in this form's instructions, the Committee recommends in the second paragraph of the instructions replacing "it" with "the document" twice. Also, under the section "What should I do next?", the Committee proposes adding a new paragraph for clarity on the service process. After the section "What should I do next?", the Committee suggests adding new sections regarding e-filing and e-service elections, like was done in Form 12.900(b).

FORM 12.900(d) TERMINATION OF LIMITED APPEARANCE

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in this form's instructions, the Committee recommends in the second paragraph of the instructions replacing "it" with "this document" twice. Also, under the section "What should I do next?", the Committee proposes amending the first sentence and adding a new paragraph for clarity on the service process. After the section "What should I do next?", the Committee suggests adding new sections regarding e-filing and e-service elections.

In the form, the Committee recommends adding "Telephone Number" to the certificate of service at the end of the form.

FORM 12.900(e) ACKNOWLEDGMENT OF ASSISTANCE BY ATTORNEY

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the first paragraph of this form's instructions, the Committee recommends deleting "should be" and adding ", when" and ", should be filed electronically with the court" for grammar and clarity. Also, in the instructions, the Committee recommends adding a new section "What should I do next?" and two new sections regarding e-filing and e-service elections. Under the section "Where can I get more information?", the Committee recommends adding two additional sentences regarding the General Information for Self-Represented Litigants and citation to Rule 12.080.

FORM 12.900(g) AGREEMENT LIMITING REPRESENTATION

The Committee on its own initiative reviewed all form instructions for clarity and accuracy. Specifically, in this form's instructions, under the section

"When should this form be used?", the Committee recommends adding a sentence that says the form should not be filed with the clerk.

FORM 12.902(b) FAMILY LAW FINANCIAL AFFIDAVIT (SHORT FORM)

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the second paragraph of the instructions, the Committee recommends deleting the second sentence as the Committee recommends that the form no longer be notarized to provide greater access to justice. Also, in the second paragraph of the instructions, the Committee suggests replacing "the original" with "this document" for clarity when filing electronically. Under the section "What should I do next?", the Committee suggests deleting the end of the first sentence and adding a paragraph for clarity on the service process. Under the section "What should I do next?", the Committee suggests adding two new sections regarding e-filing and e-service elections. Under the "Special notes..." section, the Committee recommends deleting "are" and adding "have been found by a judge to be" in the first sentence for clarity regarding a request for confidential filing of address.

To the form, the Committee recommends gender neutral language. Specifically, the Committee suggests replacing "Husband" and "Wife" with "Petitioner" and "Respondent" in Section III (Assets and Liabilities). In the form under 9b., the Committee suggests adding a "$" for consistency. In the form under 26, the Committee recommends deleting the period at the end of the sentence for consistency. Also, to the form, the Committee recommends adding "Telephone Number" in the certificate of service. Following the certificate of service in the form, the Committee recommends deleting the jurat sentence and adding a rephrase jurat sentence for clarity and consistency with Florida Statutes. Also, in this part of the form, the Committee recommends adding the telephone number where the party is to sign the form. Last, because it is recommended by the Committee that notarization of the form should not be required, the Committee recommends deleting the portion of the form where the notary was to sign the form. The Committee believes deleting the notarization component of the form will provide greater access to the court.

Comments Regarding Motion for Confidentially by the Section

The Section suggests adding in the "Special Notes..." section of this form "victim of sexual battery, aggravated child abuse, aggravate stalking, harassment or aggravated battery may motion the court for confidential address. (*See* Appendix E, Page 9.) The Committee would like to study the proposal further prior to making a recommendation to the Court. Thus, the Committee does not accept the Section's recommendation at this time.

FORM 12.902(c) FAMILY LAW FINANCIAL AFFIDAVIT (LONG FORM)

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the second paragraph of the instructions, the Committee recommends deleting the second sentence as the Committee recommends that the form no longer be notarized to provide greater access to justice. Also, in that second paragraph, the Committee suggests replacing "the original" with "this document" for clarity when filing electronically. Under the section "What should I do next?", the Committee suggests adding a paragraph for clarity on the service process. Under the section "Where can I look for more information?", the Committee suggests adding two new sections regarding e-filing and e-service elections. Under the "Special notes..." section, the Committee recommends deleting "are" and adding "have been found by a judge to be" in the first sentence for clarity regarding a request for confidential filing of address.

To the form, the Committee recommends gender neutral language. Specifically, the Committee suggests replacing "Husband" and "Wife" with "Petitioner" and "Respondent." Throughout the form, where the form requests subtotals, the Committee recommends editorial amendments that ensure the parenthetical has a capital letter and ends with a period before the end parenthesis. In the form, under Section III. Assets and Liabilities, the Committee suggests adding an editorial format amendment, moving Section III B. until after the assets chart for clarity and consistency with Form 12.902(b).

Also, to the form, the Committee recommends adding "Telephone Number" in the certificate of service. Following the certificate of service in the form, the Committee recommends deleting the jurat sentence and adding a rephrase jurat sentence for clarity and consistency with Florida Statutes. Also, in this part of the form, the Committee recommends adding the telephone number where the party is to sign the form. Last, because it is recommended by the Committee that

notarization of the form should not be required, the Committee recommends deleting the portion of the form where the notary was to sign the form. The Committee believes deleting the notarization component of the form will provide greater access to the court.

Comments Regarding Motion for Confidentially by the Section

The Section suggests adding in the "Special Notes..." section of this form "victim of sexual battery, aggravated child abuse, aggravate stalking, harassment or aggravated battery may motion the court for confidential address (*See* Appendix E, page 9.). The Committee would like to study the proposal further prior to making a recommendation to the Court. Thus, the Committee does not accept the Section's recommendation at this time.

FORM 12.902(e) CHILD SUPPORT GUIDELINES WORKSHEET

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the second paragraph of the instructions, the Committee recommends replacing "the original" with "this document" for clarity when filing electronically. Under the section "What should I do next?", the Committee suggests deleting portions of the first sentence and adding a paragraph for clarity on the service process. Under the section "What should I do next?", the Committee suggests adding two new sections regarding e-filing and e-service elections.

In the notice of filing form, the Committee suggests adding the telephone number for the party that is being served and the person signing the certificate of service. The Committee recommends the child support guidelines forms be made gender neutral. Throughout the form, the Committee suggests replacing "Mother" and "Father" with "Petitioner" and "Respondent." Also, towards the end of the form, the Committee recommends "actual" to be replaced with "presumptive" for greater clarification for the reader. Last, throughout the form, periods are added to the parenthetical for grammar and consistency.

Comment on adjustment for below $800 and incomes above $10,000

The Committee originally proposed modifications to Form 12.902(e) (Child Support Guidelines Worksheet) for parents whose incomes are less than $800 monthly. The Section commented that the form should also be modified for instructions for parents' income above $10,000 monthly. (See Appendix E, Page

9.) While trying to address the Section's concern, the Committee realized that the law around both of these issues are complex and the Committee needs further time to research the statutes prior to making a recommendation to the court regarding either issue. Thus, there are no amendments made to the worksheet at this time accounting for incomes below $800 or incomes above $10,000.

FORM 12.902(f)(3) MARITAL SETTLEMENT AGREEMENT FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the second paragraph of the instructions, the Committee recommends deleting "the original" and replacing it with "this document" for clarity when filing electronically. The Committee also recommends adding a new section "What should I do next?" to the instructions, for clarity on the service process. Under the new section "What should I do next?", the Committee suggests adding two new sections regarding e-filing and e-service elections.

In addition, throughout the form, the Committee recommends replacing "Husband" and "Wife" with "Petitioner" and "Respondent" and "wife's, husband's, or both" with "in one spouse's name, or in both spouses' names" to make the form gender neutral. At the end of the form, where a nonlawyer must fill in their information, the Committee suggests deleting "Wife who is the {choose only one} Petitioner" and "Husband who the {choose only one} Respondent" so that the portion of the form is gender neutral.

The Committee further comments to the Court that the Committee has purposely left the current jurat in this form (while removing the other forms notarization requirement) as the Committee believes that this form should have special protections as it involves transfer of property.

FORM 12.910(a) SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, the Committee proposes adding a new section "What should I do next?" to the instructions, for clarity on the service process. Under the new section "What should I do next?", the Committee suggests adding new sections regarding e-filing and e-service elections. Last, the Committee proposes adding "..." after "Special notes" for consistency with the other form instructions.

FORM 12.913(b) AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the third paragraph of the instructions, the Committee suggests deleting "before a notary public or deputy clerk" as the Committee recommends that the form no longer be required to be notarized to provide for greater access to justice. Also, in the third paragraph of the instructions, the Committee recommends deleting "the original" and replacing it with "this document" for clarity when parties file electronically. The Committee proposes adding a new section "What should I do next?" to the instructions, for clarity on the service process. Under the new section "What should I do next?," the Committee suggests adding new sections regarding e-filing and e-service elections.

Following paragraph 4 of the form, the Committee recommends deleting the jurat sentence and adding a rephrased jurat sentence for clarity and consistency with Florida Statutes. Last, because it is recommended by the Committee that notarization of the form should not be required, the Committee recommends deleting the portion of the form where the notary was to sign the form. The Committee believes deleting the notarization component of the form will provide greater access to the court.

FORM 12.913(c) AFFIDAVIT OF DILIGENT SEARCH

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the third paragraph of the instructions, the Committee suggests deleting "before a notary public or deputy clerk" as the Committee recommends that the form no longer be required to be notarized to provide for greater access to justice. Also, in the third paragraph of the instructions, the Committee recommends deleting "the original" and replacing it with "this document" for clarity when parties file electronically. The Committee proposes adding a new section "What should I do next?" to the instructions, for clarity on the service process. Under the new section "What should I do next?", the Committee suggests adding new sections regarding e-filing and e-service elections.

Following paragraph 3 of the form, the Committee recommends deleting the jurat sentence and adding a rephrased jurat sentence for clarity and consistency with Florida Statutes. Last, because it is recommended by the Committee that notarization of the form should not be required, the Committee recommends

deleting the portion of the form where the notary was to sign the form. The Committee believes deleting the notarization component of the form will provide greater access to the court.

FORM 12.921 NOTICE OF HEARING (CHILD SUPPORT ENFORCEMENT HEARING OFFICER)

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the third paragraph of the instructions, the Committee proposes deleting "the original" with "this document" for clarity when filing electronically.

In the form, the Committee recommends adding an address section for the County Courthouse for greater specification for the reader. Also, the Committee proposes adding language required by *Turner v. Rogers*, 564 U.S. 431 (2011), regarding the obligor's ability to pay being a critical issue in the contempt proceeding. In addition, to the form, the Committee suggests adding language, required by *Turner*, that the Court must make an express finding that the obligor has the ability to pay child support. After the ADA required language, in the form, the Committee recommends adding a paragraph regarding the process to address a motion to vacate to make this form consistent with Forms 12.920 (a)-(c). Last, at the end of Form 12.921, the Committee suggests adding "Telephone Number" to the certificate of service.

FORM 12.928 COVER SHEET FOR FAMILY COURT CASES

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the first paragraph of the instructions, the Committee suggests deleting "neither" and replacing it with "does not" for clarity for the reader.

The Section in its comment suggests reformatting the sentence under II. "Type of Action" in the instructions and the form for clarity. (*See* Appendix E, page 10.)The Committee agrees and recommends deleting "simultaneously" and "against the same opposing party, such as a modification and an enforcement proceeding" and adding "(such as a modification and an enforcement proceeding) against the same party at the same time, then you must" for greater clarity for the reader.

In addition, the Section in its comment recommended listing two new cases. Under III. "Type of Case", in the instruction and in the form. (*See* Appendix E,

page 10). The Committee agreed and recommends adding petition for temporary or concurrent custody by extended family and emancipation of a minor to II. "Type of Action" in the instruction to the form and in the form.

Also, in the instructions, the Committee recommends, after the section in the instructions regarding Nonlawyers, adding a new paragraph regarding service. Immediately following that paragraph, the Committee proposes adding new sections regarding e-filing and e-service elections.

FORM 12.930(a) NOTICE OF SERVICE OF STANDARD FAMILY LAW INTERROGATORIES

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, the Committee suggests, in the second paragraph of the instructions, deleting "the original" and replacing it with "this document" for clarity when filing electronically. Also, under the section "Where can I look for more information?", the Committee recommends adding a paragraph for clarity on the service process. Under the new paragraph, the Committee proposes adding new sections regarding e-filing and e-service elections.

FORM 12.930(b) STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, the Committee suggests, in the fourth paragraph of the instructions, deleting "an original" and replacing it with "this document" for clarity when filing electronically. Also, under the section "Where can I look for more information?", the Committee proposes adding new sections regarding e-filing and e-service elections. After "Special notes," the Committee recommends adding "..." for consistency with the other form instructions. In the second paragraph, under the section "Special notes...," the Committee proposes deleting "original of the" and replacing "THE ORIGINAL OR A COPY" with "THIS DOCUMENT" for clarity when filing electronically.

In the form, in the first paragraph of boldface type, the Committee suggests deleting "THE ORIGINAL" and replacing it with "THIS DOUMENT" for clarity when filing electronically. Also, in this boldface paragraph, the Committee recommends deleting "THE ORIGINAL OF" for clarity when filing electronically.

At the end of the form, the Committee recommends adding "Telephone Number" in the certificate of service. Following the certificate of service at the end of the form, the Committee proposes deleting the jurat sentence and adding a rephrased jurat sentence for clarity. Last, because it was recommended by the Committee that the form no longer be required to be notarized to provide for greater access to justice, the Committee recommends deleting the portion of the form where the notary was to sign the form.

FORM 12.930(c), STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, the Committee suggests, in the fourth paragraph of the instructions, deleting "an original" and replacing it with "this document" and deleting "an original of" for clarity when filing electronically. In the sixth paragraph, the Committee suggests deleting "THE ORIGINAL OR A COPY" and replacing it with "THIS DOCUMENT" for clarity when filing electronically. Under the Section "Where can I look for more information?", the Committee suggests adding new sections regarding e-filing and e-service elections. After "Special notes," the Committee recommends adding "..." for consistency with the other form instructions. Under the "Special notes..." section, the Committee recommends deleting "original of the" and replacing "THE ORIGINAL OR A COPY" with "THIS DOCUMENT" for clarity when filing electronically.

In the form, in the first paragraph of boldface type, the Committee recommends deleting "THE ORIGINAL" and replacing it with "THIS DOCUMENT" for clarity when filing electronically. Also, in this boldface paragraph, the Committee proposes deleting "THE ORIGINAL OF" for clarity when filing electronically. At the end of the form in the certificate of service, the Committee suggests adding "Telephone Number" for the party that is being served. After the certificate of service, the Committee proposes deleting the jurat sentence and adding a rephrased jurat sentence for clarity and consistency with Florida Statutes. Last, because it is recommended by the Committee that notarization of the form should not be required, the Committee recommends deleting the portion of the form where the notary was to sign the form. The Committee believes deleting the notarization component of the form will provide greater access to the court.

FORM 12.932 CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. The Committee also reviewed this form for consistency with proposed changes to Rule 12.285. Specifically, the Committee suggests, in the first sentence of the paragraph of the instructions, deleting "dissolution of marriage case" and replacing it with "family matter" to provide clarity that mandatory disclosure is not only for dissolution of marriage cases. In the second sentence of the first paragraph, the Committee recommends adding "initial" in front of petition and deleting "for dissolution of marriage" for clarity for the reader. In the third sentence of the first paragraph, the Committee suggests deleting "dissolution of marriage" to provide clarity that mandatory disclosure is not only for dissolution of marriage cases.

In the second paragraph of the instructions, the Committee proposes deleting "THE ORIGINAL OF THE" for clarity when parties file electronically. In the third paragraph of the instructions, the Committee proposes deleting the fourth and fifth sentences of the paragraphs for consistency with amendments proposed to Rule 12.285 (Mandatory Disclosure). After the third paragraph of the instructions, the Committee suggests adding a new paragraph regarding specifying the documents that are produced and providing information regarding account numbers and personal identifying information. In the paragraph after the new paragraph, the Committee recommends deleting "the original" and replacing it with "this document" for clarity when parties file electronically. After the "Where can I look for more information?" section, the Committee proposes adding new sections regarding e-filing and e-service elections. Under the third paragraph of the "Special notes..." section, the Committee suggests deleting "your spouse" and replacing it with "the other party" for clarity.

In the beginning of the form with all caps boldface type, the Committee recommends deleting "ORIGINAL OF THIS" for clarity when parties file electronically. Also, in the second sentence of that paragraph, the Committee recommends adding "OTHER" for greater clarity for the reader. In the Section's comment, the Section suggests the accidental strike of "THE" should be corrected and adding "OTHER" so that the phrase reads "NO OTHER DOCUMENTS." (*See*

Appendix E, page10.) The Committee agrees and has made those suggestions in this report.

Under the first paragraph (For Temporary Financial Relief, Only), the Committee recommends adding a phrase after "Check all that apply" to require parties to state specifically what documents are being produced and allowing parties to add additional papers if space provided is not sufficient. Under paragraph 1.b., the Committee recommends deleting "personal (1040) federal" and replacing it with "complete federal and state personal income" for consistency with the proposed changes to Rule 12.285. Also, in that paragraph, the Committee suggests deleting "intangible personal property tax" and replacing it with "foreign" and deleting "preceding" and replacing it with "past 3" for consistency with the proposed changes to Rule 12.285. In addition, in the same section, the Committee proposes adding ", including all attachments, including IRS forms W-2, 1099 and K-1, and all accompanying schedules and worksheets comprising the entire tax return" for consistency with the proposed changes to Rule 12.285. Last, in this paragraph, the Committee recommends adding "; and for any of the prior 2 years beyond the past year if tax returns for any of those years have not been filed" for consistency with the proposed changes to Rule 12.285.

Under paragraph 1.c., the Committee proposes deleting "3" and replacing it with "6" and deleting "service of the financial affidavit" and replacing it with "compliance with the disclosure requirements for temporary relief" for consistency with the proposed changes to Rule 12.285. Also, in paragraph 1.c., the Committee suggests adding "The following are produced:" and additional lines for space to allow for greater specificity of what is produced evidencing income.

Under the second paragraph (For Initial, Supplemental, and Permanent Financial Relief), the Committee recommends adding a phrase after "Check all that apply" to require parties to state specifically what documents are being produced and allowing parties to add additional papers if space provided is not sufficient.

In paragraph 2.b., the Committee recommends deleting "personal (1040)" and replacing it with "complete" for consistency with the proposed changes to Rule 12.285. Also, in that paragraph, the Committee recommends adding "personal" in front of "income tax" and deleting "returns" after "income tax" and

"gift tax" for consistency with the proposed changes to Rule 12.285 and clarity for the reader. In addition, the Committee suggests deleting "intangible personal property" and replacing it with "foreign" and deleting "preceding" and replacing it with "past" for consistency with the proposed changes to Rule 12.285. In the same paragraph, the Committee suggests adding "including all attachments, including IRS forms W-2, 1099, and K-1, and all accompanying schedules and worksheets comprising the entire tax return;" for consistency with the proposed changes to Rule 12.285. Also, the Committee proposes adding "Transcript of tax return as provided by IRS form 4506-T; **or**" for consistency with the proposed changes to Rule 12.285. Last, in that paragraph, the Committee suggest adding "; and for any of the prior 2 years beyond the past year if tax returns for any of those years have not been filed" for consistency with the proposed changes to Rule 12.285.

In paragraph 2.c., the Committee suggests deleting "3" and replacing it with "6" and deleting "service of the financial affidavit" and replacing it with "compliance with these disclosure requirements for initial or supplemental proceedings" for consistency with the proposed changes to Rule 12.285. Also, in paragraph 2.c., the Committee suggests adding "The following are produced," and additional lines for space to allow for greater specificity of what is produced evidencing income.

In paragraph 2.d., the Committee proposes deleting "3" and replacing it with "6" for consistency with the proposed changes to Rule 12.285. Also, the Committee proposes deleting "service of the financial affidavit" and replacing it with "compliance with these disclosure requirements for initial or supplemental proceedings" for consistency with the proposed changes to Rule 12.285. Last in paragraph 2.d., the Committee recommends adding "The following are produced" and additional lines for space to allow for greater specificity of what is produced evidencing source of income.

In paragraph 2.e., the Committee recommends deleting "and" after "loan applications" and adding ", credit reports, or any other form of financial disclosure, including financial aid forms," after "financial statements" for consistency with the proposed changes to Rule 12.285. Also, in this paragraph, the Committee recommends deleting "12" and replacing it with "24" and deleting "service of the financial affidavit" and replacing it with "compliance with these disclosure

requirements for initial or supplemental proceedings" for consistency with the proposed changes to Rule 12.285. Last in paragraph 2.e., the Committee proposes adding "The following are produced," and additional lines for space to allow for greater specificity of what is produced evidencing the disclosed items.

In paragraph 2.f., the Committee recommends deleting "in which I presently own or owned an interest" and replacing it with "or other documents evidencing money owed to me or my spouse at any time" for consistency with the proposed changes to Rule 12.285. In this paragraph, the Committee recommends deleting "12" and replacing it with "24" for consistency with the proposed changes to Rule 12.285. Also in paragraph 2.f., the Committee recommends adding a new phrase at the end of the paragraph regarding the requirements for disclosure depending on how the property is titled for consistency with the proposed changes to Rule 12.285. Last in paragraph 2.f., the Committee proposes adding "The following are produced," and lines for space for greater specificity of what is produced in responding to paragraph 2.f.

In paragraph 2.g., the Committee recommends deleting "3" and replacing it with "12" for consistency with the proposed changes to Rule 12.285. Also, in paragraph 2.g., the Committee suggests adding a new phrase at the end of the paragraph regarding the requirements for disclosure depending on how the account is titled for consistency with the proposed changes to Rule 12.285. Last in paragraph 2.g., the Committee proposes adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.g.

In paragraph 2.h., the Committee suggests adding a new phrase at the end of the paragraph regarding the requirements for disclosure depending on how the brokerage account is titled for consistency with the proposed changes to Rule 12.285. Also, in paragraph 2.h., the Committee proposes adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.h.

In paragraph 2.i., the Committee suggests adding "and statements for the past 12 months" at the beginning of the first sentence, "an" before "alternate" at the end of the sentence, and "receiving payments" after "payee" at the end of the

first sentence for consistency with the proposed changes to Rule 12.285. Last, in paragraph 2.i., the Committee suggests adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.i.

In addition, the Committee recommends adding a new paragraph 2.j. regarding virtual currency for consistency with the proposed changes to Rule 12.285. The Committee recommends renumbering the remaining paragraphs to accommodate the new paragraph 2.j.

In the renumbered paragraph 2.k., the Committee recommends adding "statements for the past 12 months" at the beginning of the paragraph and deleting "of me" at the end of the paragraph for consistency with the proposed changes to Rule 12.285. Also, the Committee recommends adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.k.

In the renumbered paragraph 2.*l*., the Committee suggests adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.*l*.

In the renumbered paragraph 2.m., the Committee recommends deleting "greater than or equal to 30%" for consistency with the proposed changes to Rule 12.285. Also, the Committee recommends adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.m.

In the renumbered paragraph 2.n., the Committee proposes deleting "3" and replacing it with "24" and adding "preceding compliance with these disclosure requirements for initial or supplemental proceedings" after "24 months" for consistency with the proposed changes to Rule 12.285. The Committee proposes deleting "year" and replacing it with "24 months" and adding "whether paid or not" for consistency with Rule 12.285. Also, the Committee proposes adding a phrase at the end of the second sentence regarding the requirements for disclosure being dependent on how the lease agreement is titled for consistency with the proposed changes to Rule 12.285. Last, the Committee proposes adding "The

following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.n.

In the renumbered paragraph 2.o., the Committee proposes adding a new phrase at the end of the sentence regarding disclosure of declaration, affidavits, and judgements of non-paternity for consistency with changes to Rule 12.285. Also, the Committee suggests adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.o.

In the renumbered paragraph 2.p., the Committee recommends adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.p.

In the renumbered paragraph 2.q., the Committee suggests deleting "and tangible evidence" for consistency with the proposed changes to Rule 12.285. Also, the Committee suggests adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.q.

In the renumbered paragraph 2.r., the Committee suggests adding "The following are produced:" and lines for space for greater specificity of what is produced in responding to paragraph 2.r.

At the end of the form, the Committee recommends adding "Telephone Number" to the certificate of service. Following the certificate of service, the Committee suggests deleting the jurat sentence and adding a rephrased jurat sentence for clarity and consistency with Florida Statutes. In addition, the Committee suggest adding a "Dated" line for clarity for the reader. Last, because it is recommended by the Committee that notarization of the form should not be required, the Committee recommends deleting the portion of the form where the notary was to sign the form. The Committee believes deleting the notarization component of the form will provide greater access to the court.

FORM 12.975(a) PETITION FOR GRANDPARENT VISITATION WITH MINOR CHILD(REN)

The Committee recommends adding a new form in response to Chapter 2015-134, Laws of Florida (Rights of Grandparents). The Committee suggests

instructions to the form and the new Form 12.975(a) which is a form petition for a grandparent requesting visitation with a minor child.

In its comment, the Section suggested reformatting paragraph 8 in the form and the corresponding instructions for clarity. (*See* Appendix E, page 10-11.) The Committee agrees with the Section's comment and those changes are reflected in Appendix B of this report. The Section also suggested adding a definition of "missing" and "persistent vegetative state" to this form. (*See* Appendix E, page 11.) The Committee did not agree with this amendment. The Committee believes the form adequately refers the petitioner to the statute which defines these terms and adding these definitions to the form would make the form cumbersome. The Section further suggested language regarding the preliminary hearing and appointment of a guardian ad litem. (*See* Appendix E, page 11.) The Committee disagrees with the Section's recommendation as the Committee believes it isn't necessary to put in the petition. Last, the Section suggested that the place of birth and sex of the children should be removed. (*See* Appendix E, page11). The Committee agrees and proposes the form with those amendments.

FORM 12.975(b) ORDER ON GRANDPARENT'S PETITION FOR VISITATION WITH MINOR CHILD(REN)

The Committee recommends adding a second new form in response to Chapter 2015-134, Laws of Florida (Rights of Grandparents). The Committee suggests Form 12.975(b) which is a form order on a grandparent's petition requesting visitation with a minor child or children.

FORM 12.984(b) RESPONSE BY PARENTING COORDINATOR

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the first sentence under the "What should I do next?" section, the Committee recommends deleting "the original" and replacing it with "this document" for clarity when parties file electronically. In the second sentence in this section, the Committee recommends adding ",e-mail," as parenting coordinators can use e-mail to serve their response. Under the section "Where can I look for more information?", the Committee recommends adding two new sections regarding e-filing and e-service elections. The Committee proposes adding "..." after "Special notes" for consistency with the other form instructions.

In the form, the Committee proposes deleting the current certificate of service and adding a rephrased certificate of service for clarity for the reader.

FORM 12.984(c) PARENTING COORDINATOR REPORT OF AN EMERGENCY

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the first sentence under the "What should I do next?" section, the Committee recommends deleting "the original" and replacing it with "this document" for clarity when parties file electronically. Under the section "Where can I look for more information?", the Committee suggests adding new sections regarding e-filing and e-service elections. The Committee proposes adding "..." after "Special notes" for consistency with the other form instructions.

In the form, the Committee proposes deleting the current certificate of service and adding a rephrased certificate of service for clarity for the reader.

FORM 12.996(b) NOTICE TO PAYOR

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the second paragraph, the Committee suggests deleting "the original of this form should be filed" and replacing it with "you should file this document" for clarity when parties file electronically. Under the section "Where can I look for more information?", the Committee suggests adding new sections regarding e-filing and e-service elections. In the second sentence under the section "Special Instructions...", the Committee recommends deleting the lower cases letters in "social security number" and replacing them with upper case letters for grammar twice and deleting "not" and replacing it with "NOT" for clarity for the reader.

In the form, the Committee recommends deleting the lower cases letters in "social security number" twice and replacing them with upper case letters in the first bold paragraph. In the form, the Committee recommends adding "Telephone Number" to the certificate of service.

FORM 12.996(c) NOTICE OF FILING RETURN RECEIPT

The Committee on its own initiative reviewed all form instructions for clarity and accuracy and to include explanations for e-service and e-filing. Specifically, in the first paragraph, the Committee recommends deleting "the original of t" and replacing it with a "T" to make the word "This" for clarity when parties file electronically. Under the section "Where can I look for more information?", the Committee recommends adding two new sections regarding e-filing and e-service elections.

In the form, the Committee recommends adding "Telephone Number" to the certificate of service.

WHEREFORE, the Family Law Rules Committee respectfully requests that the Court amend Florida Family Law Rules of Procedure as detailed above.

Respectfully submitted on February 10, 2020.

/s/ Mary Lou Cuellar-Stilo

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by e-mail, via the Florida Courts E-filing Portal, on February 10, 2020, to:

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CERTIFICATE OF COMPLIANCE

I certify that these rules were read against *Thomson Reuters' Florida Rules of Court—State* (2019 Rev. Edition). I certify that the forms were read against the following cases: *In re Amendments to the Florida Family Law Rules of Procedure*, 104 So. 3d 314 (Fla. 2012), *In re Amendments to 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 Rules—E-mail Service Rule*, 102 So. 3d 505 (Fla. 2012), *In re Amendments to the Florida Family Law Rules of Procedure*, 126 So. 3d 228 (Fla. 2013), *In re Amendments to the*

Florida Family Law Rules of Procedure; New Rules for Qualified and Court-Appointed Parenting Coordinators, 142 So.3d 831 (Fla. 2014). *In re Amendments to the Florida Family Law Rules of* Procedure, 154 So. 3d 301 (Fla. 2014), *In Re: Amendments to Florida Family Law Rules of Procedure*, 214 So. 3d 400 (Fla. 2017), *In Re: Amendments to the Florida Family Law Rules of Procedure—2017 Regular-Cycle Report*, 227 So. 3d 115 (Fla. 2017),and *In Re: Amendments to the Florida Supreme Court Approved Family Law Forms—12.913(a)(3)*, 246 So. 3d 1131 (Fla. 2018). and I certify that this report was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Mikalla Andies Davis
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