

IN THE SUPREME COURT OF FLORIDA

**IN RE AMENDMENTS TO THE FLORIDA
FAMILY LAW RULES OF PROCEDURE**

CASE NO.:

**OUT-OF-CYCLE REPORT OF THE
FAMILY LAW RULES COMMITTEE**

Hon. John M. Alexander, Chair, Family Law Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this out-of-cycle report requesting amendment of *Fla. Fam. L. R. P. Forms* 12.902(b) and (c) and *Fla. Sup. Ct. App. Fam. L. Form* 12.902(i), under *Fla. R. Jud. Admin.* 2.130. The proposed amendments make corrections to three widely used Family Law Forms, the two Financial Affidavits and the Affidavit of Corroborating Witness. The Committee is cognizant of the Court's wish to keep the Family Law Forms as up to date and accurate as possible and believes that it is appropriate to make these changes before the Committee's next regular cycle report in 2008.

The proposals have been approved by the Committee by the votes indicated below. They have also been reviewed and approved by the Board of Governors of The Florida Bar by a vote of 28-0. The proposals will be published in the March 1, 2006, *Florida Bar News* (see Appendix A) and posted on the Bar's website with a request for comments by April 1, 2006. Any comments received will be forwarded to the Court. The proposals and reasons for change are as follows.

Forms 12.902(b) and (c), Financial Affidavits. The need for this

amendment was brought to the Committee's attention by N. Diane Holmes, an attorney practicing in Orlando, Florida (see Appendix B). She pointed out that on the first page of the instructions for each form instructions are given for converting "bi-monthly" (every other month) amounts to monthly, although the calculations are for "semi-monthly" (twice a month). The Committee believes that semi-monthly was originally intended and the instructions have been amended to change bi-monthly to semi-monthly to correct this error. In addition, as has been the Court's practice in recent form revisions, the graphic symbols have been removed. The Committee vote on this proposal was 17-0-0.

Additionally, revisions have made to conform these forms to those found in West's *2005 Florida Rules of Court*. In *Form 12.902(b)*, Section III.B., Liabilities, the text at the top of the table has been corrected to state: "each separate debt ~~owned~~owed." In *Form 12.902(c)*, missing blank lines have been added in Section I, items 18a. and 18b. and Section II, items 20–24 and 34.

Form 12.902(i), Affidavit of Corroborating Witness. The first amendment was brought to the Committee's attention by attorney Joseph Lovelace (see Appendix C). Mr. Lovelace noted that the form requires that the affiant know the party has resided in Florida for six months preceding the filing of the affidavit, but section 61.021, Florida Statutes, requires that, to establish residence for a dissolution of marriage, "one of the parties to the marriage must reside 6 months in

the state before the filing of the petition (emphasis added).” Case law has also established a requirement that the six months of residency be “immediately” before the filing of the petition. See *Gillman v. Gillman*, 413 So. 2d 412, 413 (Fla. 4th DCA 1982), *disapproved on other grounds* 648 So. 2d 712 (“the party . . . must reside in this state for the six months next preceding the filing of the petition”). See also *Speigner v. Speigner*, 621 So. 2d 758 (Fla. 1st DCA 1993); *Eckel v. Eckel*, 522 So. 2d 1018 (Fla. 1st DCA 1988). Accordingly, the third sentence of the first paragraph of the form has been amended to read: “I have known {name} _____ since {approximate date} _____, (more than 6 months before the date of filing the petition in this action) and know of my own personal knowledge that this person has resided in the State of Florida for at least 6 months immediately before ~~the date of this affidavit~~the date of the filing of the petition in this action {date}_____.”

In reviewing the form for this amendment, the Committee determined that three other changes should also be made. The second sentence of the form, “I am a resident of the State of Florida,” has been deleted. There is no requirement in sections 61.021 or 61.052(2), Florida Statutes, that the affiant be a Florida resident. The last sentence regarding attaching a copy of the affiant’s driver’s license has also been deleted. The above statutes do not require this and the notary will require production of identification if the person is not personally known. The graphic

symbols have also been removed in this form. The last sentence of the first paragraph of the instructions to the form has been changed from “the date you signed your **petition**” to “the date you filed your **petition**” to conform to section 61.021, Florida Statutes. The final vote on the amendments to this form was 15-0-0.

The portion at the bottom of the form regarding nonlawyer assistance has also been amended from what is currently found in West’s *2005 Rules of Court* to conform to other forms.

The amended forms and instructions are attached as Appendix D.

The Family Law Rules Committee respectfully requests that the Court amend these three forms as shown in Appendix D.

Respectfully submitted _____.

HON. JOHN M. ALEXANDER
Chair
Family Law Rules Committee
P. O. Box 300
St. Augustine, FL 32085-0300
904/827-5603
FLORIDA BAR NO.: 487260

JOHN F. HARKNESS, JR.
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
850/561-5600
FLORIDA BAR NO.: 123390

APPENDIX A

**FAMILY LAW RULES COMMITTEE
OUT-OF-CYCLE AMENDMENTS**

The Family Law Rules Committee invites comment on proposed out-of-cycle amendments to the Florida Family Law Rules of Procedure shown below. The full text of the proposals can be found on The Florida Bar's website at www.FloridaBar.org. Interested persons have until April 1, 2006, to submit comments to Hon. John Alexander, Chair, Family Law Rules Committee, St. Johns County Courthouse, P. O. Box 300, St. Augustine, FL 32085-0300.

RULE/FORM	VOTE	EXPLANATION
12.902(b)	17-0-0	Corrects "bi-monthly" to "semi-monthly" in instructions; makes style corrections
12.902(c)	17-0-0	Corrects "bi-monthly" to "semi-monthly" in instructions; makes style corrections
12.902(i)	15-0-0	Changes third sentence of first paragraph to require that affiant know that party has resided in Florida 6 months immediately before the filing of the petition in this action. Deletes requirement that affiant be a resident of Florida and that affiant attach a copy of his or her driver's license. Amends instructions to conform to changes to form. All amendments conform to sections 61.021 and 61.052, Florida Statutes.

APPENDIX B

"Sampson, Michael"
<MSampson@CarltonFields.c
om>

To <esloyer@flabar.org>
cc <office@ndianeholmespa.com>

09/05/2005 07:04 PM bcc

Subject FW: fla bar rules and form

Dear Ellen,

Family law attorney N. Diane Holmes of Orlando asked me to forward on to the Florida Bar forms committee the following suggested correction to the form financial affidavits. Please route Diane's suggestion to the correct person.

See you soon,

Michael P. Sampson Carlton Fields
Law Firm CNL Center at City
Commons 450 South Orange Ave.,
Suite 500 P.O. Box 1171 Orlando, FL
32802 Telephone: 407.244.8248 Fax:
407.648.9099

New interactive website. Same strategic vision, www.carltonfields.com.

-----Original Message-----

From: Office [mailto:office@ndianeholmespa.com]
Sent: Saturday, September 03, 2005 6:49 PM To:
Sampson, Michael **Subject:** fla bar rules and form

Hi Mike

sorry you missed the b-day party
when we were at the Y recently, I mentioned that I had noted a problem in the fla bar forms
could you please pass this on?
in both financial affidavits - over and under 50k [12.902(b) 12.902(c)] the instructions discuss
converting "bi-monthly" to monthly
what is being referred to is semi-monthly (twice a month) not every other month
I know there is not a standard IDO, but this came to my attention recently in an incorrect IDO
thanks

Diane
N. Diane Holmes
N. Diane Holmes, P.A.
801 North Magnolia Avenue
Suite 409
Orlando, Florida 32803
(407) 843-1744 telephone
(407) 849-0301 fax

APPENDIX C

"Lovelace, Joe"
<JLovelac@jud6.org>
12/23/2005 01:48PM

To <esloyer@flabar.org>

bcc

Subject family law rules

with the meeting approaching, i wanted to raise a n issue re rule 12.902(i), form for affidavit of corroborating witness, the form states that the affiant knows that the party has resided in fl for at least 6 months before the date of the affidavit, legally, this is worthless - unless the affidavit is executed the same day as the case is filed, the law requires 6 months residency before filing, and many affidavits are executed and submitted well after the petition is filed, making them useless. the form needs to be modified to read that the affiant knows that the party has been a resident for at least 6 months before the filing date (which it would be good to leave a blank for filling in), i raised this issue 3 – 4 years ago, but still no change has come down. any help would be appreciated, i'm contacting you since you were listed as bar contact in the website. thanks and merry Christmas.

APPENDIX D

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.902(b),
FAMILY LAW FINANCIAL AFFIDAVIT (SHORT FORM)

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**.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public**. 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 mailed or hand delivered to the other **party** in your case, if it is not served on him or her with your initial papers. This must be accomplished within 45 days of service of the petition.

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 rule 12.285, Florida Family Law Rules of Procedure.

Special notes...

If this is a domestic violence case and you want to keep your address confidential for safety reasons, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Petitioner’s Request for Confidential Filing of Address**,  Florida Supreme Court Approved Family Law Form 12.980(i).

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	=	Monthly Amount
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	=	Monthly Amount
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	=	Monthly Amount
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	=	Monthly Amount
BiSemi-monthly - If you are paid twice per month, you may convert your income to monthly as follows:				
BiSemi-monthly amount	x	2	=	Monthly Amount

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**, 

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 1. \$ _____
2. Monthly bonuses, commissions, allowances, overtime, tips, and similar payments 2. _____
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.) 3. _____
4. Monthly disability benefits/SSI 4. _____
5. Monthly Workers' Compensation 5. _____
6. Monthly Unemployment Compensation 6. _____
7. Monthly pension, retirement, or annuity payments 7. _____
8. Monthly Social Security benefits 8. _____
9. Monthly alimony actually received
9a. From this case: \$ _____
9b. From other case(s): _____ Add 9a and 9b 9. _____
10. Monthly interest and dividends 10. _____
11. Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income) (? Attach sheet itemizing such income and expense items.) 11. _____
12. Monthly income from royalties, trusts, or estates 12. _____
13. Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses 13. _____
14. Monthly gains derived from dealing in property (not including nonrecurring gains) 14. _____
15. Any other income of a recurring nature (list source) _____ 15. _____
16. _____ 16. _____

17. **PRESENT MONTHLY GROSS INCOME** (Add lines 1–16) **TOTAL:** 17. \$ _____

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 _____ 18. \$ _____
- 19. Monthly FICA or self-employment taxes 19. _____
- 20. Monthly Medicare payments 20. _____
- 21. Monthly mandatory union dues 21. _____
- 22. Monthly mandatory retirement payments 22. _____
- 23. Monthly health insurance payments (including dental insurance), excluding portion paid for any minor children of this relationship 23. _____
- 24. Monthly court-ordered child support actually paid for children from another relationship 24. _____
- 25. Monthly court-ordered alimony actually paid
 - 25a. from this case: \$ _____
 - 25b. from other case(s): _____ Add 25a and 25b 25. _____

26. **TOTAL DEDUCTIONS ALLOWABLE UNDER SECTION 61.30, FLORIDA STATUTES** (Add lines 18 through 25) **TOTAL:** 26. \$ _____

PRESENT NET MONTHLY INCOME (Subtract line 26 from line 17) **27. \$** _____

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)

28. \$ _____

SUMMARY

29. TOTAL PRESENT MONTHLY NET INCOME

(from line 27 of SECTION I. INCOME)

29. \$ _____

30. TOTAL MONTHLY EXPENSES (from line 28 above)

30. \$ _____

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.)

31. \$ _____

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.)

32. (\$ _____)

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). DO NOT LIST ACCOUNT NUMBERS. v the box next to any asset(s) which you are requesting the judge award to you.	Current Fair Market Value	Nonmarital (v 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			
?			
?			
?			
?			
?			
?			
? v here if additional pages are attached.			
Total Assets (add column B)	\$ _____		

B. LIABILITIES:

DESCRIPTION OF ITEM(S). List a description of each separate debt owned by you (and/or your spouse, if this is a petition for dissolution of marriage). DO NOT LIST ACCOUNT NUMBERS. v the box next to any debt(s) for which you believe you should be responsible.	Current Amount Owed	Nonmarital (v correct column)	
		husband	wife
? Mortgages on real estate: First mortgage on home	\$		
? Second mortgage on home			
? Other mortgages			
?			
? Auto loans			
?			
? Charge/credit card accounts			
?			
?			
? Other			
?			
?			
?			
? v here if additional pages are attached.			
Total Debts (add column B)	\$ _____		

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 v the box next to any contingent asset(s) which you are requesting the judge award to you.	Possible Value	Nonmarital (v correct column)	
		husband	wife
?	\$		
?			
Total Contingent Assets	\$ _____		

Contingent Liabilities v the box next to any contingent debt(s) for which you believe you should be responsible.	Possible Amount Owed	Nonmarital (v correct column)	
		husband	wife
?	\$		
?			
Total Contingent Liabilities	\$ _____		

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.)

[v 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 document was [v one only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip _____

Fax Number: _____

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: _____

Telephone Number: _____

Fax Number: _____

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: [~~do~~ fill in all blanks]

I, {full legal name and trade name of nonlawyer} _____,

a nonlawyer, located at {street} _____, {city} _____,

{state} _____, {phone} _____, helped {name} _____,

who is the [v one only] ___ petitioner or ___ respondent, fill out this form.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULE OF PROCEDURE FORM 12.902(c),
FAMILY LAW FINANCIAL AFFIDAVIT

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.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public**. 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 mailed or hand delivered to the other **party** in your case, if it is not served on him or her with your initial papers. This must be accomplished within 45 days of service of the petition.

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 rule 12.285, Florida Family Law Rules of Procedure.


Special notes...

If this is a domestic violence case and you want to keep your address confidential for safety reasons, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Petitioner’s Request for Confidential Filing of Address**,  Florida Supreme Court Approved Family Law Form 12.980(i).

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	=	Monthly Amount
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	=	Monthly Amount
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	=	Monthly Amount
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	=	Monthly Amount
BiSemi-monthly - If you are paid twice per month, you may convert your income to monthly as follows:				
BiSemi-monthly amount	x	2	=	Monthly Amount

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

(\$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. Date of Birth: _____

2. My occupation is: _____

3. I am currently

[v **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 (*if known*)
 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 1. \$ _____
- 2. Monthly bonuses, commissions, allowances, overtime, tips, and similar payments 2. _____
- 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.) 3. _____
 (? Attach sheet itemizing such income and expenses.)
- 4. Monthly disability benefits/SSI 4. _____
- 5. Monthly Workers' Compensation 5. _____
- 6. Monthly Unemployment Compensation 6. _____
- 7. Monthly pension, retirement, or annuity payments 7. _____
- 8. Monthly Social Security benefits 8. _____
- 9. Monthly alimony actually received
 9a. From this case: \$ _____
 9b. From other case(s): _____ Add 9a and 9b 9. _____
- 10. Monthly interest and dividends 10. _____
- 11. Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income) (? Attach sheet itemizing such income and expense items.) 11. _____
- 12. Monthly income from royalties, trusts, or estates 12. _____
- 13. Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses (? Attach sheet itemizing each item and amount.) 13. _____
- 14. Monthly gains derived from dealing in property (not including nonrecurring gains) 14. _____
- Any other income of a recurring nature (identify source)
- 15. _____ 15. _____
- 16. _____ 16. _____

17. PRESENT MONTHLY GROSS INCOME (Add lines 1B16) **TOTAL: 17. \$** _____

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 _____
- 18. \$ _____
- 19. Monthly FICA or self-employment taxes _____
- 19. _____
- 20. Monthly Medicare payments _____
- 20. _____
- 21. Monthly mandatory union dues _____
- 21. _____
- 22. Monthly mandatory retirement payments _____
- 22. _____
- 23. Monthly health insurance payments (including dental insurance), excluding portion paid for any minor children of this relationship _____
- 23. _____
- 24. Monthly court-ordered child support actually paid for children from another relationship _____
- 24. _____
- 25. Monthly court-ordered alimony actually paid
 - 25a. from this case: \$ _____
 - 25b. from other case(s): _____ Add 25a and 25b
- 25. _____

26. TOTAL DEDUCTIONS ALLOWABLE UNDER SECTION 61.30, FLORIDA STATUTES (Add lines 18 through 25) **TOTAL: 26. \$** _____

27. PRESENT NET MONTHLY INCOME (Subtract line 26 from line 17) **27. \$** _____

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 1. \$ _____
- 2. Monthly property taxes (if not included in mortgage) 2. _____
- 3. Monthly insurance on residence (if not included in mortgage) 3. _____
- 4. Monthly condominium maintenance fees and homeowner’s association fees 4. _____
- 5. Monthly electricity 5. _____
- 6. Monthly water, garbage, and sewer 6. _____
- 7. Monthly telephone 7. _____
- 8. Monthly fuel oil or natural gas 8. _____
- 9. Monthly repairs and maintenance 9. _____
- 10. Monthly lawn care 10. _____
- 11. Monthly pool maintenance 11. _____
- 12. Monthly pest control 12. _____
- 13. Monthly misc. household 13. _____
- 14. Monthly food and home supplies 14. _____
- 15. Monthly meals outside home 15. _____
- 16. Monthly cable t.v. 16. _____
- 17. Monthly alarm service contract 17. _____
- 18. Monthly service contracts on appliances 18. _____

19. Monthly maid service 19. _____
 Other:
 20. _____ 20. _____
 21. _____ 21. _____
 22. _____ 22. _____
 23. _____ 23. _____
 24. _____ 24. _____
- 25. SUBTOTAL** (add lines 1 through 24) **25. \$** _____

AUTOMOBILE:

26. Monthly gasoline and oil 26. \$ _____
 27. Monthly repairs 27. _____
 28. Monthly auto tags and emission testing 28. _____
 29. Monthly insurance 29. _____
 30. Monthly payments (lease or financing) 30. _____
 31. Monthly rental/replacements 31. _____
 32. Monthly alternative transportation (bus, rail, car pool, etc.) 32. _____
 33. Monthly tolls and parking 33. _____
 34. Other: _____ 34. _____
- 35. SUBTOTAL** (add lines 26 through 34) **35. \$** _____

MONTHLY EXPENSES FOR CHILDREN COMMON TO BOTH PARTIES:

36. Monthly nursery, babysitting, or day care 36. \$ _____
 37. Monthly school tuition 37. _____
 38. Monthly school supplies, books, and fees 38. _____
 39. Monthly after school activities 39. _____
 40. Monthly lunch money 40. _____
 41. Monthly private lessons or tutoring 41. _____
 42. Monthly allowances 42. _____
 43. Monthly clothing and uniforms 43. _____
 44. Monthly entertainment (movies, parties, etc.) 44. _____
 45. Monthly health insurance 45. _____
 46. Monthly medical, dental, prescriptions (nonreimbursed only) 46. _____
 47. Monthly psychiatric/psychological/counselor 47. _____
 48. Monthly orthodontic 48. _____
 49. Monthly vitamins 49. _____
 50. Monthly beauty parlor/barber shop 50. _____
 51. Monthly nonprescription medication 51. _____
 52. Monthly cosmetics, toiletries, and sundries 52. _____
 53. Monthly gifts from child(ren) to others (other children, relatives, teachers, etc.) 53. _____
 54. Monthly camp or summer activities 54. _____
 55. Monthly clubs (Boy/Girl Scouts, etc.) 55. _____
 56. Monthly access expenses (for nonresidential parent) 56. _____
 57. Monthly miscellaneous 57. _____

58. **SUBTOTAL** (add lines 36 through 57) 58. \$ _____

MONTHLY EXPENSES FOR CHILD(REN) FROM ANOTHER RELATIONSHIP: (other than court-ordered child support)

59. _____ 59. \$ _____
60. _____ 60. _____
61. _____ 61. _____
62. _____ 62. _____

63. **SUBTOTAL** (add lines 59 through 62) 63. \$ _____

MONTHLY INSURANCE:

64. Health insurance, excluding portion paid for any minor child(ren) of this relationship 64. \$ _____
65. Life insurance 65. _____
66. Dental insurance 66. _____
Other:
67. _____ 67. _____
68. _____ 68. _____

69. **SUBTOTAL** (add lines 64 through 68) 69. \$ _____

OTHER MONTHLY EXPENSES NOT LISTED ABOVE:

70. Monthly dry cleaning and laundry 70. \$ _____
71. Monthly clothing 71. _____
72. Monthly medical, dental, and prescription (unreimbursed only) 72. _____
73. Monthly psychiatric, psychological, or counselor (unreimbursed only) 73. _____
74. Monthly non-prescription medications, cosmetics, toiletries, and sundries 74. _____
75. Monthly grooming 75. _____
76. Monthly gifts 76. _____
77. Monthly pet expenses 77. _____
78. Monthly club dues and membership 78. _____
79. Monthly sports and hobbies 79. _____
80. Monthly entertainment 80. _____
81. Monthly periodicals/books/tapes/CD's 81. _____
82. Monthly vacations 82. _____
83. Monthly religious organizations 83. _____
84. Monthly bank charges/credit card fees 84. _____
85. Monthly education expenses 85. _____
Other: (include any usual and customary expenses not otherwise mentioned in the items listed above)
86. _____ 86. _____
87. _____ 87. _____
88. _____ 88. _____
89. _____ 89. _____

90. **SUBTOTAL** (add lines 70 through 89) 90. \$ _____

MONTHLY PAYMENTS TO CREDITORS: (only when payments are currently made by you on outstanding balances)

NAME OF CREDITOR(s):

91.	_____	91.	\$ _____
92.	_____	92.	_____
93.	_____	93.	_____
94.	_____	94.	_____
95.	_____	95.	_____
96.	_____	96.	_____
97.	_____	97.	_____
98.	_____	98.	_____
99.	_____	99.	_____
100.	_____	100.	_____
101.	_____	101.	_____
102.	_____	102.	_____
103.	_____	103.	_____

104. SUBTOTAL (add lines 91 through 103) **104. \$** _____

105. TOTAL MONTHLY EXPENSES:
(add lines 25, 35, 58, 63, 69, 90, and 104 of Section II, Expenses) **105. \$** _____

SUMMARY

106. TOTAL PRESENT MONTHLY NET INCOME
(from line 27 of SECTION I. INCOME) **106. \$** _____

107. TOTAL MONTHLY EXPENSES (from line 105 above) **107. \$** _____

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.) **108. \$** _____

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.) **109. (\$** _____)

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 box 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.)

A ASSETS: DESCRIPTION OF ITEM(S) DO NOT LIST ACCOUNT NUMBERS. V the box next to any asset(s) which you are requesting the judge award to you.	B Current Fair Market Value	C Nonmarital (v correct column)	
		husband	wife
? Cash (on hand)	\$		
? Cash (in banks or credit unions)			
?			
? Stocks/Bonds			
?			
?			
? Notes (money owed to you in writing)			
?			
?			
? Money owed to you (not evidenced by a note)			
?			
?			
? Real estate: (Home)			
? (Other)			
?			
?			
?			
?			
?			
? Business interests			
?			
?			
?			
?			
? Automobiles			
?			
?			
?			
? Boats			
?			

B. LIABILITIES/DEBTS (This is where you list what you OWE.)

INSTRUCTIONS:

STEP 1: In column A list a description of each separate debt owed 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 box in Column A next to any debt(s) for which you believe you should be responsible.

STEP 3: In column B, write what you believe to be the current amount owed for 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 the debt belongs to only one of you and should not be divided. You should indicate to whom you believe the debt belongs. (Typically, you will only use Column C if the debt was 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.)

<p style="text-align: center;">A LIABILITIES: DESCRIPTION OF ITEM(S) DO NOT LIST ACCOUNT NUMBERS. v the box next to any debt(s) for which you believe you should be responsible.</p>	<p style="text-align: center;">B Current Amount Owed</p>	<p style="text-align: center;">C Nonmarital (v correct column)</p>	
		<p style="text-align: center;">husband</p>	<p style="text-align: center;">wife</p>
? 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			
?			

A LIABILITIES: DESCRIPTION OF ITEM(S) DO NOT LIST ACCOUNT NUMBERS. v the box next to any debt(s) for which you believe you should be responsible.	B Current Amount Owed	C Nonmarital (v correct column)	
		husband	wife
?			
?			
?			
?			
?			
Total Debts (add column 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.

A Contingent Assets v the box next to any contingent asset(s) which you are requesting the judge award to you.	B Possible Value	C Nonmarital (v correct column)	
		husband	wife
?	\$ _____		
?			
?			
?			
?			
Total Contingent Assets	\$ _____		

A Contingent Liabilities v the box next to any contingent debt(s) for which you believe you should be responsible.	B Possible Amount Owed	C Nonmarital (v correct column)	
		husband	wife
?	\$ _____		
?			

A Contingent Liabilities	B Possible Amount Owed	C Nonmarital (v correct column)	
		husband	wife
✓ the box next to any contingent debt(s) for which you believe you should be responsible.			
?			
?			
?			
Total Contingent Liabilities	\$		

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.

[v 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: () mailed, () faxed and mailed, or () hand delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

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: _____

Telephone Number: _____

Fax Number: _____

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:** [~~to~~ fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the [v **one** only] ___ petitioner **or** ___ respondent, fill out this form.

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.902(i),
AFFIDAVIT OF CORROBORATING WITNESS

When should this form be used?

This form may be used to prove residency in a **dissolution of marriage** proceeding. To get a divorce in Florida, either the husband or the wife must have lived in Florida for at least 6 months before filing the petition. Residency may be proved by a valid Florida driver's license, Florida identification card, or voter's registration card (issue date of document must be at least 6 months before the date the case is actually filed with the clerk of the circuit court), or the testimony or **affidavit** of someone other than you or your spouse. This form is used to prove residency by affidavit. The person signing this form must know that you have lived in the State of Florida for at least 6 months before the date you **signed** filed your **petition** for dissolution of marriage.

This form should be typed or printed in black ink, and signed in the presence of a **notary public** or **deputy clerk**. After completing this form, 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 mailed or hand delivered to the other party in your case, if it is not **served** on him or her with your initial papers.

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 61.021, Florida Statutes or section 61.052(2), 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.

AFFIDAVIT OF CORROBORATING WITNESS

I, *{full legal name}* _____, being sworn, certify that the following statements are true: ~~I am a resident of the State of Florida.~~ I have known *{name}* _____ since *(approximate date)* _____, (more than 6 months before the date of filing the petition in this action) and know of my own personal knowledge that this person has resided in the State of Florida for at least 6 months immediately before the ~~date of this affidavit~~ filing of the petition in this action, (date) _____. ~~I have attached a copy of my Florida driver's license or Florida identification card to this affidavit.~~

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 Corroborating Witness

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

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.]

Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [~~do not~~ fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the [v **one** only] (←) ~~Husband~~ petitioner **or** (←) ~~Wife~~ respondent ~~or~~ ~~both~~, fill out this
form.