

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO FLORIDA
FAMILY LAW RULES OF PROCEDURE —
FORMS 12.995(A), 12.995(B), 12.995(C),
12.996(A), 12.996(B), AND 12.996(C)**

CASE NO.: SC08-2358

**SUPPLEMENTAL PETITION TO AMEND
FLORIDA FAMILY LAW RULE OF PROCEDURE 12.015**

Jack A. Moring, Chair, Family Law Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this supplemental petition to amend *Fla. Fam. L. R. P.* 12.015.

On December 16, 2008, the Family Law Rules Committee filed an out-of-cycle petition with the Court to approve *Form* 12.996(a), Income Deduction Order, *Form* 12.996(b), Notice to Payor, and *Form* 12.996(c), Notice of Filing Return Receipt. Because these forms were proposed to be created as Florida Family Law Rules of Procedure forms, the petition should also have included an amendment to *Form* 12.015, to include the forms in the list of those considered part of the rules. See *Rule* 12.015(a). This omission has recently been discovered. Therefore, the Committee submits the attached amendment to *Rule* 12.015 (see Appendices A and B) to include these forms.

An amendment to *Rule* 12.015 is already pending before the Court in Case Number SC08-1141, *In re: Amendments to the Florida Rules of Civil*

Procedure – Management of Cases Involving Complex Litigation. The amendments pertinent to this case are underlined and highlighted in the appendices.

Because of the essentially clerical nature of this amendment, it was not submitted to the Board of Governors of The Florida Bar (although the Board has previously voted to approve the forms) and has not been published for comment.

The Committee respectfully asks that the court amend *Rule* 12.015 as shown in the petition.

Respectfully submitted _____.

JACK A. MORING

Chair

Family Law Rules Committee

7655 W. Gulf to Lake Hwy., Ste. 12

Crystal River, FL 34429-7910

352/ 795-1797

FLORIDA BAR NO.: 499160

JOHN F. HARKNESS, JR.

Executive Director

The Florida Bar

651 East Jefferson Street

Tallahassee, FL 32399-2300

850/561-5600

FLORIDA BAR NO.: 123390

CERTIFICATE OF SERVICE

I certify that a copy of this Supplemental Petition was provided by
U.S. Mail on _____ to:

Laura E. Roth
Attorney for Diane M. Matousek
Volusia County Courthouse
101 N. Alabama Avenue
DeLand, FL 32724

Joan K. Koch
Chief Counsel, Florida Dept. of Revenue
Child Support Enforcement Program
P. O. Box 8020
Tallahassee, FL 32314-8030

APPENDIX A

RULE 12.015. FAMILY LAW FORMS

(a) Forms Adopted as Rules. The forms listed in this rule shall be adopted by the rulemaking process in Fla. R. Jud. Admin. 2.140. The Family Law Rules Committee of The Florida Bar shall propose amendments to these forms and any associated instructions. These forms shall be designated “Florida Family Law Rules of Procedure Forms.” Forms coming under this provision are:

- (1) 12.900(a), Disclosure From Nonlawyer;
- (2) 12.900(b), Notice of Limited Appearance;
- (3) 12.900(c), Consent to Limited Appearance by Attorney;
- (4) 12.900(d), Termination of Limited Appearance;
- (5) 12.900(e), Acknowledgment of Assistance by Attorney;
- (6) 12.900(f), Signature Block for Attorney Making Limited Appearance;
- (7) 12.900(g), Agreement Limiting Representation;
- (8) 12.900(h), Notice of Related Cases;
- (9) 12.901(a), Petition for Simplified Dissolution of Marriage;
- (10) 12.902(b), Family Law Financial Affidavit (Short Form);
- (11) 12.902(c), Family Law Financial Affidavit;
- (12) 12.902(e), Child Support Guidelines Worksheet;
- (13) 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage;
- (14) 12.910(a), Summons: Personal Service on an Individual;

- (15) 12.913(b), Affidavit of Diligent Search and Inquiry;
- (16) 12.913(c), Affidavit of Diligent Search;
- (17) 12.920(a), Motion for Referral to General Magistrate;
- (18) 12.920(b), Order of Referral to General Magistrate;
- (19) 12.920(c), Notice of Hearing Before General Magistrate;
- (20) 12.928, Family Court Cover Sheet;
- (201) 12.930(a), Notice of Service of Standard Family Law Interrogatories;
- (242) 12.930(b), Standard Family Law Interrogatories for Original or Enforcement Proceedings;
- (223) 12.930(c), Standard Family Law Interrogatories for Modification Proceedings;
- (234) 12.932, Certificate of Compliance with Mandatory Disclosure; ~~and~~
- (245) 12.990(a), Final Judgment of Simplified Dissolution of Marriage;:
- (26) 12.996(a), Income Deduction Order;
- (27) 12.996(b), Notice to Payor; and
- (28) 12.996(c), Notice of Filing Return Receipt.

(b) Other Family Law Forms. All additional Supreme Court approved forms shall be adopted by opinion of the Supreme Court of Florida and outside of the rulemaking procedures required by rule 2.140. These forms shall be designated “Florida Supreme Court Approved Family Law Forms.”

Commentary

2000 Adoption. To help the many people in family law court cases who do not have attorneys to represent them (pro se litigants), the Florida Supreme Court added simplified forms and directions to the Florida Family Law Rules of Procedure when adopting the rules in 1995. These forms initially had been adopted by the Court in *In re Family Law Rules of Procedure*, 663 So. 2d 1049 (Fla. 1995); *In re Petition for Approval of Forms Pursuant to Rule 10-1.1(b) of the Rules Regulating the Florida Bar—Stepparent Adoption Forms*, 613 So. 2d 900 (Fla. 1992), and *Rules Regulating The Florida Bar—Approval of Forms*, 581 So. 2d 902 (Fla. 1991).

In 1997, in an effort to fulfill the spirit of the Court’s directives to simplify the process of litigation in family law matters, the Family Court Steering Committee completely revised the existing forms and added new forms and instructions. The rules and forms then constituted more than 500 pages.

This rule was adopted in recognition that the forms would require continuous updating and that the rulemaking process was too cumbersome for such an undertaking.

APPENDIX B

Proposed rule

Reasons for change

RULE 12.015. FAMILY LAW FORMS

(a) Forms Adopted as Rules. The forms listed in this rule shall be adopted by the rulemaking process in Fla. R. Jud. Admin. 2.140. The Family Law Rules Committee of The Florida Bar shall propose amendments to these forms and any associated instructions. These forms shall be designated “Florida Family Law Rules of Procedure Forms.” Forms coming under this provision are:

(1)-(19) [No change]

(20) 12.928, Family Court Cover Sheet;

(201) 12.930(a), Notice of Service of Standard Family Law Interrogatories;

(212) 12.930(b), Standard Family Law Interrogatories for Original or Enforcement Proceedings;

(223) 12.930(c), Standard Family Law Interrogatories for Modification Proceedings;

(234) 12.932, Certificate of Compliance with Mandatory Disclosure; ~~and~~

(245) 12.990(a), Final Judgment of Simplified Dissolution of Marriage;:

Amendment proposed in Case No. SC08-1141 to add proposed form to Family Law Forms. Subsequent subdivisions renumbered accordingly.

(26) 12.996(a), Income Deduction Order;

(27) 12.996(b), Notice to Payor; and

(28) 12.996(c), Notice of Filing Return
Receipt.

(b) **Other Family Law Forms.** [No change]

Commentary

[No change]

Amendment proposed in Case No. SC08-2358 to add proposed forms to Family Law Forms.

I certify that these rules and forms were read against West's *Florida Rules of Court – State* (2009 Revised Edition).

Ellen H. Sloyer, Associate Editor
Legal Publications
The Florida Bar