

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: IMPLEMENTATION OF COMMITTEE  
ON PRIVACY AND COURT RECORDS  
RECOMMENDATIONS - AMENDMENTS TO  
THE FLORIDA RULES OF CIVIL PROCEDURE;  
THE FLORIDA RULES OF CRIMINAL  
PROCEDURE; THE FLORIDA PROBATE RULES;  
THE FLORIDA SMALL CLAIMS RULES;  
THE FLORIDA RULES OF APPELLATE  
PROCEDURE; AND THE FLORIDA FAMILY  
LAW RULES**

**CASE NO: SC08-2443**

**RESPONSE OF THE FAMILY LAW RULES COMMITTEE  
TO THE COURT'S APRIL 1, 2010 COMMUNICATION  
REGARDING THE COMMITTEE ON PRIVACY  
AND COURT RECORDS**

Jack A. Moring, Chair, Family Law Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this response of the Family Law Rules Committee to the Court's April 1, 2010, communication concerning implementation of the Committee on Privacy and Court Records. These comments were approved by the Committee by a vote of 14-0 and by the Executive Committee of The Florida Bar Board of Governors by a vote of 11-0. The proposed rules are attached in the full-page (*see* Appendix A) and two-column (*see* Appendix B) formats.

The Committee responds to the Court's questions as follows:

1. By virtue of Fla. Fam. L. R. P. 12.020, amendments to the Rules of Civil Procedure apply to the Family Law Rules of Procedure even if not specifically referenced in the Family Law Rules. See *Wentworth v. Johnson*, 845 So. 2d 296 (Fla. 5th DCA 2003). In response to the Civil Procedure Rules Committee's proposal to create Fla. R. Civ. P. 1.191, and to promote uniformity, the Family Law Rules Committee proposes to create Fla. Fam. L. R. P. 12.191 as follows:

**RULE 12.191. FILING OF SENSITIVE  
INFORMATION**

Florida Rule of Civil Procedure 1.191 shall apply to proceedings under these rules except subdivision (a)(2), regarding a minor child's initials, shall not apply and, as it relates to a child of any party, subdivision (a)(3), regarding birth date, shall not apply.

### **Committee Note**

**2010 Adoption.** This rule deviates from Florida Rule of Civil Procedure 1.191 because of concerns unique to family law cases relating to establishing and maintaining subject matter jurisdiction over child-related issues as well as the necessity of precise identification of a child for purposes of recognizing and enforcing a court order regarding a child in a nonjudicial setting.

The first exception is necessary because subject matter jurisdiction over child-related issues generally terminates upon the child reaching the age of majority. The court in a family law case needs the child's full name and date of birth for purposes of subject matter jurisdiction and for establishment and enforcement of court orders.

2. By adoption of Fla. Fam. L. R. P. 12.191, the lists of personal information, with the above exception, have been made consistent.
3. Because the committee proposes adoption of Fla. Fam. L. R. P. 12.191, incorporating the list of items to be redacted in Fla. R. Civ. P. 1.191, the committee proposes to remove the list from Fla. Fam. L. R. P. 12.280 and amend subdivision (a) as follows:

### **RULE 12.280. GENERAL PROVISIONS GOVERNING DISCOVERY**

Florida Rule of Civil Procedure 1.280 shall govern general provisions concerning discovery in family law matters with the following exceptions:

~~(a) **Account or Personal Identification Numbers.** For any discovery request or discovery response being filed with the court, any reference to account numbers, social security numbers, employee identification numbers, driver's license numbers, passport numbers, or other personal identifying~~

~~information shall be preceded by the “\*” symbol to indicate that numbers or letters are being omitted and shall include only the last 4 digits of the account or identifying number (e.g., bank account/social security number/support enforcement number/driver’s license number/passport number ending in \*1234).~~ **Redaction of Personal Information.** All filings of discovery information shall comply with rule 12.191. The court shall have authority to impose sanctions for violation of this rule.

In addition, cross-references to Rule 12.280(a) in the rules and forms have been amended to refer to Rule 12.191.

4. Does not apply to Family Law Rules.
5. The Family Law Rules Committee defers to the Civil Procedure Rules Committee on this question.
6. Does not apply to Family Law Rules.
7. Does not apply to Family Law Rules.

Two corrections to errors in West’s *Rules of Court -- 2010* have been made in the Committee Note to Rule 12.560 (see *In re: Amendments to the Florida Family Law Rules of Procedure*, 783 So. 2d 937, 940 (Fla. 2000)) and item 1. of Form 12.930(b) (see *In re Amendments to the Florida Family Law Rules of Procedure*, 19 So. 3d 950, 957 (Fla. 2009)).

Therefore, the Family Law Rules Committee respectfully requests that the Court amend the Florida Family Law Rules of Procedure as outlined in this report.

Respectfully submitted \_\_\_\_\_.

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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by United States mail on \_\_\_\_\_ to:

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## **APPENDIX A**

NOTE: Amendments to the proposals in the Court's compilation of pending proposals at [www.floridasupremecourt.org](http://www.floridasupremecourt.org) are shown in double underline.

**RULE 12.130. DOCUMENTS SUPPORTING ACTION OR DEFENSE**

~~Attachment of documents supporting an action or defense shall be governed by Florida Rule of Civil Procedure 1.130.~~

**(a) Documents Attached.** If it is essential to state a cause of action, a copy of the bonds, notes, bills of exchange, contracts, accounts, or other documents or the relevant portions of the documents shall be incorporated in or attached to the pleadings.

**(b) Part for all Purposes.** Any exhibit attached to a pleading shall be considered part of the pleading. Statements in a pleading may be adopted by reference in a different part of the same pleading, in another pleading, or in any motion.

**(c) Protection of Account and Personal Identifying Numbers.** Any reference in any pleading or exhibit filed with the court to account numbers, social security numbers, employee identification numbers, driver's license numbers, passport numbers, or other personal identifying information shall be presented as provided in rule ~~12.280(a)~~12.191.



## **RULE 12.191. FILING OF SENSITIVE INFORMATION**

Florida Rule of Civil Procedure 1.191 shall apply to proceedings under these rules except subdivision (a)(2), regarding a minor child's initials, shall not apply and, as it relates to a child of any party, subdivision (a)(3), regarding birth date, shall not apply.

### **Committee Note**

**2010 Adoption.** This rule deviates from Florida Rule of Civil Procedure 1.191 because of concerns unique to family law cases relating to establishing and maintaining subject matter jurisdiction over child-related issues as well as the necessity of precise identification of a child for purposes of recognizing and enforcing a court order regarding a child in a nonjudicial setting.

## **RULE 12.280. GENERAL PROVISIONS GOVERNING DISCOVERY**

Florida Rule of Civil Procedure 1.280 shall govern general provisions concerning discovery in family law matters with the following exceptions:

(a) ~~**Account or Personal Identification Numbers.**~~ For any discovery request or discovery response being filed with the court, any reference to account numbers, social security numbers, employee identification numbers, driver's license numbers, passport numbers, or other personal identifying information shall be preceded by the "\*" symbol to indicate that numbers or letters are being omitted and shall include only the last 4 digits of the account or identifying number (e.g., bank account/social security number/support enforcement number/driver's license number/passport number ending in \*1234). **Redaction of Personal Information.** All filings of discovery information shall comply with rule 12.191. The court shall have authority to impose sanctions for violation of this rule.

(ab) **Supplementing of Responses.** A party is under a duty to amend a prior response or disclosure if the party:

- (1) obtains information or otherwise determines that the prior response or disclosure was incorrect when made; or
- (2) obtains information or otherwise determines that the prior response or disclosure, although correct when made, is no longer materially true or complete.

(bc) **Time for Serving Supplemental Responses.** Any supplemental response served pursuant to this rule shall be served as soon as possible after discovery of the incorrect information or change, but in no case shall the supplemental response be served later than 24 hours before any applicable hearing absent a showing of good cause.

(ed) **Documents Considered Confidential.** A determination as to the confidentiality of a court record shall be made in accordance with Florida Rule of Judicial Administration ~~2.0514~~20.

**(de) Sealing of Records.** Records found to be confidential under Florida Rule of Judicial Administration 2.051~~420~~ shall be sealed on request of a party.

### **Commentary**

**1995 Adoption.** Florida Rule of Civil Procedure 1.280 is to govern the general discovery provisions in family law matters with the exceptions set forth above. Subdivision (a) of this rule alters rule 1.280(e) by placing a duty on parties in family law matters to supplement responses. Under rule 1.280(e), no supplemental response is required. Subdivisions (b), (c), and (d) of this rule are in addition to the general requirements of rule 1.280 and have no counterparts in the Rules of Civil Procedure. Subdivisions (c) and (d) have been implemented in recognition of the fact that family law cases often involve sensitive information that should be deemed confidential under Florida Rule of Judicial Administration 2.051. For instance, financial records filed may contain information regarding a family business, which, if public, could provide competitors with an advantage and adversely affect the family business.

## **RULE 12.285. MANDATORY DISCLOSURE**

### **(a) Application.**

(1) **Scope.** This rule shall apply to all proceedings within the scope of these rules except proceedings involving adoption, simplified dissolution, enforcement, contempt, injunctions for domestic, repeat, dating, or sexual violence, and uncontested dissolutions when the respondent is served by publication and does not file an answer. Additionally, no financial affidavit or other documents shall be required under this rule from a party seeking attorneys' fees, suit money, or costs, if the basis for the request is solely under section 57.105, Florida Statutes, or any successor statute. Except for the provisions as to financial affidavits and child support guidelines worksheets, any portion of this rule may be modified by order of the court or agreement of the parties.

(2) **Original and Duplicate Copies.** Unless otherwise agreed by the parties or ordered by the court, copies of documents required under this rule may be produced in lieu of originals. Originals, when available, shall be produced for inspection upon request. Parties shall not be required to serve duplicates of documents previously served.

### **(3) Documents Not to be Filed With Court; Sanctions.**

(A) Except for the financial affidavit and child support guidelines worksheet, no documents produced under this rule shall be filed in the court file without first obtaining a court order.

(B) References to account numbers and personal identifying information to be filed in the court file shall be governed by rule ~~12.280(a)~~12.191.

(C) Sanctions shall be governed by Florida Rule of Civil Procedure 1.280(f).

### **(b) Time for Production of Documents.**

(1) **Temporary Financial Hearings.** Any document required under this rule in any temporary financial relief proceeding shall be served on the other party for inspection and copying as follows.

(A) The party seeking relief shall serve the required documents on the other party with the notice of temporary financial hearing, unless the documents have been served under subdivision (b)(2) of this rule.

(B) The responding party shall serve the required documents on the party seeking relief on or before 5:00 p.m., 2 business days before the day of the temporary financial hearing if served by delivery or 7 days before the day of the temporary financial hearing if served by mail, unless the documents have been received previously by the party seeking relief under subdivision (b)(2) of this rule. A responding party shall be given no less than 12 days to serve the documents required under this rule, unless otherwise ordered by the court. If the 45-day period for exchange of documents provided for in subdivision (b)(2) of this rule will occur before the expiration of the 12 days, the provisions of subdivision (b)(2) control.

**(2) Initial and Supplemental Proceedings.** Any document required under this rule for any initial or supplemental proceeding shall be served on the other party for inspection and copying within 45 days of service of the initial pleading on the respondent.

**(c) Exemption from Requirement to File and Serve Financial Affidavit.** The parties shall not be required to file and serve a financial affidavit under subdivisions (d) and (e) if they are seeking a simplified dissolution of marriage under rule 12.105, they have no minor children, have no support issues, and have filed a written settlement agreement disposing of all financial issues, or if the court lacks jurisdiction to determine any financial issues.

**(ed) Disclosure Requirements for Temporary Financial Relief.** In any proceeding for temporary financial relief heard within 45 days of the service of the initial pleading or within any extension of the time for complying with mandatory disclosure granted by the court or agreed to by the parties, the following documents shall be served on the other party:

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than \$50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than \$50,000. This requirement cannot be waived by the parties. The affidavit must also be filed with the court.

(2) All federal and state income tax returns, gift tax returns, and intangible personal property tax returns filed by the party or on the party's behalf for the past year. A party may file a transcript of the tax return as provided by Internal Revenue Service Form 4506-T in lieu of his or her individual federal income tax return for purposes of a temporary hearing.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared.

(4) Pay stubs or other evidence of earned income for the 3 months prior to service of the financial affidavit.

**(de) Parties' Disclosure Requirements for Initial or Supplemental Proceedings.** A party shall serve the following documents in any proceeding for an initial or supplemental request for permanent financial relief, including, but not limited to, a request for child support, alimony, equitable distribution of assets or debts, or attorneys' fees, suit money, or costs:

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than \$50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than \$50,000, which requirement cannot be waived by the parties. The financial affidavits must also be filed with the court. A party may request, by using the Standard Family Law Interrogatories, or the court on its own motion may order, a party whose gross annual income is less than \$50,000 to complete Florida Family Law Rules of Procedure Form 12.902(c).

(2) All federal and state income tax returns, gift tax returns, and intangible personal property tax returns filed by the party or on the party's behalf for the past 3 years.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared.

(4) Pay stubs or other evidence of earned income for the 3 months prior to service of the financial affidavit.

(5) A statement by the producing party identifying the amount and source of all income received from any source during the 3 months preceding the service of the financial affidavit required by this rule if not reflected on the pay stubs produced.

(6) All loan applications and financial statements prepared or used within the 12 months preceding service of that party's financial affidavit required by this rule, whether for the purpose of obtaining or attempting to obtain credit or for any other purpose.

(7) All deeds within the last 3 years, all promissory notes within the last 12 months, and all present leases, in which the party owns or owned an interest, whether held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(8) All periodic statements from the last 3 months for all checking accounts, and from the last 12 months for all other accounts (for example, savings accounts, money market funds, certificates of deposit, etc.), regardless of whether or not the account has been closed, including those held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(9) All brokerage account statements in which either party to this action held within the last 12 months or holds an interest including those held in the party's name individually, in the party's name jointly with any person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(10) The most recent statement for any profit sharing, retirement, deferred compensation, or pension plan (for example, IRA, 401(k), 403(b), SEP, KEOGH, or other similar account) in which the party is a participant or alternate payee and the summary plan description for any retirement, profit sharing, or pension plan in which the party is a participant or an alternate payee. (The summary plan description must be furnished to the party on request by the plan administrator as required by 29 U.S.C. § 1024(b)(4).)

(11) The declarations page, the last periodic statement, and the certificate for all life insurance policies insuring the party's life or the life of the party's spouse, whether group insurance or otherwise, and all current health and dental insurance cards covering either of the parties and/or their dependent children.

(12) Corporate, partnership, and trust tax returns for the last 3 tax years if the party has an ownership or interest in a corporation, partnership, or trust greater than or equal to 30%.

(13) All promissory notes for the last 12 months, all credit card and charge account statements and other records showing the party's indebtedness as of the date of the filing of this action and for the last 3 months, and all present lease agreements, whether owed in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(14) All written premarital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage. Additionally, in any modification proceeding, each party shall serve on the opposing party all written agreements entered into between them at any time since the order to be modified was entered.

(15) All documents and tangible evidence supporting the producing party's claim that an asset or liability is nonmarital, for enhancement or appreciation of nonmarital property, or for an unequal distribution of marital property. The documents and tangible evidence produced shall be for the time period from the date of acquisition of the asset or debt to the date of production or from the date of the marriage, if based on premarital acquisition.

(16) Any court orders directing a party to pay or receive spousal or child support.

**(ef) Duty to Supplement Disclosure; Amended Financial Affidavit.**



(1) Parties have a continuing duty to supplement documents described in this rule, including financial affidavits, whenever a material change in their financial status occurs.

(2) If an amended financial affidavit or an amendment to a financial affidavit is filed, the amending party shall also serve any subsequently discovered or acquired documents supporting the amendments to the financial affidavit.

**(fg) Sanctions.** Any document to be produced under this rule that is served on the opposing party fewer than 24 hours before a nonfinal hearing or in violation of the court's pretrial order shall not be admissible in evidence at that hearing unless the court finds good cause for the delay. In addition, the court may impose other sanctions authorized by rule 12.380 as may be equitable under the circumstances. The court may also impose sanctions upon the offending lawyer in lieu of imposing sanctions on a party.

**(gh) Extensions of Time for Complying with Mandatory Disclosure.** By agreement of the parties, the time for complying with mandatory disclosure may be extended. Either party may also file, at least 5 days before the due date, a motion to enlarge the time for complying with mandatory disclosure. The court shall grant the request for good cause shown.

**(hj) Objections to Mandatory Automatic Disclosure.** Objections to the mandatory automatic disclosure required by this rule shall be served in writing at least 5 days prior to the due date for the disclosure or the objections shall be deemed waived. The filing of a timely objection, with a notice of hearing on the objection, automatically stays mandatory disclosure for those matters within the scope of the objection. For good cause shown, the court may extend the time for the filing of an objection or permit the filing of an otherwise untimely objection. The court shall impose sanctions for the filing of meritless or frivolous objections.

**(ij) Certificate of Compliance.** All parties subject to automatic mandatory disclosure shall file with the court a certificate of compliance, Florida Family Law Rules of Procedure Form 12.932, identifying with particularity the documents which have been delivered and certifying the date of service of the financial affidavit and documents by that party. The party shall swear or affirm under oath that the disclosure is complete,

accurate, and in compliance with this rule, unless the party indicates otherwise, with specificity, in the certificate of compliance. ~~Except for the financial affidavit and child support guidelines worksheet, no documents produced under this rule shall be filed in the court file without a court order.~~

**(j)k) Child Support Guidelines Worksheet.** If the case involves child support, the parties shall file with the court at or prior to a hearing to establish or modify child support a Child Support Guidelines Worksheet in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(e). This requirement cannot be waived by the parties.

**(k)l) Place of Production.**

(1) Unless otherwise agreed by the parties or ordered by the court, all production required by this rule shall take place in the county where the action is pending and in the office of the attorney for the party receiving production. Unless otherwise agreed by the parties or ordered by the court, if a party does not have an attorney or if the attorney does not have an office in the county where the action is pending, production shall take place in the county where the action is pending at a place designated in writing by the party receiving production, served at least 5 days before the due date for production.

(2) If venue is contested, on motion by a party the court shall designate the place where production will occur pending determination of the venue issue.

**(l)m) Failure of Defaulted Party to Comply.** Nothing in this rule shall be deemed to preclude the entry of a final judgment when a party in default has failed to comply with this rule.

### **Commentary**

**1995 Adoption.** This rule creates a procedure for automatic financial disclosure in family law cases. By requiring production at an early stage in the proceedings, it is hoped that the expense of litigation will be minimized. *See Dralus v. Dralus*, 627 So. 2d 505 (Fla. 2d DCA 1993); *Wrona v. Wrona*, 592 So. 2d 694 (Fla. 2d DCA 1991); and *Katz v. Katz*, 505 So. 2d 25 (Fla. 4th DCA 1987). A limited number of requirements have been placed upon parties making and spending less than \$50,000 annually unless otherwise

ordered by the court. In cases where the income or expenses of a party are equal to or exceed \$50,000 annually, the requirements are much greater. Except for the provisions as to financial affidavits, other than as set forth in subdivision (k), any portion of this rule may be modified by agreement of the parties or by order of the court. For instance, upon the request of any party or on the court's own motion, the court may order that the parties to the proceeding comply with some or all of the automatic mandatory disclosure provisions of this rule even though the parties do not meet the income requirements set forth in subdivision (d). Additionally, the court may, on the motion of a party or on its own motion, limit the disclosure requirements in this rule should it find good cause for doing so.

### **Committee Notes**

**1997 Amendment.** Except for the form of financial affidavit used, mandatory disclosure is made the same for all parties subject to the rule, regardless of income. The amount of information required to be disclosed is increased for parties in the under-\$50,000 category and decreased for parties in the \$50,000-or-over category. The standard family law interrogatories are no longer mandatory, and their answers are designed to be supplemental and not duplicative of information contained in the financial affidavits.

**1998 Amendment.** If one party has not provided necessary financial information for the other party to complete a child support guidelines worksheet, a good faith estimate should be made.

**2005 Amendment.** The requirement that a party certify compliance with mandatory disclosure is intended to facilitate full disclosure and prevent a party from alleging that he or she did not know he or she had to provide documents required by this rule. This certification does not relieve the party of the duty to supplement disclosure.

## **RULE 12.340. INTERROGATORIES TO PARTIES**

Interrogatories to parties shall be governed generally by Florida Rule of Civil Procedure 1.340, with the following exceptions.

### **(a) Service of Interrogatories.**

**(1) Initial Interrogatories.** Initial interrogatories to parties in original and enforcement actions shall be those set forth in Florida Family Law Rules of Procedure Form 12.930(b). Parties governed by the mandatory disclosure requirements of rule 12.285 may serve the interrogatories set forth in Florida Family Law Rules of Procedure Form 12.930(b) as set forth in rule 1.340.

**(2) Modification Interrogatories.** Interrogatories to parties in cases involving modification of a final judgment shall be those set forth in Florida Family Law Rules of Procedure Form 12.930(c). Parties governed by the mandatory disclosure requirements of rule 12.285 may serve the interrogatories set forth in Florida Family Law Rules of Procedure Form 12.930(c) as set forth in rule 1.340.

**(b) Additional Interrogatories.** Ten interrogatories, including subparts, may be sent to a party, in addition to the standard interrogatories contained in Florida Family Law Rules of Procedure Form 12.930(b) or Florida Family Law Rules of Procedure Form 12.930(c). A party must obtain permission of the court to send more than 10 additional interrogatories.

**(c) Serving of Responses.** Parties shall serve responses to interrogatories on the requesting party. Responses shall not be filed with the court unless they are admitted into evidence by the court and are in compliance with rule ~~12.280(a)~~12.191. The responding party shall file with the court Florida Family Law Rules of Procedure Form 12.930(d), Notice of Service of Answers to Standard Family Law Interrogatories.

### **Commentary**

**1995 Adoption.** For parties governed under the disclosure requirements of rule 12.285(d) (income or expenses of \$50,000 or more), the answers to the interrogatories contained in Form 12.930(b) must be

automatically served on the other party. For parties governed under the disclosure requirements of rule 12.285(c) (income and expenses under \$50,000), the service of the interrogatories contained in Form 12.930(b) is optional as provided in Florida Rule of Civil Procedure 1.340. Additionally, under this rule, 10 additional interrogatories, including subparts, may be submitted beyond those contained in Florida Family Law Rules of Procedure Form 12.930(b). Leave of court is required to exceed 10 additional interrogatories. The provisions of Florida Rule of Civil Procedure 1.340 are to govern the procedures and scope of the additional interrogatories.

### **Committee Note**

**1997 Amendment.** The rule was amended to conform to the changes made to rule 12.285, Mandatory Disclosure.

## **RULE 12.363. EVALUATION OF MINOR CHILD**

### **(a) Appointment of Mental Health Professional or Other Expert.**

(1) When the issue of time-sharing, parental responsibility, ultimate decision-making, or a parenting plan for a minor child is in controversy, the court, on motion of any party or the court's own motion, may appoint a licensed mental health professional or other expert for an examination, evaluation, testing, or interview of any minor child or to conduct a social or home study investigation. The parties may agree on the particular expert to be appointed, subject to approval by the court. If the parties have agreed, they shall submit an order including the name, address, telephone number, area of expertise, and professional qualifications of the expert. If the parties have agreed on the need for an expert and cannot agree on the selection, the court shall appoint an expert.

(2) After the examination, evaluation, or investigation, any party may file a motion for an additional expert examination, evaluation, interview, testing, or investigation by a licensed mental health professional or other expert. The court upon hearing may permit the additional examination, evaluation, testing, or interview based on good cause shown that further examinations, testing, interviews, or evaluations would be in the best interests of the minor child.

(3) Any order entered under this rule shall specify the issues to be addressed by the expert.

(4) Any order entered under this rule may require that all interviews of the child be recorded and the tapes be maintained as part of the expert's file.

(5) The order appointing the expert shall include an initial allocation of responsibility for payment.

(6) A copy of the order of appointment shall be provided immediately to the expert by the court unless otherwise directed by the court. The order shall direct the parties to contact the expert or investigator appointed by the court to establish an appointment schedule to facilitate timely completion of the evaluation.

**(b) Providing of Reports.**

(1) Unless otherwise ordered, the expert shall prepare and provide a written report to the attorney for each party or the party, if unrepresented, and the guardian ad litem, if appointed, a reasonable time before any evidentiary hearing on the matter at issue. The expert also shall send written notice to the court that the report has been completed and that a copy of the written report has been provided to the attorney for each party or the party, if unrepresented, and the guardian ad litem, if appointed. In any event, the written report shall be prepared and provided no later than 30 days before trial or 75 days from the order of appointment, unless the time is extended by order of the court. The expert shall not send a copy of the report to the court unless the parties and their attorneys have agreed in writing that the report will be considered by the court and filed in the court file as provided in subdivision (e).

(2) On motion of any party, the court may order the expert to produce the expert's complete file to another qualified licensed mental health professional, at the initial cost of the requesting party, for review by such qualified licensed mental health expert, who may testify.

**(c) Testimony of Other Professionals.** Any other expert who has treated, tested, interviewed, examined, or evaluated a child may testify only if the court determines that good cause exists to permit the testimony. The fact that no notice of such treatment, testing, interview, examination, or evaluation of a child was given to both parents shall be considered by the court as a basis for preventing such testimony.

**(d) Communications with Court by Expert.** No expert may communicate with the court without prior notice to the parties and their attorneys, who shall be afforded the opportunity to be present and heard during any such communication between the expert and the court. A request for communication with the court may be informally conveyed by letter or telephone. Further communication with the court, which may be conducted informally, shall be done only with notice to the parties.

**(e) Use of Evidence.** An expert appointed by the court shall be subject to the same examination as a privately retained expert and the court shall not entertain any presumption in favor of the appointed expert's

findings. Any finding or report by an expert appointed by the court may be entered into evidence on the court's own motion or the motion of any party in a manner consistent with the rules of evidence, subject to cross-examination by the parties. Any report filed in the court file shall be in compliance with rule ~~12.280(a)~~12.191. The report shall not be considered by the court before it is properly admitted into evidence. The report shall not be filed in the court file unless or until it is properly admitted into evidence and considered by the court. The court shall consider whether the report should be sealed as provided by Florida Rule of Judicial Administration 2.420.

### **Committee Note**

**1997 Adoption.** This rule should be interpreted to discourage subjecting children to multiple interviews, testing, and evaluations, without good cause shown. The court should consider the best interests of the child in permitting evaluations, testing, or interviews of the child. The parties should cooperate in choosing a mental health professional or individual to perform this function to lessen the need for multiple evaluations.

This rule is not intended to prevent additional mental health professionals who have not treated, interviewed, or evaluated the child from testifying concerning review of the data produced pursuant to this rule.

This rule is not intended to prevent a mental health professional who has engaged in long-term treatment of the child from testifying about the minor child.



**RULE 12.370. REQUESTS FOR ADMISSION**

Requests for admission shall be governed by Florida Rule of Civil Procedure 1.370, except that

(a) the request and any response to it must comply with rule ~~12.280(a)~~12.191; and

(b) documents attached to the request for admission shall not be filed with the court and shall only be attached to the copy served on the party to whom the request for admissions is directed.

## **RULE 12.410. SUBPOENA**

Subpoenas shall be governed by Florida Rule of Civil Procedure 1.410, except as follows:

**(a) Subpoenas.** No subpoena issued under Florida Rule of Civil Procedure 1.410, even if for the purpose of proof of service or nonservice of the subpoena, shall be filed with the court unless in compliance with rule ~~12.280(a)~~12.191.

**(b) Notice of Issuance of Subpoena.** A party issuing a subpoena through an attorney of record or clerk of the court under Florida Rule of Civil Procedure 1.410 shall, on the same day as the subpoena is issued, serve each party to the proceeding with a notice of issuance of subpoena and file this notice with the court. The notice of issuance of subpoena shall identify the person or entity subject to the subpoena, the date the subpoena was issued, and the date and time for appearance or production, and shall recite that all references to account numbers or personal identifying numbers are in compliance with rule ~~12.280(a)~~12.191.

**(c) Notice to Produce.** Any notice to produce issued under Florida Rule of Civil Procedure 1.410 shall comply with rule ~~12.280(a)~~12.191.

### **Committee Note**

**2008 Amendment.** The provisions of ~~Fla. R. Civ. P.~~ Fla. R. Civ. P. 1.410(h) do not alter the requirements of ~~Rule~~rule 12.407 that a court order must be obtained before a minor child may be subpoenaed to appear at a hearing.

## **RULE 12.440.      SETTING ACTION FOR TRIAL**

Florida Rule of Civil Procedure 1.440 shall govern general provisions concerning setting an action for trial in family law matters, with the following exceptions and additions.

**(a) Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order setting the action for trial, fixing a date for trial, and setting a pretrial conference, if necessary. In the event a default has been entered, reasonable notice of not less than 10 days shall be given unless otherwise required by law. Trial shall be set within a reasonable time from the service of the notice for trial. At the pretrial conference, the parties should be prepared, consistent with Florida Family Law Rule of Procedure 12.200, to present any matter that will prepare the parties for trial and that can expedite the resolution of the case. The trial court may also direct the parties to reciprocally exchange and file with the court all documents relative to the outcome of the case; a list of all witnesses, all issues to be tried, and all undisposed motions; an estimate of the time needed to try the case; and any other information the court deems appropriate. Any court filings shall be in conformity with rule ~~12.280(a)~~12.191. This information should be served and filed no later than 72 hours before the pretrial conference or 30 days before the trial.

**(b) Sanctions.** The failure to comply with the requirements of the order setting the action for trial shall subject the party or attorney to appropriate court sanctions.

### **Commentary**

**1995 Adoption.** This rule amends Florida Rule of Civil Procedure 1.440(c), Setting for Trial, and creates a procedure to facilitate setting an action for trial. Proper pretrial compliance will foster knowledgeable settlement discussion and expedite an orderly trial. The rule also adds a provision for sanctions.

**RULE 12.540. RELIEF FROM JUDGMENT, DECREES, OR ORDERS**

Florida Rule of Civil Procedure 1.540 shall govern general provisions concerning relief from judgment, decrees, or orders, except:

(a) ~~that~~ there shall be no time limit for motions based on fraudulent financial affidavits in marital or paternity cases; and

(b) the motion and any attachment or exhibit to it shall be in compliance with rule ~~12.280(a)~~12.191.

**Commentary**

**1995 Adoption.** Under this provision, Florida Rule of Civil Procedure 1.540 applies to all family law issues involving relief from judgment, decrees, or orders, except that there shall be no time limit for motions filed under rule 1.540(b) based on fraudulent financial affidavits in marital or paternity cases. Rule 1.540 was expanded to include marital cases through the rule making procedure subsequent to the Florida Supreme Court's decision in *DeClaire v. Yohanan*, 453 So.2d 375 (Fla. 1984).

## **RULE 12.560. DISCOVERY IN AID OF EXECUTION**

(a) **In General.** In aid of a judgment, decree, or execution the judgment creditor or the successor in interest, when the interest appears of record, may obtain discovery from any person, including the judgment debtor, in the manner provided in these rules.

(b) **Fact Information Sheet.** In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, shall order the judgment debtor or debtors to complete Florida Rules of Civil Procedure Form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court.

(c) **Final Judgment Enforcement Paragraph.** In any final judgment which awards money damages, the judge shall include the following enforcement paragraph if requested at the final hearing or a subsequently noticed hearing by the prevailing party or attorney:

“It is further ordered and adjudged that the judgment debtor(s) shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor’s attorney, or the judgment creditor if the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.

“Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor(s) to complete form 1.977, including all required attachments, and serve it on the judgment creditor’s attorney, or the judgment creditor if the judgment creditor is not represented by an attorney.”

(d) **Information Regarding Assets of Judgment Debtor’s Spouse.** In any final judgment which awards money damages, if requested by the judgment creditor at a duly noticed hearing, the court shall require all or part of the additional Spouse Related Portion of the fact information sheet to be filled out by the judgment debtor only upon a showing that a proper predicate exists for discovery of separate income and assets of the judgment debtor’s spouse.

(e) **Notice of Compliance.** The judgment debtor shall file with the clerk of court a notice of compliance with the order to complete form 1.977, and serve a copy of the notice of compliance on the judgment creditor or the judgment creditor's attorney. Form 1.977 shall not be filed with the clerk of the court or in any other public record, except by order of the court after a notice and hearing and for good cause shown. If the court permits the filing of form 1.977, it shall be in compliance with the requirements of rule 12.280(a)12.191.

### Committee Notes

**2000 Amendment.** Subdivisions (b) ~~B~~ (e) were added to the Florida Rules of Civil Procedure and adopted with amendments into the Family Law Rules of Procedure. The amendments to the Civil Rules were patterned after Florida Small Claims Rule 7.221(a) and Form 7.343. Although the judgment creditor is entitled to broad discovery into the judgment debtor's finances (Fla. R. Civ. P. 1.280(b); *Jim Appley's Tru-Arc, Inc. v. Liquid Extraction Systems*, 526 So. 2d 177, 179 (Fla. 2d DCA 1988)), in family law cases inquiry into the individual assets of the judgment debtor's spouse must be precluded until a proper predicate has been shown. *Tru-Arc, Inc.*, 526 So. 2d at 179; *Rose Printing Co. v. D'Amato*, 338 So. 2d 212 (Fla. 3d DCA 1976).

**RULE 12.620. RECEIVERS**

Receivers shall be governed by Florida Rule of Civil Procedure 1.620, except that any inventory filed with the court shall be in compliance with rule ~~12.280(a)~~12.191.

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.930(b), STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR  
ENFORCEMENT PROCEEDINGS (09/09--/--)**

**When should this form be used?**

This form should be used to ask the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. If the other party fails to answer the questions, you may ask the **judge** to order the other party to answer the questions. (You cannot ask these questions before the **petition** has been **filed**.)

The questions in this form should be used in **original proceedings** or **enforcement proceedings** and are meant to supplement the information provided in the **Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should read all of the questions in this form to determine which questions, if any, the other party needs to answer in order to provide you with information not covered in the financial affidavit forms. If there are questions to which you already know the answer, you may choose not to ask them.

This form should be typed or printed in black ink. You must complete the box at the beginning of this form to indicate which questions you are requesting that the other party answer. You should send ~~2 copies~~ an original and one copy of this form and the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to the other party. You should also keep a copy for your records. You ~~should~~ shall not **file** this form with the **clerk of the circuit court** unless the answers are admitted into evidence by the court and are in compliance with Florida Family Law Rules of Procedure ~~12.280(a)~~ 12.191. However, you must file the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to tell the court that you have sent this form to the other party.

**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.** For further information, see the instructions for **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), rules 12.280, 12.285, 12.340, and 12.380, Florida Family Law Rules of Procedure, and rules 1.280, 1.340, and 1.380, Florida Rules of Civil Procedure.



## Special notes...

In addition to the standard questions in this form, you may ask up to 10 additional questions. You should type or print legibly your additional questions on a separate sheet of paper and attach it to this form. If you want to ask more than 10 additional questions, you will need to get permission from the judge.

**You may want to inform the other party of the following information:** As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and mail (have postmarked) the answers to you. His or her answers shall be written in the blank space provided after each separately numbered interrogatory. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories. He or she should be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. ~~Do not file the original or a copy with the clerk of the circuit court except as provided in Florida Rule of Civil Procedure 1.340(c).~~ **DO NOT FILE THE ORIGINAL OR A COPY WITH THE CLERK OF THE COURT EXCEPT AS PROVIDED BY FLORIDA RULE OF CIVIL PROCEDURE 1.340(e) AND IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA FAMILY LAW RULE OF PROCEDURE 12.280(a)12.191.** The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.

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 **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.

## STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS

<b>TO BE COMPLETED BY THE PARTY SERVING THESE INTERROGATORIES</b>						
I am requesting that the following standard questions be answered: [ <input type="checkbox"/> all that apply ]						
____ 1 Background Information	____ 2 Education	____ 3 Employment	____ 4 Assets	____ 5 Liabilities	____ 6 Miscellaneous	____ 7 Long Form Affidavit
In addition, I am requesting that the attached {#} _____ questions be answered.						

The answers to the following questions are intended to supplement the information provided in the Financial Affidavits, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should answer the group of questions indicated in the above shaded box. The questions should be answered in the blank space provided below each separately numbered question. If sufficient space is not provided, you may attach additional papers with the answers and refer to them in the space provided in the interrogatories. You should be sure to make a copy for yourself. Each question must be answered separately and as completely as the available information permits. All answers are to be made under oath or affirmation as to their truthfulness.

**AFTER YOU ANSWER THE INTERROGATORIES, DO NOT FILE THE ORIGINAL WITH THE CLERK OF THE COURT. ALL PERSONAL INFORMATION CONTAINED IN THE COURT FILE BECOMES PUBLIC RECORD. INSTEAD, SERVE THE ORIGINAL OF THE ANSWERS TO THE INTERROGATORIES ON THE OTHER PARTY AND FILE FORM 12.930(d), NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES, WITH THE CLERK.**

I, {name of person answering interrogatories} \_\_\_\_\_,  
being sworn, certify that the following information is true:

**1. BACKGROUND INFORMATION:**

- a. State your full legal name and any other name by which you have

~~b.~~—been known.

~~e.~~b. State your present residence and telephone numbers.

~~c.~~—State your place and date of birth.

**2. EDUCATION:**

- a. List all business, commercial, and professional licenses that you have obtained.
- b. List all of your education including, but not limited to, vocational or specialized training, including the following:
  - (1) name and address of each educational institution.
  - (2) dates of attendance.
  - (3) degrees or certificates obtained or anticipated dates of same.

**3. EMPLOYMENT:**

- a. For each place of your employment or self-employment during the last 3 years, state the following:
  - (1) name, address, and telephone number of your employer.
  - (2) dates of employment.
  - (3) job title and brief description of job duties.
  - (4) starting and ending salaries.
  - (5) name of your direct supervisor.
  - (6) all benefits received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.
  
- b. Other than as an employee, if you have been engaged in or associated with any business, commercial, or professional activity within the last 3 years that was not detailed above, state for each such activity the following:

- (1) name, address, and telephone number of each activity.
- (2) dates you were connected with such activity.
- (3) position title and brief description of activities.
- (4) starting and ending compensation.
- (5) name of all persons involved in the business, commercial, or professional activity with you.
- (6) all benefits and compensation received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

c. If you have been unemployed at any time during the last 3 years, state the dates of unemployment. If you have not been employed at any time in the last 3 years, give the information requested above in question 3.a for your last period of employment.

**4. ASSETS:**

- a. **Real Estate.** State the street address, if any, and if not, the legal description of all real property that you own or owned during the last 3 years. For each property, state the following:
- (1) the names and addresses of any other persons or entities holding any interest and their percentage of interest.
  - (2) the purchase price, the cost of any improvements made since it was purchased, and the amount of any depreciation taken.
  - (3) the fair market value on the date of your separation from your spouse.
  - (4) the fair market value on the date of the filing of the petition for dissolution of marriage.

b. **Tangible Personal Property.** List all items of tangible personal property that are owned by you or in which you have had any interest during the last 3 years including, but not limited to, motor vehicles, tools, furniture, boats, jewelry, art objects or other collections, and collectibles whose fair market value exceeds \$100. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest.
- (3) the date you acquired your interest.
- (4) the purchase price.
- (5) the present fair market value.
- (6) the fair market value on the date of your separation from your spouse.
- (7) the fair market value on the date of the filing of the petition for dissolution of marriage.

c. **Intangible Personal Property.** Other than the financial accounts (checking, savings, money market, credit union accounts, retirement accounts, or other such cash management accounts) listed in the answers to interrogatories 4.d and 4.e below, list all items of intangible personal property that are owned by you or in which you have had any ownership interest (including closed accounts) within the last 3 years, including but not limited to, partnership and business interests (including good will), deferred compensation accounts unconnected with retirement, including but not limited to stock options, sick leave, and vacation pay, stocks, stock funds, mutual funds, bonds, bond funds, real estate investment trust, receivables, certificates of deposit, notes, mortgages, and debts owed to you by another entity or person. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest and the names and addresses of the persons and entities who are indebted to you.
- (3) the date you acquired your interest.
- (4) the purchase price, acquisition cost, or loaned amount.

- (5) the fair market value or the amounts you claim are owned by or owed to you:
  - (a) presently, at the time of answering these interrogatories.
  - (b) on the date of your separation from your spouse.
  - (c) on the date of the filing of the petition for dissolution of marriage.

**You may comply with this interrogatory (4.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. However, if the date of acquisition, the purchase price and the market valuations are not clearly reflected in the periodic statements which are furnished then these questions must be answered separately. You do not have to resubmit any periodic statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- d. **Retirement Accounts:** List all information regarding each retirement account/plan, including but not limited to defined benefit plans, 401k, 403B, IRA accounts, pension plans, Florida Retirement System plans (FRS), Federal Government plans, money purchase plans, HR10 (Keogh) plans, profit sharing plans, annuities, employee savings plans, etc. that you have established and/or that have been established for you by you, your employer, or any previous employer. For each account, state the following:
  - (1) the name and last 4 digits of the account number of each account/plan and where it is located.
  - (2) the type of account/plan.
  - (3) the name and address of the fiduciary plan administrator/service representative.
  - (4) the fair market value of your interest in each account/plan.
    - (a) present value.
    - (b) value on the date of separation.
    - (c) value on the date of filing of the petition for dissolution of marriage
  - (5) whether you are vested or not vested; and if vested, in what amount, as of a certain date and the schedule of future vesting.

- (6) the date at which you became/become eligible to receive some funds in this account/plan.
- (7) monthly benefits of the account/plan if no fair market value is ascertained.
- (8) beneficiary(ies) and/or alternate payee(s).

e. **Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) the last 4 digits of account numbers.
- (4) name of each person authorized to make withdrawals from the accounts.
- (5) highest balance within each of the preceding 3 years.
- (6) lowest balance within each of the preceding 3 years.

**You may comply with this interrogatory (4.e) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished pursuant to rule 12.285 (Mandatory Disclosure).**

f. **Closed Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) closed within the last 3 years, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) the last 4 digits of account numbers.
- (4) name of each person authorized to make withdrawals from the accounts.
- (5) date account was closed.

g. **Trust.** For any interest in an estate, trust, insurance policy, or annuity, state the following:

- (1) If you are the beneficiary of any estate, trust, insurance policy, or annuity, give for each one the following:
  - (a) identification of the estate, trust, insurance policy, or annuity.
  - (b) the nature, amount, and frequency of any distributions of benefits.
  - (c) the total value of the beneficiaries' interest in the benefit.
  - (d) whether the benefit is vested or contingent.
- (2) If you have established any trust or are the trustee of a trust, state the following:
  - (a) the date the trust was established.
  - (b) the names and addresses of the trustees.
  - (c) the names and addresses of the beneficiaries.
  - (d) the names and addresses of the persons or entities who possess the trust documents.
  - (e) each asset that is held in each trust, with its fair market value.

h. **Canceled Life Insurance Policies.** For all policies of life insurance within the preceding 3 years that you no longer hold, own, or have any interest in, state the following:

- (1) name of company that issued the policy and last 4 digits of policy number.
- (2) name, address, and telephone number of agent who issued the policy.
- (3) amount of coverage.
- (4) name of insured.
- (5) name of owner of policy.



- (6) name of beneficiaries.
- (7) premium amount.
- (8) date the policy was surrendered.
- (9) amount, if any, of monies distributed to the owner.

i. **Name of Accountant, Bookkeeper, or Records Keeper.** State the names, addresses, and telephone numbers of your accountant, bookkeeper, and any other persons who possess your financial records, and state which records each possesses.

j. **Safe Deposit Boxes, Lock Boxes, Vaults, Etc.** For all safe deposit boxes, lock boxes, vaults, or similar types of depositories, state the following:

- (1) The names and addresses of all banks, depositories, or other places where, at any time during the period beginning 3 years before the initiation of the action, until the date of your answering this interrogatory, you did any of the following:
  - (a) had a safe deposit box, lock box, or vault.
  - (b) were a signatory or co-signatory on a safe deposit box, lock box, or vault.
  - (c) had access to a safe deposit box, lock box, or vault.
  - (d) maintained property.
- (2) The box or identification numbers and the name and address of each person who has had access to any such depository during the same time period.
- (3) All persons who have possession of the keys or combination to the safe deposit box, lock box, or vault.
- (4) Any items removed from any safe deposit boxes, lock boxes, vaults, or similar types of depositories by you or your agent during that time, together with the present location and fair market value of each item.

- (5) All items in any safe deposit boxes, lock boxes, vaults, or similar types of depositories and fair market value of each item.

**5. LIABILITIES:**

- a. **Loans, Liabilities, Debts, and Other Obligations.** For all loans, liabilities, debts, and other obligations (other than credit cards and charge accounts) listed in your Financial Affidavit, indicate for each the following:
  - (1) name and address of the creditor.
  - (2) name in which the obligation is or was incurred.
  - (3) last 4 digits of loan or account number, if any.
  - (4) nature of the security, if any.
  - (5) payment schedule.
  - (6) present balance and current status of your payments.
  - (7) total amount of arrearage, if any.
  - (8) balance on the date of your separation from your spouse.
  - (9) balance on the date of the filing of the petition for dissolution of marriage.

**You may comply with this interrogatory (5.a) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- b. **Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
  - (1) name and address of the creditor.
  - (2) name in which the account is or was maintained.
  - (3) names of each person authorized to sign on the accounts.
  - (4) last 4 digits of account numbers.
  - (5) present balance and current status of your payments.
  - (6) total amount of arrearage, if any.
  - (7) balance on the date of your separation from your spouse.

- (8) balance on the date of the filing of the petition for dissolution of marriage.
- (9) highest and lowest balance within each of the preceding 3 years.

**You may comply with this interrogatory (5.b) by providing copies of all periodic (monthly quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- c. **Closed Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) closed with no remaining balance, within the last 3 years, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
  - (1) name and address of each creditor.
  - (2) name in which the account is or was maintained.
  - (3) last 4 digits of account numbers.
  - (4) names of each person authorized to sign on the accounts.
  - (5) date the balance was paid off.
  - (6) amount of final balance paid off.

**You may comply with this interrogatory (5.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

**6. MISCELLANEOUS:**

- a. If you are claiming an unequal distribution of marital property or enhancement or appreciation of nonmarital property, state the amount claimed and all facts upon which you rely in your claim.
- b. If you are claiming an asset or liability is nonmarital, list the asset or liability and all facts upon which you rely in your claim.

- c. If the mental or physical condition of a spouse or child is an issue, identify the person and state the name and address of all health care providers involved in the treatment of that person for said mental or physical condition.
  - d. Detail your proposed parenting plan for the minor child(ren), including your proposed time-sharing schedule. Alternatively, attach a copy of your proposed parenting plan.
  - e. If you are claiming that the other parent's time-sharing with the minor child(ren) should be limited, supervised, or otherwise restricted, or that you should have sole parental responsibility for the minor child(ren), with or without time-sharing with the other parent, or that you should have ultimate responsibility over specific aspects of the child(ren)'s welfare or that these responsibilities should be divided between you and the other parent, state your reasons and all facts which you rely upon to support your claim.
7. **LONG FORM AFFIDAVIT:** If you filed the short form affidavit, Florida Family Law Rules of Procedure Form 12.902(b), and you were specifically requested in the Notice of Service of Standard Family Law Interrogatories to file the Long Form Affidavit, Form 12.902(c), you must do so within the time to serve the answers to these interrogatories.

I certify that a copy of this document was [  **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 answers to these interrogatories 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:** [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 [  one only ] \_\_\_ petitioner **or** \_\_\_ respondent, fill out this form.

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.930(c), STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION  
PROCEEDINGS (09/09--/--)**

**When should this form be used?**

This form should be used to ask the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. If the other party fails to answer the questions, you may ask the **judge** to order the other party to answer the questions. (You cannot ask these questions before the **petition** has been filed.)

The questions in this form should be used in **modification proceedings** and are meant to supplement the information provided in the **Financial Affidavits**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should read all of the questions in this form to determine which questions, if any, the other party needs to answer in order to provide you with information not covered in the financial affidavit forms. If there are questions to which you already know the answer, you may choose not to ask them.

This form should be typed or printed in black ink. You must complete the box at the beginning of this form to indicate which questions you are requesting that the other party answer. You should send ~~two copies~~ an original and one copy of this form and the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to the other party. You should also keep a copy for your records. You do not need to **file** this form with the **clerk of the circuit court**. However, you must file the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to tell the court that you have sent this form to the other party.

After you receive the completed answers to the interrogatories, **DO NOT FILE THE ORIGINAL OR A COPY WITH THE CLERK OF THE COURT UNLESS THE ANSWERS ARE ADMITTED INTO EVIDENCE BY THE COURT AND ARE IN COMPLIANCE WITH FLORIDA FAMILY LAW RULE OF PROCEDURE ~~12.280(a)~~12.191.**

**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.** For further information, see the instructions for **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), rules 12.280, 12.285, 12.340, and 12.380, Florida Family Law Rules of Procedure and rules 1.280, 1.340, and 1.380, Florida Rules of Civil Procedure.

**Special notes...**

In addition to the standard questions in this form, you may ask up to 10 additional questions. You should type or print your additional questions on a separate sheet of paper and attach it to

this form. If you want to ask more than 10 additional questions, you will need to get permission from the judge.

**You may want to inform the other party of the following information:** As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and mail (have postmarked) the answers to you. His or her answers shall be written in the blank space provided after each separately numbered interrogatory. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories. He or she should be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. ~~Do not file the original or a copy with the clerk of the circuit court except as provided by Florida Rule of Civil Procedure 1.340(e).~~ **DO NOT FILE THE ORIGINAL OR A COPY WITH THE CLERK OF THE CIRCUIT COURT UNLESS THE ANSWERS ARE ADMITTED INTO EVIDENCE BY THE COURT AND ARE IN COMPLIANCE WITH FLORIDA FAMILY LAW RULE OF PROCEDURE ~~12.280(a)~~12.191.** The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.

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 **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.

## STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS

### TO BE COMPLETED BY THE PARTY SERVING THESE INTERROGATORIES

I am requesting that the following standard questions be answered: [  all that apply ]

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_  
Background Education Employment Assets Liabilities Miscellaneous Long Form  
Information Affidavit

In addition, I am requesting that the attached {#} \_\_\_\_\_ questions be answered.

The answers to the following questions are intended to supplement the information provided in the Financial Affidavits, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should answer the group of questions indicated in the above shaded box. The questions should be answered in the blank space provided below each separately numbered question. If sufficient space is not provided, you may attach additional papers with the answers and refer to them in the space provided in the interrogatories. You should be sure to make a copy for yourself. Each question must be answered separately and as completely as the available information permits. All answers are to be made under oath or affirmation as to their truthfulness.

**AFTER YOU ANSWER THE INTERROGATORIES, DO NOT FILE THE ORIGINAL WITH THE CLERK OF THE COURT. ALL PERSONAL INFORMATION IN THE COURT FILE BECOMES PUBLIC RECORD. INSTEAD, SERVE THE ORIGINAL OF THE ANSWERS TO THE INTERROGATORIES ON THE OTHER PARTY AND FILE FORM 12.930(d), NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES, WITH THE CLERK.**

I, {name of person answering interrogatories} \_\_\_\_\_,  
being sworn, certify that the following information is true:

Florida Family Law Rules of Procedure Form 12.930(c), Standard Family Law Interrogatories for  
Modification Proceedings (09/09--/--)



**1. BACKGROUND INFORMATION:**

- a. State your full legal name and any other name by which you have been known.
- b. State your present residence and telephone numbers.
- c. ~~State your place and date of birth.~~

**2. EDUCATION:**

- a. List all business, commercial, and professional licenses that you have obtained since the entry of the Final Judgment sought to be modified.
- b. List all of your education since the entry of the Final Judgment sought to be modified including, but not limited to, vocational or specialized training, including the following:
  - (1) name and address of each educational institution.
  - (2) dates of attendance.
  - (3) degrees or certificates obtained or anticipated dates of same.

**3. EMPLOYMENT:**

- a. For each place of your employment or self-employment since the entry of the Final Judgment sought to be modified, state the following:
  - (1) name, address, and telephone number of your employer.
  - (2) dates of employment.
  - (3) job title and brief description of job duties.
  - (4) starting and ending salaries.
  - (5) name of your direct supervisor.
  - (6) all benefits received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

- b. Other than as an employee, if you have been engaged in or associated with any business, commercial, or professional activity since the entry of the Final Judgment sought to be modified that was not detailed above, state for each such activity the following:
- (1) name, address, and telephone number of each activity.
  - (2) dates you were connected with such activity.
  - (3) position title and brief description of activities.
  - (4) starting and ending compensation.
  - (5) name of all persons involved in the business, commercial, or professional activity with you.
  - (6) all benefits and compensation received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.
- c. If you have been unemployed at any time since the entry of the Final Judgment sought to be modified, state the dates of unemployment. If you have not been employed at any time since the entry of the Final Judgment sought to be modified, give the information requested above in question 3.a for your last period of employment.

**4. ASSETS:**

- a. **Real Estate.** State the street address, if any, and if not, the legal description of all real property that you own or owned during the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. For each property, state the following:
- (1) the names and addresses of any other persons or entities holding any interest and their percentage of interest.
  - (2) the present fair market value.
- b. **Tangible Personal Property.** List all items of tangible personal property that are owned by you or in which you have had any interest during the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, including, but not limited to, motor vehicles, tools, furniture, boats, jewelry, art objects or other collections, and collectibles whose fair market value exceeds \$100. For each item, state the following:
- (1) the percentage and type interest you hold.
  - (2) the names and addresses of any other persons or entities holding any interest.
  - (3) the present fair market value.
- c. **Intangible Personal Property.** Other than the financial accounts (checking, savings, money market, credit union accounts, retirement accounts, or other such cash management accounts) listed in the answers to interrogatories 4.d and 4.e below, list all items of intangible personal property that are owned by

you or in which you have had any ownership interest (including closed accounts) within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, including, but not limited to, partnership and business interests (including good will), deferred compensation accounts unconnected with retirement, including but not limited to stock options, sick leave, and vacation pay, stocks, stock funds, mutual funds, bonds, bond funds, real estate investment trusts, receivables, certificates of deposit, notes, mortgages, and debts owed to you by another entity or person. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest and the names and addresses of the persons and entities who are indebted to you.
- (3) the present fair market value or the amounts you claim are owned by or owed to you, at the time of answering these interrogatories.

**You may comply with this interrogatory (4.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. However, if the date of acquisition, the purchase price, and the market valuations are not clearly reflected in the periodic statements which are furnished, then these questions must be answered separately. You do not have to resubmit any periodic statements previously furnished under rule 12.285 (Mandatory Disclosure).**

d. **Retirement Accounts:** List all information regarding each retirement account/plan, including but not limited to defined benefit plans, 401k, 403B, IRA accounts, pension plans, Florida Retirement System plans (FRS), Federal Government plans, money purchase plans, HR10 (Keogh) plans, profit sharing plans, annuities, employee savings plans, etc. that you have established and/or that have been established for you by you, your employer or any previous employer. For each account, state the following:

- (1) the name and last 4 digits of the account number of each account/plan and where it is located.
- (2) the type of account/plan.
- (3) the name and address of the fiduciary plan administrator/ service representative

- (4) the present fair market value of your interest in each account/plan.
- (5) whether you are vested or not vested; and if vested, in what amount, as of a certain date and the schedule of future vesting.
- (6) the date at which you became/become eligible to receive some funds in this account/plan.
- (7) monthly benefits of the account/plan if no fair market value is ascertained.
- (8) beneficiary(ies) and/or alternate payee(s).

e. **Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) last 4 digits of account numbers.
- (4) names of each person authorized to make withdrawals from the accounts.
- (5) highest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.
- (6) lowest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.

**You may comply with this interrogatory (4.e) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

f. **Closed Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) closed

within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) last 4 digits of account numbers.
- (4) name of each person authorized to make withdrawals from the accounts.
- (5) date account was closed.

g. **Trust.** For any interest in an estate, trust, insurance policy, or annuity, state the following:

- (1) if you are the beneficiary of any estate, trust, insurance policy, or annuity, give for each one the following:
  - (a) identification of the estate, trust, insurance policy, or annuity.
  - (b) the nature, amount, and frequency of any distributions of benefits.
  - (c) the total value of the beneficiaries' interest in the benefit.
  - (d) whether the benefit is vested or contingent.
- (2) if you have established any trust or are the trustee of a trust, state the following:
  - (a) the date the trust was established.
  - (b) the names and addresses of the trustees.
  - (c) the names and addresses of the beneficiaries.
  - (d) the names and addresses of the persons or entities who possess the trust documents.
  - (e) each asset that is held in each trust, with its fair market value.

- h. **Name of Accountant, Bookkeeper, or Records Keeper.** State the names, addresses, and telephone numbers of your accountant, bookkeeper, and any other persons who possess your financial records, and state which records each possesses.

**5. LIABILITIES:**

- a. **Loans, Liabilities, Debts, and Other Obligations.** For all loans, liabilities, debts, and other obligations (other than credit cards and charge accounts) listed in your Financial Affidavit, indicate for each the following:
- (1) name and address of the creditor.
  - (2) name in which the obligation is or was incurred.
  - (3) last 4 digits of loan or account number, if any.
  - (4) nature of the security, if any.
  - (5) payment schedule.
  - (6) present balance and current status of your payments.
  - (7) total amount of arrearage, if any.

**You may comply with this interrogatory (5.a) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do**

**not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- b. **Credit Cards and Charge Accounts.** For all financial accounts (credit cards, charge accounts, or other such accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of the creditor.
  - (2) name in which the account is or was maintained.
  - (3) name of each person authorized to sign on the accounts.
  - (4) last 4 digits of account numbers.
  - (5) present balance and current status of your payments.
  - (6) total amount of arrearage, if any.
  - (7) highest and lowest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.

**You may comply with this interrogatory (5.b) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

- c. **Closed Credit Cards and Charge Accounts.** As to all financial accounts (credit card, charge accounts, or other such accounts) closed with no remaining balance, within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:
- (1) name and address of each creditor.
  - (2) name in which the account is or was maintained.



- (3) last 4 digits of account numbers.
- (4) name of each person authorized to sign on the accounts.
- (5) date the balance was paid off.
- (6) amount of final balance paid off.

**You may comply with this interrogatory (5.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. DO NOT FILE THESE DOCUMENTS IN THE COURT FILE. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).**

**6. MISCELLANEOUS:**

- a. If you are claiming a diminished earning capacity since the entry of the Final Judgment sought to be modified as grounds to modify alimony or deviate from the child support established in your case, describe in detail how your earning capacity is lowered and state all facts upon which you rely in your claim. If unemployed, state how, why, and when you lost your job.
- b. If you are claiming a change in a mental or physical condition since the entry of the Final Judgment sought to be modified as grounds to modify alimony or change the child support established in your case, describe in detail how your mental and/or physical capacity has changed and state all facts upon which you rely in your claim. Identify the change in your mental and/or physical capacity, and state the name and address of all health care providers involved in the treatment of this mental or physical condition.
- c. If you are requesting a change in shared or sole parental responsibility, ultimate decision-making, the time-sharing schedule, the parenting plan, or any combination thereof, for the minor child(ren), describe in detail the change in circumstances since the entry of the Final Judgment sought to be modified that you feel justify the requested change. State when the change of circumstances occurred, how the change of circumstances affects the child(ren), and why it is

in the best interests of the child(ren) that the Court make the requested change. Attach your proposed parenting plan.

- d. If you do not feel the requested change in shared or sole parental responsibility, ultimate decision-making, the time-sharing schedule, the parenting plan, or any combination thereof, for the minor child(ren) is in their best interests, or if you feel there has not been a change in circumstances since the entry of the Final Judgment sought to be modified, describe in detail any facts that you feel justify the Court denying the requested change. State what requested change, if any, in shared or sole parental responsibility, ultimate decision-making, the time-sharing schedule, or of the parenting plan is justified or agreeable to you and why it is in the best interests of the child(ren).

2. **LONG FORM AFFIDAVIT:** If you filed the short form affidavit, Florida Family Law Rules of Procedure Form 12.902(b), and you were specifically requested in the Notice of Service of Standard Family Law Interrogatories to file the Long Form Affidavit, Form 12.902(c), you must do so within the time to serve the answers to these interrogatories.

I certify that a copy of this document was [  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 answers to these interrogatories 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 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:** [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 [  **one** only ] \_\_\_ petitioner **or** \_\_\_ respondent, fill out this form.

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.930(d),  
NOTICE OF SERVICE OF ANSWERS TO STANDARD FAMILY LAW  
INTERROGATORIES**

**When should this form be used?**

You should use this form to tell the court that you have responded to the other **party's** request to answer certain standard questions (**interrogatories**) in writing.

This form should be typed or printed in black ink. You must indicate whether you are sending the answers to interrogatories for original and enforcement proceedings, Florida Family Law Rules of Procedure Form 12.930(b), or modification proceedings, Florida Family Law Rules of Procedure Form 12.930(c). You must also indicate whether you have additional questions that you were asked to answer. After completing this form you should **file** the original with the **clerk of the circuit court** in the county where your case was filed and keep a copy for your records.

**What should I do next?**

A copy of this form and the original completed answers to the interrogatories must be mailed or hand delivered to the other party in your case. However, **file** only this form with the clerk. **DO NOT FILE THE ORIGINAL ANSWERS TO THE INTERROGATORIES OR ANY ATTACHMENTS WITH THE CLERK UNLESS THEY ARE ADMITTED INTO EVIDENCE BY THE COURT AND ARE IN COMPLIANCE WITH FLORIDA FAMILY LAW RULE OF PROCEDURE ~~12.280(a)~~12.191.**

**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. For further information see Florida Family Law Rules of Procedure Rules 12.280, 12.285, 12.340, and 12.380, and Florida Rules of Civil Procedure Rules 1.280, 1.340, and 1.380.

**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 **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

**NOTICE OF SERVICE OF ANSWERS TO  
STANDARD FAMILY LAW INTERROGATORIES**

I, {full legal name}, have on {date}  
served on {name} fully completed and sworn  
answers to the standard family law interrogatories served on me, and additional interrogatories  
if requested. The interrogatories were for [ **one only**] (  ) original or enforcement  
proceedings (  ) modification proceedings.

**I UNDERSTAND THAT I SHOULD NOT FILE THE ANSWERS TO INTERROGATORIES WITH THE  
CLERK OF THE CIRCUIT COURT EXCEPT AS PROVIDED BY FLORIDA RULE OF CIVIL PROCEDURE  
1.340(e).**

I certify that a copy of this document was [ **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: \_\_\_\_\_

Dated: \_\_\_\_\_

**Signature of Party**

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS  
BELOW [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 [ **one** only] petitioner **or** respondent, fill out this form.

**Proposed rule**

**Reasons for change**

**RULE 12.130. DOCUMENTS SUPPORTING ACTION OR DEFENSE**

~~Attachment of documents supporting an action or defense shall be governed by Florida Rule of Civil Procedure 1.130.~~

**(a) Documents Attached.** If it is essential to state a cause of action, a copy of the bonds, notes, bills of exchange, contracts, accounts, or other documents or the relevant portions of the documents shall be incorporated in or attached to the pleadings.

**(b) Part for all Purposes.** Any exhibit attached to a pleading shall be considered part of the pleading. Statements in a pleading may be adopted by reference in a different part of the same pleading, in another pleading, or in any motion.

**(c) Protection of Account and Personal Identifying Numbers.** Any reference in any pleading or exhibit filed with the court to account numbers, social security numbers, employee identification numbers, driver's license numbers, passport numbers, or other personal identifying information shall be presented as provided in rule ~~12.280(a)~~12.191.

Amends rule to change cross-reference to new rule 12.191.

**Proposed rule**

**Reasons for change**

**RULE 12.191. FILING OF SENSITIVE INFORMATION**

Florida Rule of Civil Procedure 1.191 shall apply to proceedings under these rules except subdivision (a)(2), regarding a minor child's initials, shall not apply and, as it relates to a child of any party, subdivision (a)(3), regarding birth date, shall not apply.

Creates a new rule regarding filing of sensitive information in court files, in response to the proposed creation of Fla. R. Civ. P. 1.191.

**Committee Note**

**2010 Adoption.** This rule deviates from Florida Rule of Civil Procedure 1.191 because of concerns unique to family law cases relating to establishing and maintaining subject matter jurisdiction over child-related issues as well as the necessity of precise identification of a child for purposes of recognizing and enforcing a court order regarding a child in a nonjudicial setting.



**Proposed rule**

**Reasons for change**

**RULE 12.280. GENERAL PROVISIONS  
GOVERNING DISCOVERY**

Florida Rule of Civil Procedure 1.280 shall govern general provisions concerning discovery in family law matters with the following exceptions:

**(a) ~~Account or Personal Identification Numbers.~~**

~~For any discovery request or discovery response being filed with the court, any reference to account numbers, social security numbers, employee identification numbers, driver's license numbers, passport numbers, or other personal identifying information shall be preceded by the "\*" symbol to indicate that numbers or letters are being omitted and shall include only the last 4 digits of the account or identifying number (e.g., bank account/social security number/support enforcement number/driver's license number/passport number ending in \*1234).~~ **Redaction of Personal Information.** All filings of discovery information shall comply with rule 12.191. The court shall have authority to impose sanctions for violation of this rule.

Amends rule to change cross-reference to proposed rule 12.191.

**(ab) Supplementing of Responses.** A party is under a duty to amend a prior response or disclosure if the party:

(1)—(2) [No change]

**(bc) Time for Serving Supplemental Responses.**

Any supplemental response served pursuant to this rule shall be

served as soon as possible after discovery of the incorrect information or change, but in no case shall the supplemental response be served later than 24 hours before any applicable hearing absent a showing of good cause.

**(~~e~~) Documents Considered Confidential.** A determination as to the confidentiality of a court record shall be made in accordance with Florida Rule of Judicial Administration 2.051420.

**(~~e~~) Sealing of Records.** Records found to be confidential under Florida Rule of Judicial Administration 2.051420 shall be sealed on request of a party.

**Commentary**  
**[No change]**

**Proposed rule**

**Reasons for change**

**RULE 12.285. MANDATORY DISCLOSURE**

**(a) Application.**

(1) – (2) [No change]

**(3) Documents Not to be Filed With Court; Sanctions.**

(A) Except for the financial affidavit and child support guidelines worksheet, no documents produced under this rule shall be filed in the court file without first obtaining a court order.

(B) References to account numbers and personal identifying information to be filed in the court file shall be governed by rule ~~12.280(a)~~12.191.

(C) Sanctions shall be governed by Florida Rule of Civil Procedure 1.280(f).

**(b) [No change]**

**(c) Exemption from Requirement to File and Serve Financial Affidavit.** The parties shall not be required to file and serve a financial affidavit under subdivisions (d) and (e) if they are seeking a simplified dissolution of marriage under rule 12.105, they have no minor children, have no support issues, and have filed a written settlement agreement disposing

Amends rule to change cross-reference to proposed rule 12.191.

of all financial issues, or if the court lacks jurisdiction to determine any financial issues.

**(ed) Disclosure Requirements for Temporary Financial Relief.** In any proceeding for temporary financial relief heard within 45 days of the service of the initial pleading or within any extension of the time for complying with mandatory disclosure granted by the court or agreed to by the parties, the following documents shall be served on the other party:

(1) - (4) [No change]

**(de) Parties' Disclosure Requirements for Initial or Supplemental Proceedings.** A party shall serve the following documents in any proceeding for an initial or supplemental request for permanent financial relief, including, but not limited to, a request for child support, alimony, equitable distribution of assets or debts, or attorneys' fees, suit money, or costs:

(1) - (16) [No change]

**(ef) Duty to Supplement Disclosure; Amended Financial Affidavit.**

(1) - (2) [No change]

**(fg) Sanctions.** Any document to be produced under this rule that is served on the opposing party fewer than 24 hours before a nonfinal hearing or in violation of the court's pretrial order shall not be admissible in evidence at that hearing

unless the court finds good cause for the delay. In addition, the court may impose other sanctions authorized by rule 12.380 as may be equitable under the circumstances. The court may also impose sanctions upon the offending lawyer in lieu of imposing sanctions on a party.

**(gh) Extensions of Time for Complying with Mandatory Disclosure.** By agreement of the parties, the time for complying with mandatory disclosure may be extended. Either party may also file, at least 5 days before the due date, a motion to enlarge the time for complying with mandatory disclosure. The court shall grant the request for good cause shown.

**(hi) Objections to Mandatory Automatic Disclosure.** Objections to the mandatory automatic disclosure required by this rule shall be served in writing at least 5 days prior to the due date for the disclosure or the objections shall be deemed waived. The filing of a timely objection, with a notice of hearing on the objection, automatically stays mandatory disclosure for those matters within the scope of the objection. For good cause shown, the court may extend the time for the filing of an objection or permit the filing of an otherwise untimely objection. The court shall impose sanctions for the filing of meritless or frivolous objections.

**(ij) Certificate of Compliance.** All parties subject to automatic mandatory disclosure shall file with the court a certificate of compliance, Florida Family Law Rules of Procedure Form 12.932, identifying with particularity the documents which have been delivered and certifying the date of

service of the financial affidavit and documents by that party. The party shall swear or affirm under oath that the disclosure is complete, accurate, and in compliance with this rule, unless the party indicates otherwise, with specificity, in the certificate of compliance. ~~Except for the financial affidavit and child support guidelines worksheet, no documents produced under this rule shall be filed in the court file without a court order.~~

**(j)k) Child Support Guidelines Worksheet.** If the case involves child support, the parties shall file with the court at or prior to a hearing to establish or modify child support a Child Support Guidelines Worksheet in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(e). This requirement cannot be waived by the parties.

**(k) Place of Production.**

(1) - (2) [No change]

**(l)m) Failure of Defaulted Party to Comply.** Nothing in this rule shall be deemed to preclude the entry of a final judgment when a party in default has failed to comply with this rule.

**Commentary**  
[No change]

**Committee notes**  
[No change]

**Proposed rule**

**Reasons for change**

**RULE 12.340. INTERROGATORIES TO PARTIES**

Interrogatories to parties shall be governed generally by Florida Rule of Civil Procedure 1.340, with the following exceptions.

(a) [No change]

(b) [No change]

(c) **Serving of Responses.** Parties shall serve responses to interrogatories on the requesting party. Responses shall not be filed with the court unless they are admitted into evidence by the court and are in compliance with rule ~~12.280(a)~~12.191. The responding party shall file with the court Florida Family Law Rules of Procedure Form 12.930(d), Notice of Service of Answers to Standard Family Law Interrogatories.

Amends rule to change cross-reference to proposed rule 12.191.

**Commentary**  
[No change]

**Committee Note**  
[No change]

**Proposed rule**

**Reasons for change**

**RULE 12.363. EVALUATION OF MINOR CHILD**

(a) [No change]

(b) **Providing of Reports.**

(1) Unless otherwise ordered, the expert shall prepare and provide a written report to the attorney for each party or the party, if unrepresented, and the guardian ad litem, if appointed, a reasonable time before any evidentiary hearing on the matter at issue. The expert also shall send written notice to the court that the report has been completed and that a copy of the written report has been provided to the attorney for each party or the party, if unrepresented, and the guardian ad litem, if appointed. In any event, the written report shall be prepared and provided no later than 30 days before trial or 75 days from the order of appointment, unless the time is extended by order of the court. The expert shall not send a copy of the report to the court unless the parties and their attorneys have agreed in writing that the report will be considered by the court and filed in the court file as provided in subdivision (e).

(2) [No change]

(c) [No change]

(d) [No change]

(e) **Use of Evidence.** An expert appointed by the



court shall be subject to the same examination as a privately retained expert and the court shall not entertain any presumption in favor of the appointed expert's findings. Any finding or report by an expert appointed by the court may be entered into evidence on the court's own motion or the motion of any party in a manner consistent with the rules of evidence, subject to cross-examination by the parties. Any report filed in the court file shall be in compliance with rule ~~12.280(a)~~12.191. The report shall not be considered by the court before it is properly admitted into evidence. The report shall not be filed in the court file unless or until it is properly admitted into evidence and considered by the court. The court shall consider whether the report should be sealed as provided by Florida Rule of Judicial Administration 2.420.

**Committee Note**  
**[No change]**

Amends rule to change cross-reference to proposed rule 12.191.

**Proposed rule**

**Reasons for change**

**RULE 12.370. REQUESTS FOR ADMISSION**

Requests for admission shall be governed by Florida Rule of Civil Procedure 1.370, except that

(a) the request and any response to it must comply with rule ~~12.280(a)~~12.191; and

(b) documents attached to the request for admission shall not be filed with the court and shall only be attached to the copy served on the party to whom the request for admissions is directed.

Amends rule to change cross-reference to proposed rule 12.191.

## Proposed rule

### RULE 12.410. SUBPOENA

### Reasons for change

Subpoenas shall be governed by Florida Rule of Civil Procedure 1.410, except as follows:

**(a) Subpoenas.** No subpoena issued under Florida Rule of Civil Procedure 1.410, even if for the purpose of proof of service or nonservice of the subpoena, shall be filed with the court unless in compliance with rule ~~12.280(a)~~12.191.

**(b) Notice of Issuance of Subpoena.** A party issuing a subpoena through an attorney of record or clerk of the court under Florida Rule of Civil Procedure 1.410 shall, on the same day as the subpoena is issued, serve each party to the proceeding with a notice of issuance of subpoena and file this notice with the court. The notice of issuance of subpoena shall identify the person or entity subject to the subpoena, the date the subpoena was issued, and the date and time for appearance or production, and shall recite that all references to account numbers or personal identifying numbers are in compliance with rule ~~12.280(a)~~12.191.

**(c) Notice to Produce.** Any notice to produce issued under Florida Rule of Civil Procedure 1.410 shall comply with rule ~~12.280(a)~~12.191.

Amends rule to change cross-reference to proposed rule 12.191.

Amends rule to change cross-reference to proposed rule 12.191.

### Committee Note

**2008 Amendment.** The provisions of *Fla. R. Civ. P.* Fla.

Style correction.

R. Civ. P. 1.410(h) do not alter the requirements of ~~Rule~~rule 12.407 that a court order must be obtained before a minor child may be subpoenaed to appear at a hearing.

**Proposed rule**

**Reasons for change**

**RULE 12.440.        SETTING ACTION FOR TRIAL**

Florida Rule of Civil Procedure 1.440 shall govern general provisions concerning setting an action for trial in family law matters, with the following exceptions and additions.

**(a) Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order setting the action for trial, fixing a date for trial, and setting a pretrial conference, if necessary. In the event a default has been entered, reasonable notice of not less than 10 days shall be given unless otherwise required by law. Trial shall be set within a reasonable time from the service of the notice for trial. At the pretrial conference, the parties should be prepared, consistent with Florida Family Law Rule of Procedure 12.200, to present any matter that will prepare the parties for trial and that can expedite the resolution of the case. The trial court may also direct the parties to reciprocally exchange and file with the court all documents relative to the outcome of the case; a list of all witnesses, all issues to be tried, and all undisposed motions; an estimate of the time needed to try the case; and any other information the court deems appropriate. Any court filings shall be in conformity with rule ~~12.280(a)~~12.191. This information should be served and filed no later than 72 hours before the pretrial conference or 30 days before the trial.

**(b) [No change]**

Amends rule to change cross-reference to proposed rule 12.191.

**Commentary**  
**[No change]**

**Proposed rule**

**Reasons for change**

**RULE 12.540. RELIEF FROM JUDGMENT,  
DECREES, OR ORDERS**

Florida Rule of Civil Procedure 1.540 shall govern general provisions concerning relief from judgment, decrees, or orders, except:

(a) ~~that~~ there shall be no time limit for motions based on fraudulent financial affidavits in marital or paternity cases; and

(b) the motion and any attachment or exhibit to it shall be in compliance with rule ~~12.280(a)~~12.191.

Amends rule to change cross-reference to proposed rule 12.191.

**Commentary**  
**[No change]**

## Proposed rule

## Reasons for change

### RULE 12.560. DISCOVERY IN AID OF EXECUTION

(a) - (d) [No change]

(e) **Notice of Compliance.** The judgment debtor shall file with the clerk of court a notice of compliance with the order to complete form 1.977, and serve a copy of the notice of compliance on the judgment creditor or the judgment creditor's attorney. Form 1.977 shall not be filed with the clerk of the court or in any other public record, except by order of the court after a notice and hearing and for good cause shown. If the court permits the filing of form 1.977, it shall be in compliance with the requirements of rule ~~12.280(a)~~12.191.

#### Committee Notes

**2000 Amendment.** Subdivisions (b)~~B~~(e) were added to the Florida Rules of Civil Procedure and adopted with amendments into the Family Law Rules of Procedure. The amendments to the Civil Rules were patterned after Florida Small Claims Rule 7.221(a) and Form 7.343. Although the judgment creditor is entitled to broad discovery into the judgment debtor's finances (Fla. R. Civ. P. 1.280(b); *Jim Appley's Tru-Arc, Inc. v. Liquid Extraction Systems*, 526 So. 2d 177, 179 (Fla. 2d DCA 1988)), in family law cases inquiry into the individual assets of the judgment debtor's spouse must be precluded until a proper predicate has been shown. *Tru-Arc, Inc.*, 526 So. 2d at 179; *Rose Printing Co. v. D'Amato*, 338 So.

Amends rule to change cross-reference to proposed rule 12.191.

Correction to error in West's *Rules of Court*. See *In re: Amendments to the Florida Family Law Rules of Procedure*, 783 So. 2d 937, 940 (Fla. 2000).



2d 212 (Fla. 3d DCA 1976).

**Proposed rule**

**Reasons for change**

**RULE 12.620. RECEIVERS**

Receivers shall be governed by Florida Rule of Civil Procedure 1.620, except that any inventory filed with the court shall be in compliance with rule ~~12.280(a)~~12.191.

Amends rule to change cross-reference to proposed rule 12.191.

## CERTIFICATE OF COMPLIANCE

I certify that this report was prepared in accordance with the font requirements of *Fla. R. App. P. 9.210(a)(2)*.

I also certify that these rules were read against West's *Rules of Court - 2010*.

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