

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Family Law Rules

995 So. 2d 445 (Fla. 2008) · No. SC08-1660 · Decided October 16, 2008

SUMMARY

The Supreme Court of Florida adopted amendments to several Florida Family Law Rules of Procedure and related forms to conform them to Chapter 2008-61, Laws of Florida. The legislation replaced terminology such as custody, visitation, and primary or secondary residential parent with parenting plans and time-sharing concepts. The amendments were effective immediately, subject to a 60-day period for comments.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Quince, C.J.; Wells, J.; Anstead, J.; Pariente, J.; Lewis, J.; Canady, J.
JURISDICTION	Florida
DECIDED	October 16, 2008
DOCKET	SC08-1660
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Bar's Family Law Rules Committee petitioned the Supreme Court of Florida for expedited amendments to the Florida Family Law Rules of Procedure and related forms to conform them to chapter 2008-61, Laws of Florida.
PRECEDENTIAL VALUE	Published Florida Supreme Court rule-amendment decision; authoritative as to the adoption and effective date of the amended rules and forms.

TOPICS

- family law procedure
- family law
- child custody
- child support
- domestic violence

PRACTICE AREAS

- Family law
- civil procedure
- court rules

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt the Family Law Rules Committee's proposed amendments to the Florida Family Law Rules of Procedure and related forms to conform them to chapter 2008-61, Laws of Florida.
2. Whether the adopted amendments and forms should become effective immediately despite the absence of preadoption publication for comment.

HOLDINGS

1. The Supreme Court of Florida adopted the amendments proposed by the Family Law Rules Committee to rules 12.010, 12.200, 12.210, 12.363, 12.491, 12.610, and 12.650, and to the identified family-law forms.
2. The amended rules and forms became effective immediately, while interested persons were given sixty days from the opinion date to file comments because the amendments had not been published for comment before adoption.

KEY QUOTATIONS

"We adopt the amendments as proposed by the Committee." (995 So. 2d at 446)

"The amended rules and forms shall be effective immediately." (995 So. 2d at 446)

FACTUAL BACKGROUND

The Florida Legislature enacted chapter 2008-61, Laws of Florida, effective October 1, 2008. The legislation eliminated statutory references to custody, primary and secondary residential parents, and visitation, and replaced them with parenting plans and time-sharing schedules governing parental responsibilities and childrearing. To conform the rules and approved forms to those statutory changes, the Family Law Rules Committee proposed amendments to multiple Florida Family Law Rules of Procedure and forms.

PROCEDURAL HISTORY

The Family Law Rules Committee filed a fast-track report proposing amendments to several family-law rules and forms. The Supreme Court of Florida exercised jurisdiction, adopted the proposed amendments, and made them effective immediately, while allowing interested persons sixty days to submit comments because the amendments had not been published for comment before adoption.

DISPOSITION

approved

CASES CITED

- In re Amendments to Florida Family Law Rules, 995 So. 2d 407 (Fla. 2008)