

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Family Law Rules of Procedure

104 So. 3d 314 (Fla. 2012) · Decided November 15, 2012

SUMMARY

The Florida Supreme Court adopts amendments to seven Florida Family Law Rules of Procedure forms concerning nonlawyer assistance, e-mail service information, and related family-law procedures. The amendments became effective immediately upon release of the opinion, with a sixty-day period provided for comments.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Charles T. Canady; R. Fred Lewis; Barbara J. Pariente; James E. C. Perry; Peggy A. Quince; Jorge Labarga; Ricky Polston
JURISDICTION	Florida
DECIDED	November 15, 2012
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Bar's Family Law Rules Committee filed an out-of-cycle report proposing amendments to seven Florida Family Law Rules of Procedure forms. The Supreme Court of Florida considered and adopted the proposed amendments.
PRECEDENTIAL VALUE	Published Florida Supreme Court rule-amendment opinion; authoritative as to the adoption and effective date of the specified amendments.

TOPICS

family law procedure dissolution of marriage service of process discovery dispute child custody

PRACTICE AREAS

Family law civil procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt the proposed amendments to seven Florida Family Law Rules of Procedure forms.

2. Whether the amendments should become effective immediately despite not having been published for comment before adoption.

HOLDINGS

1. The Court adopted amendments to Forms 12.900(a), 12.901(a), 12.902(f)(3), 12.913(b), 12.913(c), 12.930(d), and 12.984.
2. The amendments became effective immediately upon release of the opinion, while interested persons were given sixty days from the opinion date to file comments.

KEY QUOTATIONS

“It shall not constitute the unlicensed practice of law for a nonlawyer to engage in limited oral communication to assist a self-represented person in the completion of blanks on a Supreme Court Approved Form.” (104 So. 3d at 314)

“The amendments to the forms shall become effective immediately upon release of this opinion.” (104 So. 3d at 315)

FACTUAL BACKGROUND

The Florida Bar's Family Law Rules Committee proposed amendments to seven Florida family-law forms. The amendments implemented recent changes concerning nonlawyers who assist self-represented parties and added e-mail address lines to the forms in connection with Florida's new e-mail service rule. The Court adopted the amendments and made the engrossed forms available for immediate use.

PROCEDURAL HISTORY

The Family Law Rules Committee proposed amendments, and the Board of Governors of The Florida Bar unanimously approved them. The Supreme Court adopted the amendments, ordered that they become effective immediately, and allowed 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 the Rules Regulating the Florida Bar (Biannual Report), 101 So. 3d 807 (Fla. 2012)
- In re Amendments to Fla. Rules of Jud. Admin., Fla. Rules of Civ. Pro., Fla. Rules of Crim. Pro., Fla. Probate Rules, Fla. Rules of Traffic Court, Fla. Small Claims Rules, Fla. Rules of Juv. Pro., Fla. Rules of App. Pro., and Fla. Family Law Rules of Pro.—E-Mail Service Rule, 102 So. 3d 505 (2012)