

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Family Law Rules of Procedure

48 So. 3d 25 (Fla. 2010) · Decided September 23, 2010

SUMMARY

The Florida Supreme Court approved amendments to Florida Family Law Rules of Procedure Forms 12.902(e), the Child Support Guidelines Worksheet, and 12.996(a), the Income Deduction Order for non-Title IV-D cases. The amendments implemented statutory changes concerning child support calculations, substantial time-sharing, and child-support reduction or termination schedules, with effective dates of October 1, 2010, and January 1, 2011.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Canady; Justice Pariente; Justice Lewis; Justice Quince; Justice Polston; Justice Labarga; Justice Perry
JURISDICTION	Florida
DECIDED	September 23, 2010
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Bar's Family Law Rules Committee filed a fast-track report petitioning the Supreme Court of Florida to amend approved family-law forms to implement recent legislative amendments.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion adopting amendments to family-law forms and specifying their effective dates.
PARTIES	The Florida Bar's Family Law Rules Committee

TOPICS

family law procedure child support spousal support civil procedure

PRACTICE AREAS

family law civil procedure judicial rulemaking

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should amend Florida Family Law Rules of Procedure Forms 12.902(e) and 12.996(a) to implement chapter 2010-199, sections 3 and 5, Laws of Florida.

2. When the amended forms should take effect and whether interested persons should be permitted to submit post-adoption comments.

HOLDINGS

1. The court amended Florida Family Law Rules of Procedure Forms 12.902(e), Child Support Guidelines Worksheet, and 12.996(a), Income Deduction Order (Non-Title IV-D Case), as reflected in the appendix.
2. The amendments to Form 12.902(e) take effect on January 1, 2011, at 12:01 a.m., and the amendments to Form 12.996(a) take effect on October 1, 2010, at 12:01 a.m.
3. Because the amendments were not published for comment before adoption, interested persons were given sixty days from the date of the opinion to file comments with the court.

KEY QUOTATIONS

“After considering the Committee’s proposals and reviewing the relevant legislation, we amend forms 12.902(e) and 12.996(a) as reflected in the appendix to this opinion.” (48 So. 3d at 26)

FACTUAL BACKGROUND

The Florida Legislature enacted chapter 2010-199, sections 3 and 5, Laws of Florida, amending provisions concerning alimony and child support. The proposed amendments updated the child support guidelines worksheet and the non-Title IV-D income deduction order to reflect those legislative changes, including changes to income amounts, child-care-cost calculations, substantial-time-sharing thresholds, and automatic child-support reduction or termination schedules.

PROCEDURAL HISTORY

The Family Law Rules Committee proposed amendments to Florida Family Law Rules of Procedure Forms 12.902(e) and 12.996(a). The Florida Bar Board of Governors unanimously approved the proposals. The Supreme Court reviewed the proposed amendments and the relevant legislation, adopted the amendments, and allowed interested persons sixty days to submit comments because the amendments had not been published for comment before adoption.

DISPOSITION

approved