

THIRTEENTH JUDICIAL CIRCUIT  
FAMILY LAW DIVISION

# BLANK MOTION

(Packet #6)

**CAUTION:**

**USE THIS PACKET ONLY IF THERE IS NO OTHER PACKET  
THAT APPLIES TO YOUR SITUATION.**

**YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY  
BEFORE FILING YOUR CASE.**

**THE JUDGE IS NOT REQUIRED TO GRANT WHAT YOU  
ARE REQUESTING.**

If you choose to represent yourself (*pro se*) in your case, you should be aware that you will be required to follow the same rules that are required in cases filed by persons represented by attorneys. The judge or general magistrate assigned to your case is not required to grant what you request in a form. If you do not like the outcome of your case, you may not be able to change it. If you have any questions or concerns about your case, you should consult with an attorney.

If you do not know an attorney, you may call the Lawyer Referral Service at 813-221-7780. If you do not have the money to hire an attorney, you may apply to Bay Area Legal Services by calling 813-232-1343. You may also obtain legal information in Tampa at the Legal Information Center (call 813-864-2280, option 1, for hours and information) or in Plant City at the Plant City Legal Information Program (call 813-276-2688 for hours and information).

All instructions and forms distributed by the Thirteenth Judicial Circuit are provided merely as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. The Thirteenth Judicial Circuit does not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form as drafted. Any person using these instructions and/or forms does so at his or her own risk, and the Thirteenth Judicial Circuit shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

**In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any direct, indirect, or consequential damages from their use.**

<b>(Printing Instructions: There are 2 options available. Option 1 - print entire packet as one document. Option 2 - choose which forms to print by selecting and opening each form separately.)</b>		
<b><u>FORMS CONTAINED IN THIS PACKET</u></b>	<b><u>FORM #</u></b>	<b><u>WHEN TO USE</u></b>
<a href="#"><u>General Information for Self-Represented Litigants</u></a>	Appendix C	For your information only
<a href="#"><u>12 Rules of Courtroom Civility</u></a>	12 Rules	Required to start
<a href="#"><u>Nonlawyer Disclosure</u></a>	12.900(a)	Required if someone who is not a lawyer helps you with the forms
<a href="#"><u>Blank Motion (with sample)</u></a>	Motion	Required to start
<a href="#"><u>Motion for Referral to General Magistrate</u></a>	12.920(a)	NOT required for the following issues: child support, emergency motions, motion to re-open a case
<a href="#"><u>General Magistrate / Hearing Officer Division Referral Assignment Table</u></a>	Table	To determine the General Magistrate / Hearing Officer assigned to your case
<a href="#"><u>Notice of Hearing</u></a>	12.923	Use when a hearing date has been set
<a href="#"><u>Fee Schedule for Family Law Cases</u></a>	Fee	A schedule of fees for Family Law related cases
<a href="#"><u>Notice of Confidential Information Within Court Filing</u></a>	2.40(d)(2)	Use to notify the clerk of documents containing confidential information
<a href="#"><u>Designation of Current Address and E-mail Address</u></a>	12.915	Do not provide an e-mail address unless you choose to serve and receive ALL documents in the future ONLY by e-mail. Once you choose to serve and receive documents by e-mail, you CANNOT change your decision.

# STEP BY STEP INSTRUCTIONS

## **STEP 1 - Complete the forms to start the case and have them notarized**

1. **FORMS MUST BE COMPLETED AND SIGNED IN BLACK INK AND MOST MUST BE NOTARIZED.** The clerk's office will notarize documents and charge a fee (see attached schedule). Please bring a valid ID.
2. **Names must be written the same way on all documents (no full names on one document and initials on another).**
3. **Your CASE NUMBER AND DIVISION must be written on all documents.**
4. **Complete the following forms and notarize the ones with a Notary signature line:**
  - A. 12 Rules of Courtroom Civility - (does not need to be notarized)
  - B. Blank Motion form – (write specifically what you want the court to order and why the court should do so)
  - C. Designation of Current Address and E-mail Address, Form 12.915 (Do not provide an e-mail address unless you choose to serve and receive ALL documents in the future ONLY by e-mail. Once you choose to serve and receive documents by e-mail, you CANNOT change your decision.)

**If your Motion does not involve child support, is not an emergency motion, and is not a motion to re-open a case, complete the following additional form:**

  - D. Motion for Referral to the General Magistrate, Form 12.920(a)

## **STEP 2 – Make copies**

After you have completed the forms and have signed and notarized them, make 2 complete copies of everything you have completed (one copy is for your records). If you are filing a Motion for Referral to the General Magistrate, make 1 extra copy of that and 1 extra copy of the Motion you are filing. If your case involves the Department of Revenue, Office of Child Support Enforcement, make 1 extra set of copies – for the Office of Child Support Enforcement. Copies can be obtained for a fee in the Court Business Center, on the 6<sup>th</sup> floor of the George Edgecomb Courthouse.

## **STEP 3 - Filing your motion**

Take the *original* set of completed and signed forms to the clerk on the 1<sup>st</sup> floor of the main courthouse and pay the filing fee, if applicable. If you are indigent, receive Food Stamps, Medicaid, or Social Security Disability benefits, you can ask the Clerk for an application to waive the filing fee. You will be required to swear under oath that everything in your application is complete and true. If you qualify, the fee will be waived. If you do not qualify, you must pay the filing fee.

## **STEP 4 – Notifying the other party**

Mail, fax, or hand-deliver 1 set of copies of your documents to the other party. If your case involves the Department of Revenue, Office of Child Support Enforcement, mail 1 set of copies to the following address: Department of Revenue, Office of Child Support Enforcement, 6302 E. Martin Luther King Jr. Blvd., Suite 110, Tampa, Florida 33619.

## **STEP 5 – Process a Motion for Referral to the General Magistrate?**

1. If you are filing a “Motion for Referral to the General Magistrate” (if your Motion does not involve child support, is not an emergency motion, and is not a motion to re-open a case), mail the following to the Judge assigned to your case:
  - a. 1 copy of the underlying Motion (the motion that is being referred to the General Magistrate),
  - b. 1 copy of the Motion for Referral to the General Magistrate,
  - c. 2 stamped envelopes, one addressed to each party (envelopes can be purchased in the Court Business Center on the 6<sup>th</sup> floor of the Edgecomb courthouse)
2. If your case is assigned to a judge in Tampa, mail your documents and envelopes to:  
Judge of Division \_\_\_\_\_, George Edgecomb Courthouse, 800 E. Twiggs Street, 4<sup>th</sup> Floor, Tampa, Florida 33602.
3. If your case is assigned to a judge in Plant City (Division R, S or T), mail your documents and envelopes to:  
Judge of Division \_\_\_\_\_, Plant City Courthouse, 301 N. Michigan Avenue, Plant City, Florida 33563.
4. The Division of your case can be found next to your case number.
5. If the Motion for Referral to the General Magistrate is not accompanied by 2 stamped addressed envelopes, your Referral will not be processed and your case will be delayed.

## **STEP 6 – Mediation**

Unless your Motion is an emergency motion or a motion to re-open a case, you are required to attempt mediation on the issues in your motion before your motion can be scheduled for a hearing. Call the Mediation and Diversion office at 813-272-5642 and ask them to schedule a mediation date. If the other party does not contact the mediation department or the issue(s) cannot be resolved in mediation, a hearing on your motion can be scheduled.

## **STEP 7 – Preparing your case / gathering evidence** (if your motion is not resolved in mediation)

If you schedule your motion for a hearing, you will need to be prepared to present evidence to the court which supports your position(s). Gathering evidence is called “discovery.” Discovery is governed by Florida Family Law Rules of Procedure 12.280 – 12.410 and Florida Rules of Civil Procedure 1.280 – 1.410.

Not all evidence can be considered by the court. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. The duty of establishing the facts that you want to present to the court, or the burden of proof, is on YOU. You should provide the court with admissible evidence to support the claims in your motion and your statements in court.

## **STEP 8 – Scheduling the hearing**

1. If you are filing an emergency motion or a motion to re-open a case, and neither party has an attorney, you will be contacted by the Case Management Unit once the judge has reviewed the file.
2. If your motion is about child support and the **DEPARTMENT OF REVENUE - OFFICE OF CHILD SUPPORT ENFORCEMENT** is involved in your case, follow these instructions to schedule a hearing on your motion:
  - A. If you do not receive a notice of hearing within 45 days from the date you provided a copy of your motion to the Department of Revenue, call the Attorney General’s office at 727-825-7600 and ask them to schedule a hearing on your motion (child support issues only).
3. If your motion is NOT about child support, or if the Department of Revenue – Office of Child Support Enforcement is NOT involved in your child support case, follow these instructions to schedule a hearing on your motion:

- A. Once you have received 1) a close-out letter from mediation (showing that you attempted mediation) and, 2) your signed Order of Referral to the General Magistrate/Hearing Officer, if applicable, call the administrative assistant for the general magistrate/hearing officer assigned to your case and request a hearing date. The general magistrate/hearing officer assigned is determined by **the last two digits of your case number (see attached table)**.
- If assigned to GM-1, call General Magistrate/Hearing Officer **Wartenberg** (Phone: 272-5351)
  - If assigned to GM-2, call General Magistrate/Hearing Officer **Johnson** (Phone: 276-2335)
  - If assigned to GM-3, call General Magistrate/Hearing Officer **Montagno** (Phone: 276-2337)
  - If assigned to GM-4, call General Magistrate/Hearing Officer **Sarmiento** (Phone: 272-6435)
  - If assigned to GM-5, call General Magistrate/Hearing Officer **Mason** (Phone: 813-272-5525)
- B. Once a hearing date has been scheduled, complete a Notice of Hearing, Form 12.923, with the place, date, and time of the hearing.
- C. Sign the Notice of Hearing and complete the Certificate of Service part of the notice which states the date you are filing the notice and how you are providing a copy to the other party.
- D. Make 2 copies of the Notice of Hearing.
- E. File the original Notice of Hearing with the clerk, send a copy of the notice to the other party, and keep a copy for your records.

## **STEP 9 – The hearing**

Normally the hearing is when the request in your motion will be decided.

HOW TO DRESS - Dress appropriately. No shorts, tank tops, or sandals. Do not chew gum.

WHAT TO BRING - All evidence you want the court to consider in deciding your motion

### **WHAT TO EXPECT**

The hearing will take place in a hearing room or a courtroom. You will not be in front of a jury, just the general magistrate or judge. Do not interrupt the magistrate or judge when he or she speaks. When speaking to the magistrate or judge, address him or her as “Your Honor” or “Judge.”

Each court has at least one bailiff who is a deputy sheriff and is there to maintain order. When you arrive for your hearing, let the bailiff know that you are present and ready. He or she will announce your case when it is time for your hearing, and will tell you where to sit and where to place your belongings as you enter the hearing room. A bailiff will usually remain inside the room during your hearing. If witnesses are called, the bailiff will step out to bring the witness into the hearing room.

At your hearing, be prepared to discuss any issues covered in your motion and be able to provide proof of any disputed facts by presenting evidence. Evidence is proof presented at a hearing in the form of witnesses (people), exhibits (documents), and objects (things). Not all evidence can be considered by the court, however. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. Remember, the duty of establishing the facts that you want to present to the court is on YOU. You should provide the court with admissible evidence to support the claims in your motion and your statements in court. Telling your story may not be enough to have your motion granted.

Usually you will be notified of the court’s decision at the hearing and the written order or recommended order will be mailed to you.

**Family Forms and Packets - available for purchase at the Court Business Center**

**Form Packets with Instructions:**

- 1) Complete packets with all forms and self-help instructions are priced individually and available at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
- 2) Free online at:
  - a) [www.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf](http://www.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf)
  - b) [www.hillsclerk.com/en/About-Us/Forms](http://www.hillsclerk.com/en/About-Us/Forms) → then click on “Family Law”

**Individual Forms (may not include necessary instructions):**

- 1) For \$.10 per page at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
- 2) Free online at: [www.flcourts.org](http://www.flcourts.org) → then click on “Family Law Forms”

**YOU MAY FILE FORMS AT THE FOLLOWING LOCATIONS:**

**Tampa - George Edgecomb Courthouse – Main Location**

Clerk of the Circuit Court, 800 E. Twiggs Street, Room 101, Tampa, FL 33602

**Brandon – Brandon Regional Service Center**

Clerk of the Circuit Court, 311 Pauls Drive, Suite 110, Brandon, FL 33511

**Plant City – Plant City Courthouse**

Clerk of the Circuit Court, 301 N. Michigan, Room 1071, Plant City, FL 33563

# AVISO

No podemos actualizar las instrucciones en Español tan a menudo como actualizamos las instrucciones en Inglés.

Por favor de notar que las formas y las instrucciones en esta sección no son necesariamente las más recientes.

# NOTICE

We are not able to update the Spanish language instructions as often as we update the English instructions.

Please note that the forms and instructions in this section may not be current.

**CIRCUITO JUDICIAL NÚMERO TRECE  
DIVISIÓN DE DERECHO DE FAMILIA**

**MOCIÓN EN BLANCO  
(Paquete #6)**

**PRECAUCIÓN**

**UTILICE ESTE PAQUETE ÚNICAMENTE SI NO HAY OTRO QUE SE APLIQUE A  
SU SITUACIÓN**

**USTED DEBE BUSCAR LA ASESORÍA DE UN ABOGADO ANTES DE RADICAR  
SU CASO**

**EL JUEZ NO ESTÁ OBLIGADO A CONCEDER LO QUE USTED ESTÁ  
SOLICITANDO**

Si usted decide representarse a usted mismo (*pro se*) en su caso, usted debe estar consciente de que deberá seguir las mismas reglas establecidas para las personas representadas por abogados. El juez asignado para su caso no necesariamente tendrá que otorgarle lo que usted solicite en un formulario. Es posible que usted no pueda modificar el resultado del caso si no está de acuerdo con este. Si tiene preguntas o inquietudes sobre su caso usted debe consultar un abogado.

Si no conoce a un abogado, puede comunicarse al Servicio de Remisión de Abogados (*Lawyer Referral Service*) al 221-7780. Si usted no tiene dinero para contratar a un abogado, puede solicitar asistencia a Bay Area Legal Services llamando al 232-1343. También puede solicitar información legal en el Centro de Información Legal (*Legal Information Center*) de la Corte George Edgecomb (llame al 864-2280 para horarios e información).

Todas las instrucciones y formularios distribuidos por el Circuito Judicial Número Trece son provistas como un servicio público para las personas que buscan representarse a sí mismas corte sin la asistencia de un abogado. Estos documentos son solamente una guía y ayuda para los casos de los litigantes *pro se* (que se representan a sí mismos). El Circuito Judicial Número Trece no le garantiza que las instrucciones o las formas resultarán en el desenlace deseado para las partes ni que un juez en particular seguirá los procedimientos textualmente o que aceptará cada uno o la totalidad de los formularios tal y como fueron escritos. Cualquier persona que utilice estas instrucciones y/o formularios, lo hace bajo su propio riesgo y el Circuito Judicial Número Trece no se hará responsable por pérdidas ocasionadas a persona alguna que use estas instrucciones y/o formularios.

**En ningún caso la Corte Suprema de la Florida, la Barra de Florida (Florida Bar), o cualquiera que contribuya a la creación de estos formularios, comentarios, instrucciones, y apéndices será responsable por el daño directo, indirecto o consecuencial que su uso pueda causar.**



# INSTRUCCIONES PASO A PASO

<b><u>FORMULARIOS INCLUIDOS EN ESTE PAQUETE</u></b>	<b><u>FORMULARIO #</u></b>	<b><u>CUÁNDO USARLO</u></b>
Información General para Personas que se representan a sí mismas	Apéndice C	Únicamente para su información
12 Reglas de Civismo en la Corte	12 Reglas	Necesarias para iniciar un proceso
Declaración de que no se es Abogado	12.900(a)	Necesaria si una persona que no es abogado le ayuda con los formularios
Moción en Blanco (con muestra)	Moción	Necesaria para iniciar
Moción para Referencia a Magistrado General	12.920(a)	NO es necesaria para los siguientes asuntos: pensión alimentaria de hijos, moción de emergencia, moción para reabrir un caso
División de Magistrado General/Oficial de Audiencia - Tabla de Asignaciones	Tabla	Para determinar el Magistrado General/ Oficial de Audiencia asignado a su caso
Notificación de Audiencia	12.923	Utilizar cuando se ha establecido una fecha para audiencia
Lista de Tarifas para Casos de Derecho de Familia	Tarifas	Lista de Tarifas para Casos relacionados con derecho de familia
Notificación de Información Confidencial contenida en documentos radicados.	2.40(d)(2)	Para alertar al escribano de la corte ( <i>Clerk</i> ) de la existencia de información confidencial.

## **PRIMER PASO - Completar los formularios para iniciar el proceso y adelantar trámite notarial**

1. **LOS FORMULARIOS DEBEN SER COMPLETADOS Y FIRMADOS EN TINTA NEGRA Y LA MAYORÍA DEBE SURTIR TRÁMITE NOTARIAL.** La oficina del escribano (*clerk's office*) adelantará el trámite notarial por una tarifa (ver la lista de cargos anexa). Por favor lleve una identificación válida.
2. **Los nombres deben ser escritos de la misma manera en todos los documentos (no nombres completos en una forma y las iniciales en otra).**
3. **EL NÚMERO DE SU CASO Y DIVISIÓN deben estar escritos en todos los documentos.**
4. **Completar los siguientes formularios y adelantar el trámite notarial en aquellos que proveen una línea para la firma del notario:**
  - A. 12 Reglas de Civismo en la Corte - (no es necesario surtir trámite notarial)
  - B. Formulario de la Moción en Blanco - (escriba específicamente qué es lo que usted quiere que la corte ordene y las razones por las cuales debería hacerlo).
  - C. Notificación de Información Confidencial, Formulario 2.40(d)(2)

**Si su Moción no implica pensión alimentaria de hijos, no es una moción de emergencia, y no es una moción para reabrir un caso, complete las siguientes formas:**

## **SEGUNDO PASO – Hacer copias**

Después de completar las formas, firmarlas y surtir trámite notarial, haga dos copias de todo lo que haya firmado (para su archivo). Si usted está radicando una Moción para la Referencia al Magistrado General obtenga una copia adicional y otra copia extra para la Moción que está radicando. Si su caso implica la participación del *Department of Revenue, Office of Child Support Enforcement*, haga un juego adicional de copias - para el *Office of Child Support Enforcement*. Las copias pueden ser obtenidas por una tarifa en el Centro de Negocios de la Corte (*Court Business Center*), en el sexto piso del la Corte George Edgecomb.

## **TERCER PASO - Radicar su Caso**

Lleve el paquete original completo y firmado a la oficina del escribano (*Clerk's Office*) en el 1er piso de la corte principal y pague los cargos si es necesario.

## **CUARTO PASO - Notificar a la Contraparte**

Envíe por correo, por fax, o haga entrega personal de 1 paquete de copias de sus documentos a la contraparte. Si su caso implica la participación del *Department of Revenue, Office of Child Support Enforcement*, envíe un paquete de copias a la siguiente dirección: *Department of Revenue, Office of Child Support Enforcement*, 6302 E. Martin Luther King Jr. Blvd., Suite 110, Tampa, Florida 33619.

## **QUINTO PASO - Procesar la Orden de Referencia al Magistrado General?**

1. Si usted está radicando una “Moción de Referencia al Magistrado General” ( si su Moción no implica pensión alimentaria de hijos, no es una moción de emergencia, y no es una moción para reabrir un caso) envíe por correo las siguientes formas:
  - a. 1 copia de la Moción subyacente (la moción que está siendo referida al Magistrado General),
  - b. 1 copia de la Moción de Referencia al Magistrado General,
  - c. 2 sobres estampillados, uno dirigido a cada parte (los sobres y las estampillas pueden ser comprados en el Centro de Negocios de la Corte (*Court Business Center*) ubicado en el 6to piso de la corte Edgecomb)
2. Si su caso es asignado a un juez en Tampa, envíe por correo sus documentos y sobres a: Judge of Division \_\_\_\_\_, George Edgecomb Courthouse, 800 E. Twiggs Street, 4th Floor, Tampa, Florida 33602.
3. Si su caso es asignado a un juez en Plant City, (División R, S o T), envíe por correo sus documentos y sobres a: Judge of Division \_\_\_\_\_, Plant City Courthouse, 301 N. Michigan Avenue, Plant City, Florida 33563,
4. La División de su caso la encuentra junto al número de su caso.
5. Si la Moción de Referencia al Magistrado General no va acompañada por 2 sobres con las respectivas direcciones y estampillas, su Referencia no será tramitada y su caso sufrirá retrasos.

## **SEXTO PASO - Mediación**

A menos que su moción sea de emergencia o para reabrir un caso, usted debe intentar una mediación de los asuntos de su caso antes de que una fecha para resolver su moción sea fijada. Llame a la Oficina de *Mediation and Diversion* al 813-272-5642 y solicite que fijen una fecha para la mediación. Si la contraparte no se pone en contacto con el departamento de mediación o los asuntos no pueden ser resueltos en mediación, una audiencia para su petición será fijada.

## **SÉPTIMO PASO - Preparar su caso / reunir la evidencia** (si su moción no fue resuelta en mediación).

Si usted programa una fecha para la audiencia, debe estar preparado para presentar evidencia para sustentar su caso en la corte. El proceso de reunir la evidencia se llama “descubrimiento” (*Discovery*). El Descubrimiento está gobernado por el *Florida Family Rules of Procedure* 12.280 - 12.410 y las *Florida Rules of Civil Procedure* 1.280 - 1.410.

No toda la evidencia puede ser considerada por el juez. La evidencia debe estar acorde con las Reglas de Evidencia en el Capítulo 90 de los Estatutos de la Florida para ser admisible en corte. El deber de establecer los hechos que quiere presentar en la corte, o la carga de la prueba, recae en USTED. Usted es responsable de presentarle a la corte evidencia admisible para apoyar las solicitudes de su demanda y sus afirmaciones en corte.

## **OCTAVO PASO – Programar la Audiencia Final**

1. Si usted está radicando una moción de emergencia o una moción para reabrir un caso y ninguna de las partes tiene abogado, usted será contactado(a) por el *Case Management Unit* una vez que el juez haya revisado su expediente.
2. Si su moción es sobre pensión alimentaria de hijos y el **DEPARTMENT OF REVENUE -OFFICE OF CHILD SUPPORT ENFORCEMENT** interviene en su caso, siga las siguientes instrucciones para fijar una fecha de audiencia para su moción:
  - A. Si usted no recibe una notificación de audiencia dentro de los siguientes 45 días contados a partir de la fecha en que usted entregó una copia de su moción al *Department of Revenue* llame a la oficina del *Attorney General* al 727-825-7600 y solicite que fijen una fecha para la audiencia de su moción (únicamente asuntos relacionados con pensión alimentaria de hijos).
3. Si su moción **NO** es sobre pensión alimentaria de hijos, o si el *Department of Revenue - Office of Child Support Enforcement* **NO** interviene en su caso de pensión alimentaria, siga estas instrucciones para fijar una fecha de audiencia:
  - A. Una vez que usted haya recibido 1) una carta de terminación de la mediación (mostrando que usted intentó una mediación) y 2) su Orden de Referencia al Magistrado General debidamente firmada, si aplica, llame al asistente del magistrado general asignado a su caso y solicite una fecha para audiencia. El magistrado general se asigna con base en **los dos últimos dígitos del número de su caso** (vea la tabla adjunta).

Si es asignado al GM-1, llame al Magistrado General/Oficial de Audiencia **Cuellar-Stilo** (teléfono 272-5351)

Si es asignado al GM-2, llame al Magistrado General/Oficial de Audiencia **Johnson** (teléfono 276-2335)

Si es asignado al GM-3, llame al Magistrado General/Oficial de Audiencia **Montagno** (teléfono 276-2337)

Si es asignado al GM-4, llame al Magistrado General/Oficial de Audiencia **Proctor** (teléfono 272-6435)
  - B. Una vez la fecha de la audiencia sea fijada, complete una Notificación de Audiencia, Formulario 12.923, con el lugar, fecha y hora de la audiencia.
  - C. Firme la Notificación de Audiencia y complete la parte del Certificado de Notificación que establece la fecha en la que está radicando la notificación y la manera como le va a proveer una copia a la contraparte.
  - D. Haga 2 copias de la Notificación de Audiencia.
  - E. Radique el original de la Notificación de Audiencia con el escribano (*clerk*), envíe una copia de la notificación a la contraparte, y guarde una copia para su archivo personal.

## **NOVENO PASO – La audiencia**

Normalmente en la audiencia es cuando se decidirá su moción.

**CÓMO VESTIRSE** - Vístase apropiadamente. No use pantalones cortos (*shorts*), camisetas sin mangas (*tank tops*) o sandalias. No mastique chicle.

**QUÉ TRAER** - Toda la evidencia que usted quiere que la corte tenga en cuenta para la decisión de moción.

**QUE ESPERAR**

La audiencia tendrá lugar en una sala de audiencia o sala de la corte. Usted no estará frente a un jurado, solamente frente a un magistrado general o juez. No interrumpa al magistrado juez cuando el o ella hable. Cuando se dirija al magistrado o al juez, llámelo/a “Honorable” (“Your Honor”) o “Juez” (“Judge”).

Cada corte tiene por lo menos un alguacil que es un ayudante de sheriff y se encuentra allí para mantener el orden. Cuando usted llegue para la audiencia deje que el alguacil sepa que usted está presente y listo. El o ella anunciará su caso cuando llegue el momento de su audiencia y le informará donde sentarse y en donde acomodar sus pertenencias cuando entre a la sala de audiencias. Por lo general un alguacil permanecerá dentro de la sala durante su audiencia. Si se llaman testigos, el alguacil saldrá a buscarlos para traerlos a la sala de audiencia.

Durante su audiencia, esté preparado para discutir cualquiera de los asuntos de que trate su moción y esté listo para presentar pruebas de cualquiera de los hechos por medio de evidencias. Evidencias son pruebas presentadas durante una audiencia bajo la forma de testigos (personas), documentos (papeles), u objetos (cosas). Sin embargo, el juez no puede tener en cuenta toda la evidencia. Las pruebas deben estar conforme a las Reglas de Evidencia del Capítulo 90 de las Leyes de Florida para ser admisibles en corte. Recuerde que USTED tiene el deber de establecer los hechos que quiere presentar ante la corte. Usted debe presentarle al juez evidencia admisible como soporte de las reclamaciones en su petición y de sus afirmaciones en la corte. Contar su historia, simplemente, puede no ser suficiente para ganar su moción.

Usualmente le notificarán la decisión de la corte durante la audiencia y le enviarán por correo la orden escrita o recomendada.

### **Formularios y Paquetes de Familia - disponibles para compra en el Court Business Center**

#### **Paquetes de Formularios con Instrucciones:**

- 1) Paquetes completos con todos los formularios e instrucciones de auto-ayuda se encuentran disponibles para compra, a precios individuales, en el Court Business Center (CBC), Oficina 630 (Piso 6°) de la corte George Edgecomb, 800 E. Twiggs Street, Tampa, Florida.
- 2) Gratis en línea en:
  - a) [www.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf](http://www.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf)
  - b) [www.hillsclerk.com/publicweb/forms.aspx#FamilyLaw](http://www.hillsclerk.com/publicweb/forms.aspx#FamilyLaw) → y luego clic en “Family Law”

#### **Formularios Individuales (no siempre incluyen las instrucciones necesarias):**

- 1) A 10 centavos por página en el Court Business Center (CBC), Oficina 630 (Piso 6°) de la corte George Edgecomb, 800 E. Twiggs Street, Tampa, Florida.
- 2) Gratis en línea en: [www.flcourts.org](http://www.flcourts.org) → y luego clic en “Family Law Forms”

### **USTED PUEDE COMPRAR Y RADICAR LOS FORMULARIOS EN LAS SIGUIENTES LOCALIDADES:**

#### **Tampa - George Edgecomb Courthouse – Main Location**

Clerk of the Circuit Court, 800 E. Twiggs Street, Room 101, Tampa, FL 33602

#### **Brandon – Brandon Regional Service Center**

Clerk of the Circuit Court, 311 Pauls Drive, Suite 110, Brandon, FL 33511

#### **Plant City – Plant City Courthouse**

Clerk of the Circuit Court, 301 N. Michigan, Room 1071, Plant City, FL 33563

#### **Ruskin/Sun City – SouthShore Regional Service Center**

Clerk of the Circuit Court, 410 30th Street SE, Ruskin, FL 33570

C. Firme la Notificación de Audiencia y complete la parte del Certificado de Notificación que establece la fecha en la que está radicando la notificación y la manera como le va a proveer una copia a la contraparte.

D. Haga 2 copias de la Notificación de Audiencia.

E. Radique el original de la Notificación de Audiencia con el escribano (*clerk*), envíe una copia de la notificación a la contraparte, y guarde una copia para su archivo personal.

### **OCTAVO PASO - La audiencia final**

Normalmente en la audiencia final es cuando se decidirá su moción.

**CÓMO VESTIRSE** - Vístase apropiadamente. No use pantalones cortos (*shorts*), camisetas sin mangas (*tank tops*) o sandalias. No mastique chicle.

**QUÉ TRAER** - Toda la evidencia que usted quiere que la corte tenga en cuenta, para la decisión de su moción.

### **QUÉ ESPERAR**

La audiencia tendrá lugar en una sala de audiencia o sala de la corte. Usted no estará frente a un jurado, solamente frente a un magistrado general o a un juez. No interrumpa al magistrado o juez cuando el o ella hable. Cuando se dirija al magistrado o juez, llámelo/a “Honorable” (“Your Honor”) o “Juez” (“Judge”).

Cada corte tiene por lo menos un alguacil que es un ayudante de shériff y se encuentra allí para mantener el orden. Cuando usted llegue para la audiencia deje que el alguacil sepa que usted está presente y listo. El o ella anunciará su caso cuando llegue el momento de su audiencia y le informará donde sentarse y en donde acomodar sus pertenencias cuando entre a la sala de audiencias. Por lo general un alguacil permanecerá dentro de la sala durante su audiencia. Si se llaman testigos, el alguacil saldrá a traerlos a la sala de audiencia.

Durante su audiencia, esté preparado para discutir cualquiera de los asuntos de que trate la petición y esté listo para presentar pruebas de cualquiera de los hechos por medio de evidencias. Evidencias son pruebas presentadas durante una audiencia bajo la forma de testigos (personas), documentos (papeles), u objetos (cosas). El juez no tiene que tener en cuenta todas las evidencias. Las evidencias deben conformarse a las Reglas de Evidencia del Capítulo 90 de las Leyes de Florida para ser admisibles en corte. Recuerde que USTED tiene el deber de establecer los hechos que quiere presentar ante la corte. Usted debe presentarle al juez evidencia admisible como soporte de las reclamaciones en su petición y de sus afirmaciones en la corte. Contar su historia, simplemente, puede no ser suficiente para ganar su caso.

Normalmente usted será notificado de la decisión de la corte durante la audiencia y recibirá por correo una orden o una orden recomendada.

**USTED PUEDE ENTREGAR FORMULARIOS EN LAS SIGUIENTES LOCALIDADES:**  
George Edgecomb Courthouse - Main Location

Clerk of the Circuit Court, 800 E. Twiggs Street, Room 101, Tampa, FL 33602

Brandon - Brandon Regional Service Center

Clerk of the Circuit Court, 311 Pauls Drive, Suite 110, Brandon, FL 33511

Plant City - Hillsborough County Office Building

Clerk of the Circuit Court, 301 N. Michigan, Room 1071, Plant City, FL 33563

Ruskin/Sun City - Southshore Regional Service Center

Clerk of the Circuit Court, 410 30th Street SE, Ruskin, FL 33590

# FAMILY LAW FORMS, COMMENTARY, AND INSTRUCTIONS

## GENERAL INFORMATION FOR SELF-REPRESENTED LITIGANTS

### (02/18)

**You should read this General Information thoroughly before taking any other steps to file your case or represent yourself in court.** Most of this information is **not** repeated in the attached forms. This information should provide you with an overview of the court system, its participants, and its processes. It should be useful whether you want to represent yourself in a pending matter or have a better understanding of the way family court works. **This is not intended as a substitute for legal advice from an attorney. Each case has its own particular set of circumstances, and an attorney may advise you of what is best for you in your individual situation.**

These instructions are not the only place that you can get information about how a family case works. You may want to look at other books for more help. The Florida Statutes, Florida Family Law Rules of Procedure, Florida Rules of Civil Procedure, and other legal information or books may be found at the public library or in a law library at your county courthouse or a law school in your area. If you are filing a petition for **Name Change** and/or **Adoption**, these instructions may not apply.

If the word(s) is printed in **bold**, this means that the word is being emphasized. Throughout these instructions, you will also find words printed in **bold** and **underlined**. This means that the definitions of these words may be found in the glossary of common family law terms at the end of this general information section.

### Commentary

**1995 Adoption.** To help the many people in family law court cases who do not have attorneys to represent them (pro se litigants), the Florida Supreme Court added these simplified forms and directions to the Florida Family Law Rules of Procedure. The directions refer to the Florida Family Law Rules of Procedure or the Florida Rules of Civil Procedure. Many of the forms were adapted from the forms accompanying the Florida Rules of Civil Procedure. Practitioners should refer to the committee notes for those forms for rule history.

The forms were adopted by the Court pursuant to *Family Law Rules of Procedure*, 667 So. 2d 202 (Fla. 1995); *In re Petition for Approval of Forms Pursuant to Rule 10-1.1(b) of the Rules Regulating the Florida Bar—Stepparent Adoption Forms*, 613 So. 2d 900 (Fla. 1992); *Rules Regulating the Florida Bar—Approval of Forms*, 581 So. 2d 902 (Fla. 1991).

Although the forms are part of these rules, they are not all inclusive and additional forms, as necessary, should be taken from the Florida Rules of Civil Procedure as provided in Florida Family Law Rules of Procedure. Also, the following notice has been included to strongly encourage individuals to seek the advice, when needed, of an attorney who is a member in good standing of the Florida Bar.

**1997 Amendment.** In 1997, the Florida Family Law Forms were completely revised to simplify and correct the forms. Additionally, the appendices were eliminated, the instructions contained in the appendices were incorporated into the forms, and the introduction following the Notice to Parties was created. Minor changes were also made to the Notice to Parties set forth below.

## **NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN GOOD STANDING OF THE FLORIDA BAR**

If you have questions or concerns about these forms, instructions, commentary, the use of the forms, or your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you should call the lawyer referral service listed in the yellow pages of the telephone book under "Attorney." If you do not have the money to hire an attorney, you should call the legal aid office in your area.

Because the law does change, the forms and information about them may have become outdated. You should be aware that changes may have taken place in the law or court rules that would affect the accuracy of the forms or instructions.

In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms or instructions be liable for any direct, indirect, or consequential damages resulting from their use.

### **FAMILY LAW PROCEDURES**

**Communication with the court.** Ex parte communication is communication with the judge with only one party present. Judges are not allowed to engage in ex parte communication except in very limited circumstances, so, absent specific authorization to the contrary, you should not try to speak with or write to the judge in your case unless the other party is present or has been properly notified. **If you have something you need to tell the judge, you must ask for a hearing and give notice to the other party or file a written statement in the court file and send a copy of the written statement to the other party.**

**Filing a case.** A case begins with the filing of a petition. A petition is a written request to the court for some type of legal action. The person who originally asks for legal action is called the petitioner and remains the petitioner throughout the case.

A petition is given to the clerk of the circuit court, whose office is usually located in the county courthouse or a branch of the county courthouse. A case number is assigned and an official court file is opened. Delivering the petition to the clerk's office is called filing a case. A filing fee is usually required.

The Florida Rules of Judicial Administration now require that petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file a petition or other pleadings, motions, and documents electronically; however, they are not required to do so.** If you choose to file your petition electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the circuit within which you file. **The rules and procedures should be carefully read and followed.**

**Service of the original petition or supplemental petition.** When one party files a petition, motion, or other pleading, the other party must be "served" with a copy of the document. This means that the other party is given proper notice of the pending action(s) and any scheduled hearings. The person



against whom the original legal action is being requested is called the **respondent**, because he or she is expected to respond to the petition. The respondent remains the respondent throughout the case.

**Personal service** of the petition and summons on the respondent by a deputy sheriff or private process server is required in all **original petitions** and **supplemental petitions**, unless **constructive service** is permitted by law. Personal service may also be required in other actions by some judges.

**Constructive Service.** If you absolutely do not know where the other party to your case lives or if the other party resides in another state, you may be able to use **constructive service**; however, if constructive service is used, other than granting a divorce, the court may only grant limited relief, which cannot include either alimony or child support. For more information on constructive service, see **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**, Florida Supreme Court Approved Family Law Form 12.913(a)(1), **Notice of Action for Family Cases with Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b), and **Affidavit of Diligent Search**, Florida Family Law Rules of Procedure Form 12.913(c).. Additionally, if the other party is in the military service of the United States, additional steps for service may be required. See, for example, **Memorandum for Certificate of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(a). In sum, the law regarding constructive service and service on an individual in the military is very complex and you may wish to consult an attorney regarding these issues.

Forms for service of process are included in the Florida Family Law Forms, along with more detailed instructions and information regarding service. The instructions to those forms should be read **carefully** to ensure that you have properly served the other party. **If proper service is not obtained, the court cannot hear your case. Service must be in accordance with Florida Rule of Judicial Administration 2.516.**

**Subsequent Service.** Other than the original or supplemental petitions, any time you file additional pleadings or motions in your case, you must provide a copy to the other party and include a **certificate of service**. Likewise, the other party must provide you with copies of everything that he or she files. **If the other party is represented by an attorney, you should serve the attorney unless service upon the other party is required by the court.**

**Electronic Service.** After the initial service of process of the petitioner or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at [www.flcourts.org](http://www.flcourts.org) through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

**SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO.** If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

**Default.** After being served with a petition or counterpetition, the other party has 20 days to file a response. If a response to a petition is not filed, the petitioner may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk. This means that you may proceed with your case and set a **final hearing**, and a **judge** will make a decision, even if the other party will not cooperate. For more information, see rule 12.080(c), Florida Family Law Rules of Procedure.

**Answer and Counterpetition.** After being served, the respondent has 20 days to file an answer admitting or denying each of the allegations contained in the petition. In addition to an answer, the respondent may also file a counterpetition. In a counterpetition, the respondent may request the same or some other relief or action not requested by the petitioner. If the respondent files a counterpetition, the petitioner should then file an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d), and either admit or deny the allegations in the respondent's counterpetition.

**Mandatory disclosure.** Rule 12.285, Florida Family Law Rules of Procedure, requires each party in a dissolution of marriage to exchange certain information and documents, and file a **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). Failure to make this required disclosure within the time required by the Florida Family Law Rules of Procedure may allow the court to dismiss the case or to refuse to consider the pleadings of the party failing to comply. This requirement also must be met in other family law cases, **except** adoptions, simplified dissolutions of marriage, enforcement proceedings, contempt proceedings, and proceedings for injunctions for domestic or repeat violence. The **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932, lists the documents that must be given to the other party. For more information see rule 12.285, Florida Family Law Rules of Procedure, and the instructions to the **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932.

**Parenting Plan.** If your case involves minor or dependent child(ren), a **Parenting Plan** shall be approved or established by the court. **Parenting Plan**, Florida Supreme Court Approved Family Law Form, 12.995(a), **Safety-Focused Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(b), or **Relocation/Long Distance Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(c). The Parenting Plan shall be developed and agreed to by the parents and approved by a court.

**If the parents cannot agree, or if the agreed Parenting Plan is not approved, the court must establish a Parenting Plan.** The Parenting Plan shall contain a time-sharing schedule and should address the issues regarding the child(ren)'s education, health care, and physical, social, and emotional well-being.

**Setting a hearing or trial.** Generally, the court will have hearings on motions, final hearings on uncontested or default cases, and trials on contested cases. Before setting your case for **final hearing** or trial, certain requirements such as completing mandatory disclosure and filing certain papers and having them served on the other party must be met. These requirements vary depending on the type of case and the procedures in your particular jurisdiction. For further information, you should refer to the instructions for the type of form you are filing.

Next, you must obtain a hearing or trial date so that the court may consider your request. You should ask the clerk of court, or **family law intake staff** about the local procedure for setting a hearing or trial, which you should attend. These family law forms contain **orders** and **final judgments**, which the judge may use. You should ask the clerk of court or family law intake staff if you need to bring one of these forms with you to the hearing or trial. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing or trial.

The shaded areas below explain different parts of family law forms. Although each form you use may not contain each part explained below, all forms contain a case style which identifies the judicial circuit and county in Florida in which the case is filed, the division within that circuit to which the case is assigned, the parties in the case, and the number of the case. Some, but not all, forms require that the person signing the form state under oath that what he or she claims in the form is true; those particular forms must be signed in the presence of either a deputy clerk of the court or a notary public who witnesses your signature before notarizing the form. Most forms contain a nonlawyer clause which requests certain information be provided by any person who is not licensed to practice law in the State of Florida who has helped you to complete the form.

2

Each form that provides a blank space will have instructions on how to fill in the blank. Please follow all instructions which ask for specific information. Often these instructions appear in *italics*. [

IN THE CIRCUIT COURT OF THE (1) JUDICIAL CIRCUIT,  
IN AND FOR (2) COUNTY, FLORIDA

Case No.: (3)  
Division: (4)

(5),  
Petitioner,  
and  
(6),  
Respondent.

- Line 1** The clerk of court can tell you the number of your judicial circuit. Type or print it here.
- Line 2** Type or print your county name on line (2).
- Line 3** If you are filing an initial petition or pleading, the Clerk of the Court will assign a case number after the case is filed. You should type or print this case number on all papers you file in this case.
- Line 4** The clerk of the court can tell you the name of the division in which your case is being filed, and you should type or print it here. Divisions vary from court to court. For example, your case may be filed in the civil division, the family division, or the juvenile division.
- Line 5** Type or print the legal name of the person who originally filed the case on line 5. This person is the petitioner because he/she is the one who filed the original petition.
- Line 6** Type or print the other party's legal name on line 6. The other party is the respondent because he/she is responding to the petition.

Some forms require that your signature be witnessed. If so, you must sign the form in the presence of a **notary public** or deputy clerk (employee of the clerk of the court's office). When signing the form, you must have a valid photo identification unless the notary knows you personally. You should completely fill in all lines (1 & 3–8) except 2 with the requested information, if applicable. **Line 2, the signature line,**

must be signed in the presence of the notary public or deputy clerk. **DO NOT SIGN OR FILL IN THE PART OF THE FORM WHICH ASKS FOR THE NOTARY'S OR CLERK'S SIGNATURE.** This section of the form is to be completed by either the deputy clerk or the notary public who is witnessing your signature.

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_ (1)

\_\_\_\_\_ (2)

(2)

Signature of Petitioner

Printed Name:

\_\_\_\_\_ (3)

Address:

\_\_\_\_\_ (4)

City, State, Zip: \_\_\_\_\_ (5)

Telephone Number: \_\_\_\_\_ (6)

Fax Number: \_\_\_\_\_ (7)

Designated E-mail Address(es): \_\_\_\_\_ (8)

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 \_\_\_\_\_

**Non-lawyer Clause.** The section below should be completed by anyone who helps you fill out these forms but is **not** an attorney who is a member in good standing of The Florida Bar, which means that he or she is not licensed to practice law in Florida.

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in **all** blanks] This form was prepared for the: {either Petitioner or Respondent; or Husband or Wife}

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_ (1) \_\_\_\_\_,  
{name of business} \_\_\_\_\_ (2) \_\_\_\_\_,  
{address} \_\_\_\_\_ (3) \_\_\_\_\_,  
{city} \_\_\_\_\_ (4) \_\_\_\_\_, {state} \_\_\_\_\_ (5) \_\_\_\_\_, {zip code} \_\_\_\_\_ (6) \_\_\_\_\_, {telephone number} \_\_\_\_\_ (7) \_\_\_\_\_.

**Line 1** The nonlawyer who helps you should type or print his or her name on line 1.

**Lines 2–7** The nonlawyer’s business name, address, (including street, city, state, zip code, and telephone number) should be typed or printed on lines 2–7.

In addition, a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), should be completed if a nonlawyer assists you. The disclosure is available as a family law form and should be completed before the nonlawyer helps you. This is to be sure that you understand the role and limitations of a nonlawyer. You and the nonlawyer should keep a copy of this disclosure for your records.

## FAMILY LAW GLOSSARY OF COMMON TERMS AND DEFINITIONS

**Note:** The following definitions are intended to be helpful, BUT they are not intended to constitute legal advice or address every possible meaning of the term(s) contained in this glossary.

**Affidavit** - a written statement in which the facts stated are sworn or affirmed to be true.

**Alimony**-spousal support which may be ordered by the court in a proceeding for dissolution of marriage. Types of alimony include: bridge-the-gap, durational, rehabilitative, or retroactive, and may be either temporary or permanent. The court may order periodic payments, payments in lump sum, or both. In determining whether to award alimony, the court must determine whether either party has an actual need for alimony and whether the other party has the ability to pay. The court must consider the factors set forth in section 61.08, Florida Statutes, and must make certain written findings. An alimony award may not leave the paying party with significantly less net income than that of the receiving party without written findings of exceptional circumstances.

**Answer** - written response by a respondent that states whether he or she admits (agrees with) or denies (disagrees with) the allegations in the petition. Any allegations not specifically denied are considered to be admitted.

**Appeal** - asking a district court of appeal to review the decision in your case. There are strict procedural and time requirements for filing an appeal.

**Asset** - everything owned by you or your spouse, including property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, or retirement plans. An asset may be marital or nonmarital, but that distinction is for the court to determine if you and your spouse do not agree.

**Attorney** - a person with special education and training in the field of law who is a member in good standing of The Florida Bar and licensed to practice law in Florida. An attorney is the only person who is allowed to give you legal advice. An attorney may file your case and represent you in court, or just advise you of your rights before you file your own case. In addition to advising you of your rights, an attorney may tell you what to expect and help prepare you for court. In family law matters, you are not entitled to a court-appointed lawyer, like a public defender in a criminal case. However, legal assistance is often available for those who are unable to hire a private attorney. You may consult the yellow pages of the telephone directory for a listing of legal aid or lawyer referral services in your area, or ask your local clerk of court or family law intake staff what services are available in your area. You may also obtain information from the Florida Supreme Court's Internet site located at <http://www.flcourts.org>.

**Bond** - money paid to the clerk of court by one party in a case, to be held and paid to an enjoined party in the event that the first party causes loss or damage of property as a result of wrongfully enjoining the other party.

**Beneficiary Designation**-Florida law provides that a beneficiary designation made by or on behalf of a party providing for the payment or transference of an asset or benefit upon his or her death to the other spouse is void when the final judgment dissolving or declaring a marriage invalid is signed, unless the final judgment specifically states otherwise. Federal law and other statutory provisions may also apply. This includes, but is not limited to, such assets as life insurance policies, annuities, employee benefit plans, individual retirement accounts, and payable-on-death accounts. Whether or not to continue a beneficiary designation is a complex area of the law and you may wish to consult with an attorney.

**Bridge-the-Gap Alimony**-spousal support which is ordered to assist a party to make the transition from being married to being single. Bridge-the-Gap alimony is designed to assist a party with legitimate, identifiable short-time needs; its length cannot exceed two years and it cannot be modified.

**Central Depository**-the office of the clerk of court that is responsible for collecting and disbursing court ordered alimony and child support payments. The depository also keeps payment records and files judgments if support is not paid.

**Certificate of Service** - a document that must be filed whenever a form you are using does not contain a statement for you to fill in showing to whom you are sending copies of the form. Florida Supreme Court Approved Family Law Form 12.914 is the certificate of service form and contains additional instructions.

**Certified Copy** - a copy of an order or final judgment, certified by the clerk of the circuit court to be an authentic copy.

**Certified Mail** - mail which requires the receiving party to sign as proof that they received it.

**Child Support** - money paid from one parent to the other for the benefit of their dependent or minor child(ren).

**Clerk of the Circuit Court** - elected official in whose office papers are filed, a case number is assigned, and case files are maintained. The clerk's office usually is located in the county courthouse.

**Concurrent Custody**-(for the purposes of a petition filed pursuant to chapter 751, Florida Statutes) means that an eligible extended family member is awarded custodial rights to care for a child or children concurrently with the child(ren)'s parent or parents.

**Constructive Service** - notification of the other party by newspaper publication or posting of notice at designated places when the other party cannot be located for personal service. You may also be able to use constructive service when the other party lives in another state. Constructive service is also called "service by publication." However, when constructive service is used, the relief the Court may grant is limited; that relief cannot include either alimony or child support. For more information on service, see the instructions for Florida Family Law Rules of Procedure Forms 12.910(a) and 12.913(b) and Florida Supreme Court Approved Family Law Forms 12.913(a)(1) and (2).

**Contested Issues** - any or all issues upon which the parties are unable to agree and which must be resolved by the judge at a hearing or trial.

**Contingent Asset** - an asset that you **may** receive or get later, such as income, tax refund, accrued vacation or sick leave, a bonus, or an inheritance.

**Contingent Liability** - a liability that you **may** owe later, such as payments for lawsuits, unpaid taxes, or debts that you have agreed or guaranteed to pay if someone else does not.

**Counterpetition** - a written request to the court for legal action, which is filed by a respondent after being served with a petition.

**Custody Order** – a judgment or order incorporating a Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980.

**Default** - a failure of a party to respond to the pleading of another party. This failure to respond may allow the court to decide the case without input from the party who did not appear or respond.

**Delinquent** - late.

**Dependent Child(ren)** - child(ren) who depend on their parent(s) for support either because they are under the age of 18, have a mental or physical disability that prevents them from supporting themselves, or are in high school, between the ages of 18 and 19, and performing in good faith with a reasonable expectation of graduation before the age of 19.

**Deputy Clerk** - an employee of the office of the clerk of court, which is usually located in the county courthouse or a branch of the county courthouse.

**Dissolution of Marriage** - divorce; a court action to end a marriage.

**Durational Alimony**-spousal support which is ordered to provide economic assistance for a set period of time following a marriage of short or moderate duration or following a marriage of long duration if there is no ongoing need for support on a permanent basis. Durational alimony terminates upon the death of either party or upon remarriage of the party receiving support. It may be modified or terminated, but cannot exceed the length of a marriage.

**Electronic Communication** – Contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail or email, webcams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement fact-to face contact between a parent and that parent’s minor child.

**Enjoined** - prohibited by the court from doing a specific act.

**Ex Parte** - communication with the judge by only one party. In order for a judge to speak with either party, the other party must have been properly notified and have an opportunity to be heard. If you have something you wish to tell the judge, you should ask for a hearing or file information in the clerk of court’s office, with certification that a copy was sent to the other party.

**Extended Family Member**-(for the purposes of a petition filed pursuant to chapter 751, Florida Statutes) is a person who is either:

- 1) A relative of a minor child within the third degree by blood or marriage to the parent; OR
- 2) The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the child’s parents as an adverse party.

**Family Law Intake Staff** - a court’s employee(s) who is (are) available to assist you in filing a family law case. Family law intake staff are not attorneys and cannot give legal advice. They may only assist you with filling out the form(s). Your local clerk’s office can tell you if your county has such assistance available.

**Filing** - delivering a petition, response, motion, or other pleading in a court case to the clerk of court’s office.

**Filing Fee** - an amount of money, set by law, that the petitioner must pay when filing a case. If you cannot afford to pay the fee, you must file an **Application for Determination of Civil Indigent Status**, to ask the clerk to file your case without payment of the fee. This form can be obtained from the clerk’s office.

**Final Hearing** - trial in your case.

**Financial Affidavit** - a sworn statement that contains information regarding your income, expenses, assets, and liabilities.

**Final Judgment** - a written document signed by a judge and recorded in the clerk of the circuit court’s office that contains the judge’s decision in your case.

**Guardian ad Litem** - a neutral person who may be appointed by the court to evaluate or investigate your child’s situation, and file a report with the court about what is in the best interests of your child(ren). Guardians do not “work for” either party. The guardian may interview the parties, visit their homes,



visit the child(ren)'s school(s) and speak with teachers, or use other resources to make their recommendation.

**Hearing** - a legal proceeding before a judge or designated officer (general magistrate or hearing officer) on a motion.

**Health Insurance** - coverage under a fee-for-service arrangement, health care maintenance organization, or preferred provider organization, and other types of coverage available to either parent, under which medical services could be provided to a minor or dependent child.

**Judge** - an elected official who is responsible for deciding matters on which you and the other parties in your case are unable to agree. A judge is a neutral person who is responsible for ensuring that your case is resolved in a manner which is fair, equitable, and legal. **A judge is prohibited by law from giving you or the other party any legal advice, recommendations, or other assistance, and may not talk to either party unless both parties are present, represented, or at a properly scheduled hearing.**

**Judicial Assistant** - the judge's personal staff assistant.

**Liabilities** - everything owed by you or your spouse, including mortgages, credit cards, or car loans. A liability may be marital or nonmarital, but that distinction is for the court to determine if you and your spouse do not agree.

**Lump Sum Alimony** - money ordered to be paid by one spouse to another in a limited number of payments, often a single payment.

**Mandatory Disclosure** - items that must be disclosed by both parties except those exempted from disclosure by Florida Family Law Rule 12.285.

**Marital Asset** - generally, anything that you and/or your spouse acquired or received (by gift or purchase) during the marriage. For example, something you owned before your marriage **may** be nonmarital. An asset may only be determined to be marital by agreement of the parties or determination of the judge.

**Marital Liability** - generally, any debt that you and/or your spouse incurred during the marriage. A debt may only be determined to be nonmarital by agreement of the parties or determination of the judge.

**Mediator** - a person who is trained and certified to assist parties in reaching an agreement before going to court. Mediators do not take either party's side and are not allowed to give legal advice. They are only responsible for helping the parties reach an agreement and putting that agreement into writing. In some areas, mediation of certain family law cases may be required before going to court.

**Modification** - a change made by the court in an order or final judgment.

**Motion** - a request made to the court, other than a petition.

**No Contact** - a court order directing a party not speak to, call, send mail to, visit, or go near his or her spouse, ex-spouse, child(ren), or other family member.

**Nonlawyer** - a person who is not a member in good standing of The Florida Bar.

**Nonmarital Asset** - generally, anything owned separately by you or your spouse. An asset may only be determined to be nonmarital by either agreement of the parties or determination of the judge.

**Nonmarital Liability** - generally, any debt that you or your spouse incurred before your marriage or since your separation. A debt may only be determined to be nonmarital by either agreement of the parties or determination of the judge.

**Nonparty** - a person who is not the petitioner or respondent in a court case.

**Notary Public** - a person authorized to witness signatures on court related forms.

**Obligee** - a person to whom money, such as child support or alimony, is owed.

**Obligor** - a person who is ordered by the court to pay money, such as child support or alimony.

**Order** - a written decision, signed by a judge and filed in the clerk of the circuit court's office that contains the judge's decision on part of your case, usually on a motion.

**Original Petition** - see **Petition**.

**Parenting Course** - a class that teaches parents how to help their child(ren) cope with divorce and other family issues.

**Parenting Plan** – a document created to govern the relationship between the parents relating to the decisions that must be made regarding the minor child(ren). The Parenting Plan must contain a time-sharing schedule for the parents and child(ren) and shall address the issues concerning the minor child(ren). The issues concerning the minor child(ren) may include, but are not limited to, the child(ren)'s education, health care, and physical, social, and emotional well-being. In creating the Plan, all circumstances between the parents, including their historic relationship, domestic violence, and other factors must be taken into consideration. The Parenting Plan must be developed and agreed to by the parents and approved by the court. If the parents cannot agree to a Parenting Plan, or if the parents agreed to a plan that is not approved by the court, a Parenting Plan will be established by the court with or without the use of **parenting plan recommendations**.

**Parenting Plan Recommendation** – A nonbinding recommendation concerning one or more elements of a Parenting Plan made by a court-appointed mental health practitioner or other professional designated pursuant to either section 61.20 or 61.401, Florida Statutes, or Florida Family Law Rule of Procedure 12.363.

**Party** - a person involved in a court case, either as a petitioner or respondent.

**Paternity Action** - A lawsuit used to determine whether a designated individual is the father of a specific child or children.

**Payor** - an employer or other person who provides income to an obligor.

**Permanent Alimony** - spousal support ordered to provide for the needs and necessities of life as they were established during the marriage for a party who lacks the financial ability to meet his or her needs and necessities after dissolution of marriage. Permanent alimony is paid at a specified, periodic rate until: modification by a court order; the death of either party; or the remarriage of the party receiving alimony, whichever occurs first. Permanent alimony requires consideration of the factors set forth in section 61.08(2), Florida Statutes, and must include certain written findings by the court.

**Personal Service** - when a summons and a copy of a petition (or other pleading) that has been filed with the court are delivered by a deputy sheriff or private process server to the other party. Personal service is required for all petitions and supplemental petitions.

**Petition** - a written request to the court for legal action, which begins a court case.

**Petitioner** - the person who originally files a petition that begins a court case. The Petitioner remains the Petitioner throughout the duration of the case.

**Pleading** - a formal, written statement of exactly what a party wants the court to do in a lawsuit or court action.

**Pro Se or Self-Represented Litigant** - a person who appears in court without the assistance of a lawyer.

**Pro Se Coordinator** - see **Family Law Intake Staff**.

**Rehabilitative Alimony** - spousal support ordered to be paid for a limited period of time to allow one of the parties an opportunity to complete a plan of education or training, according to a rehabilitative plan accepted by the court, so that he or she may better support himself or herself after dissolution of marriage.

**Relocation**- a change in the location of the principal residence of a parent or other person in accordance with section 61.13001, Florida Statutes.

**Respondent** - the person who is served with a petition requesting some legal action against him or her. The Respondent remains the Respondent throughout the duration of the case.

**Scientific Paternity Testing** - a medical test to determine the biological father of a child

**Service** - the delivery of legal documents to a party. Service must be in accordance with Florida Rule of Judicial Administration 2.516.

**Shared Parental Responsibility** - an arrangement under which both parents have full parental rights and responsibilities for their child(ren), and the parents make major decisions affecting the welfare of the child(ren) jointly. Shared Parental Responsibility is presumptive in Florida.

**Sole Parental Responsibility** - a parenting arrangement under which the responsibility for the minor child(ren) is given to one parent by the court, with or without rights of time-sharing to the other parent.

**State Disbursement Unit**- the unit established and operated by the Title IV-D agency to provide one central address for the collection and disbursement of child support payments made in both Department of Revenue and non-Department of Revenue cases, in which the obligation is paid through an income deduction order.

**Supervised Time-Sharing**- a parenting arrangement under which time-sharing between a parent and his or her child(ren) is supervised by either a friend, family member, or a supervised visitation center.

**Supplemental Petition** - a petition that may be filed by either party after the judge has made a decision in a case and a final judgment or order has been entered. For example, a supplemental petition may be used to request that the court modify the previously entered final judgment or order.

**Supportive Relationship**-a relationship, defined in section 61.14(1)(b)1, Florida Statutes, existing between an obligee who receives alimony and a person with whom that obligee resides.

**Time-Sharing Schedule** – a timetable that must be included in the Parenting Plan that specifies the time, including overnights and holidays that a minor child or children will spend with each parent. The time-sharing schedule shall either be developed and agreed to by the parents of a minor child or children and is approved by the court, or established by the court if the parents cannot agree, or if their agreed-upon schedule is not approved by the court.

**Trial** - the final hearing in a contested case.

**Uncontested** - any and all issues on which the parties are able to agree and which are part of a marital settlement agreement.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division \_\_\_\_\_

\_\_\_\_\_,

Petitioner,

and

\_\_\_\_\_,

Respondent.

**HILLSBOROUGH COUNTY FAMILY LAW DIVISION  
THE TWELVE RULES OF COURTROOM CIVILITY**

The judges, general masters and hearing officers assigned to the Family Law Division in Hillsborough County expect that all litigants, whether or not they are represented by attorneys, will conduct themselves in an appropriate fashion so that all parties will be afforded a fair opportunity to present their case.

The following guidelines are meant to assist you in meeting appropriate standards of conduct when you appear in court.

1. Be truthful in all statements that you make to the court. False statements under oath constitute perjury which is a criminal offense.
2. Do not call or write to the judge. As a general rule, documents and testimony can be read or heard by the judge only in the presence of both parties.
3. Be courteous. Other than to make appropriate objections, do not interrupt anyone who is speaking. If you are representing yourself and you have an objection to something a witness says, merely say, "Objection" and the court will allow you to state the nature of your objection.
4. Treat all court personnel with respect, including bailiffs, judicial assistants, clerks, court investigators, judges, general masters and hearing officers.
5. Do not make faces or gestures at the opposing party, his or her attorney, witnesses or the judge while in the courtroom. Speak directly to the judge or your attorney, not the opposing party or a witness. You will be given an opportunity to be heard by the court.

6. Show your respect for the court by dressing appropriately and wearing clean clothes. Coats, ties, suits and dresses are welcome but not required. Shorts, blue jeans, t-shirts and sneakers are not appropriate.
7. Do not bring any food or beverage into the courtroom and do not chew gum or eat candy in the courtroom.
8. Do not bring children to the courthouse (except in adoption cases), unless the court has so ordered.
9. Be aware that witnesses you bring to court are not usually permitted to remain in the courtroom while you, your spouse or former spouse, or other witnesses testify.
10. Bring at least four (4) copies of any documents that you intend to offer into evidence.
11. All documents should be pre-marked with a case number, name, the date and a space for the judge to admit the document into evidence.
12. The courthouse is located in a congested area. Parking is limited and takes time. Plan your time so you can park and be available at least fifteen (15) minutes before the hearing is scheduled to begin.

I have read and acknowledge my responsibilities as a litigant.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date

I have read and reviewed with my client his or her responsibilities as a litigant.

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Date

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(a),  
DISCLOSURE FROM NONLAWYER

**When should this form be used?**

This form must be used when anyone who is **not** a lawyer in good standing with The Florida Bar helps you complete any Florida Family Law Form. Attorneys who are licensed to practice in other states but not Florida, or who have been disbarred or suspended from the practice of law in Florida, are nonlawyers for the purposes of the Florida Family Law Forms and instructions.

The nonlawyer must complete this form and both of you are to sign it before the nonlawyer assists you in completing any Family Law Form.

**In addition**, on any other form with which a nonlawyer helps you, the nonlawyer shall complete the nonlawyer section located at the bottom of the form unless otherwise specified in the instructions to the form. This is to protect you and be sure that you are informed in advance of the nonlawyer's limitations.

**What should I do next?**

A copy of this disclosure, signed by both the nonlawyer and the person, must be given to the person and the nonlawyer must keep a copy in the person's file. The nonlawyer must keep copies for at least six years of all forms given to the person being assisted.

**Special notes...**

This disclosure form does NOT act as or constitute a waiver, disclaimer, or limitation of liability.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

\_\_\_\_\_,  
Petitioner,

and

\_\_\_\_\_,  
Respondent.

**DISCLOSURE FROM NONLAWYER**

{Name} \_\_\_\_\_, told me that he/she is a nonlawyer and may not give legal advice, cannot tell me what my rights or remedies are, cannot tell me how to testify in court, and cannot represent me in court.

Rule 10-2.1(b) of the Rules Regulating The Florida Bar defines a paralegal as a person who works under the supervision of a member of The Florida Bar and who performs specifically delegated substantive legal work for which a member of The Florida Bar is responsible. Only persons who meet the definition may call themselves paralegals. {Name} \_\_\_\_\_, informed me that he/she is not a paralegal and cannot call himself/herself a paralegal.

{Name} \_\_\_\_\_, told me that he/she may only type the factual information provided by me in writing into the blanks on the form. {Name} \_\_\_\_\_, may not help me fill in the form and may not complete the form for me. If using a form approved by the Supreme Court of Florida, {name} \_\_\_\_\_, may ask me factual questions to fill in the blanks on the form and may also tell me how to file the form.

[☒ **one** only]

☐ I can read English.

☐ I cannot read English, but this disclosure was read to me [fill in **both** blanks] by

{name} \_\_\_\_\_ in {language} \_\_\_\_\_, which I understand.

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

\_\_\_\_\_  
Signature of Party

\_\_\_\_\_  
Signature of **NONLAWYER**

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

Name of Business: \_\_\_\_\_

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

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

## **INSTRUCTIONS FOR THE COMPLETION OF A BLANK FAMILY LAW MOTION**

**REMEMBER:** If you have questions or concerns about your motion that you cannot resolve yourself, even after reading this instruction sheet, it is strongly recommended that you consult with a lawyer before taking any further action.

The blank motion that is attached to this instruction sheet may be used to make a request for judicial action in the Thirteenth Judicial Circuit, Tampa, Florida, during the pendency of a lawsuit, or after the entry of a final judgment. This motion should only be used when you are certain that a more suitable form has not yet been approved by the Florida Supreme Court. The following court-approved form motion, when applicable, should be utilized instead of the blank motion (these approved forms can be found in the Florida Family Law Rules of Procedure):

- Motion for Civil Contempt/Enforcement - Form 12.960
- Emergency Verified Motion for Child Pick-Up Order - Form 12.941(d)
- Motion for Temporary Injunction to Prevent the Removal of Child(ren) and Denial of Passport Services. - Form 12.941(a)
- Motion for Appointment of Guardian Ad Litem - Form 12.942(a)

Before using the blank motion, you need to determine whether you should file a **petition** or a **motion**. A petition is the pleading that begins a lawsuit, or reopens a closed lawsuit. You must use a petition to begin a lawsuit against someone, or to modify a previous court order. A motion is used to make a request for a specific order during the course of a pending lawsuit after a petition has already been filed, or to ask the court to enforce a previous court order or find someone in contempt of court. A petition typically requires a filing fee, while a motion does not.

If you decide to use the attached blank motion, you must set forth your current legal problem or concern, and your suggested remedy or solution, in the blank numbered paragraphs. The court generally cannot order something for your benefit, unless you specifically request what you want the court to order. Make sure to sign your motion in front of a notary public, who then must notarize your motion. (It is good practice to notarize every motion to avoid any future problems).

### **SERVICE OF MOTION ON THE OTHER PARTY:**

(If your case involves more than just yourself and one other party, you must follow these rules for every party in your case).



Except in very limited instances discussed below, you will need to simultaneously provide a copy of your motion to the other party when you file your motion with the court. Therefore, you need to either mail, telefax, or hand deliver a copy of the motion to the other party. Once you decide which method of service to use, you then must fill out the “Certificate of Service” section by indicating the method of service you plan to use to provide a copy of your motion to the other party.

In most cases, it is essential that you provide the other party with a copy of your motion. When a party files a motion with the court without notifying the other party about the motion, the motion is considered an *ex parte* motion. Your judge can only rule on an *ex parte* motion without a hearing when there is a well-founded reason to not have a hearing (for instance, when one party believes the other party will destroy or hide property if given notice of an impending court hearing).

### **FILING:**

If you choose to file your motion in person, you may file it at the following location: 800 East Twiggs Street, room 101. If you choose to file by mail, you should send your documents to: Clerk of the Court, P.O. Box 3450, Tampa, Florida 33601. The phone number for the Clerk of Court is 276-8100 x 4358.

### **NOTICE OF HEARING:**

When a party files a motion with the court, the party must also schedule that motion for a hearing on that motion with the judge or general master. After you obtain a hearing date, you must attempt to contact the other party for the purpose of mutually agreeing on the most convenient time for the hearing. If your attempts at coordinating a suitable time and date for the hearing are unsuccessful, or if the other party is uncooperative, you have satisfied your obligation, and you may schedule the hearing for the time and date you deem appropriate. However, unless your motion is an emergency motion, you must provide the other party with a copy of your motion at least five (5) business days before the date of the hearing, unless the other party agrees to an earlier hearing date. Failure to provide the other party at least five (5) business days to prepare may result in the court denying or striking your motion.

Once you obtain the time and date of your hearing, you must complete a “Notice of Hearing” form (12.923). After you complete the “Notice of Hearing,” you must file it with the court, and also serve a copy on the other party.



WHEREFORE, I request that the court grant this motion.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by [check one only] ( ) mail ( ) faxed and mailed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

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

Signature of Moving Party  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Dated: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year), 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: \_\_\_\_\_

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA

IN RE:

\_\_\_\_\_,  
Petitioner,

AND

Case No. \_\_\_\_\_

Division \_\_\_\_\_

\_\_\_\_\_.  
Respondent.

\_\_\_\_\_/

**MOTION TO/FOR:** \_\_\_\_\_

COMES NOW, \_\_\_\_\_ (your name), and requests that the  
court grant this Motion, and as grounds therefore would show:

I would like the court to order: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The reasons the court should order this is because: \_\_\_\_\_

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, I request that the court grant this motion.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by [check one only] ( ) mail ( ) faxed and mailed ( ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Moving Party  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Dated: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year), 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: \_\_\_\_\_



## INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORMS

12.920(a), MOTION FOR REFERRAL TO GENERAL MAGISTRATE,  
12.920(b), ORDER OF REFERRAL TO GENERAL MAGISTRATE, and  
12.920(c), NOTICE OF HEARING BEFORE GENERAL MAGISTRATE

### When should these forms be used?





A **general magistrate** is an attorney appointed by a **judge** to take testimony and recommend decisions on certain matters connected with a divorce. These recommendations are then reviewed by the judge and are generally approved unless contrary to the law or the facts of the case. The primary purposes of having general magistrates hear family law matters are to reduce the costs of litigation and to speed up cases. Either **party** may request that their case, or portions of their case, be heard by a general magistrate by filing **Motion for Referral to General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(a). You must also prepare an **Order of Referral to General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(b), to submit to the judge assigned to your case.



Many times, the court, either on its own motion or under current administrative orders of the court, may refer your case to a general magistrate. Even in those instances, you may be required to prepare and submit an **Order of Referral to General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(b), to the judge.

Once a general magistrate has been appointed to your case, the general magistrate will assign a time and place for a **hearing** as soon as reasonably possible after the referral is made. The general magistrate will give notice of that hearing to each of the parties directly or will direct a party or attorney in the case to file and serve a notice of hearing on the other party. If you are asked to send the notice of hearing, you will need to use the form entitled **Notice of Hearing Before General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(c). Regardless of who prepares the notice of hearing, the moving party (the one who requested referral to the general magistrate) is required to have the notice properly served on the other party.

These forms should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

### What should I do next?

If you are filing a **Motion for Referral to General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(a), you need to send or deliver your motion directly to the judge assigned to your case, along with an **Order of Referral to General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(b), and an addressed, stamped envelope for each party in the case. The judge will then either grant or deny the motion, usually without a hearing.

If you are required to submit a **Order of Referral to General Magistrate**,   Florida Family Law Rules of Procedure Form 12.920(b), to the judge assigned to your case, you will need to send or deliver the order directly to the judge, along with addressed, stamped envelopes for each party in the case.


The party who prepares any of these forms must file the original with the clerk of the circuit court. A copy of the motion must be mailed **or** hand delivered to any other party in your case.

### **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 rule 12.490, Florida Family Law Rules of Procedure.

### **Special notes...**

**IMPORTANT:** After the judge refers your case to a general magistrate, either party (including the party who was required to prepare and submit the Order of Referral) may object to the referral within 10 days of the date that the referral is made (if the Order of Referral is served by mail, the parties have an additional 5 days within which to object to the referral). Every litigant is entitled to have his or her case heard by a judge. However, before you decide to object to an Order of Referral to General Magistrate, you should consider the potential extra costs and time delays that may result from having a judge hear your case instead of a general magistrate. You may want to speak with an attorney in your area who can assist you in making a more informed decision regarding whether you should file an objection to an Order of Referral to General Magistrate.

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 THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

\_\_\_\_\_,  
Petitioner,

and

\_\_\_\_\_,  
Respondent.

**MOTION FOR REFERRAL TO GENERAL MAGISTRATE**

I, *{full legal name}* \_\_\_\_\_, request that the Court enter an order referring this case to a general magistrate. The case should be referred to a general magistrate on the following issues: *{identify the relevant pleadings}* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.



IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
FAMILY LAW DIVISION

\_\_\_\_\_,  
Petitioner,  
  
and  
  
\_\_\_\_\_,  
Respondent.

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

**ORDER OF REFERRAL TO GENERAL MAGISTRATE**

IT IS ORDERED that this case is referred to General Magistrate \_\_\_\_\_  
(phone: \_\_\_\_\_), for further proceedings on the issues raised in the following pleadings:

The General Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall file a report and recommendations that contains findings of fact, conclusions of law, and the name of the court reporter, if any.

Florida Family Law Rule of Procedure 12.490(b)(4) provides that any party or the general magistrate may set the action for hearing. PLEASE NOTE that in the Thirteenth Judicial Circuit, the general magistrate will set a hearing only after being requested to do so by one or both parties. The request may be made by phone at the number provided above.

**A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN TEN DAYS AFTER SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN TEN DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST TWENTY DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE REFERRAL. REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN FLORIDA FAMILY LAW RULE OF PROCEDURE RULE 12.490(f). A RECORD, WHICH INCLUDES A TRANSCRIPT OF PROCEEDINGS, MAY BE REQUIRED TO SUPPORT EXCEPTIONS.**

If either party files a timely objection, this matter shall be returned to the undersigned judge, and the objecting party must schedule a hearing or case management conference before the judge within ten days of filing the objection.

**SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH FLORIDA FAMILY LAW RULE OF PROCEDURE 12.490(f). YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.**

You are advised that in the Thirteenth Judicial Circuit, electronic recording is provided by the Court. A party may provide a court reporter at his or her own expense.

PLEASE NOTE: Any case or part thereof constituting a CHILD SUPPORT ENFORCEMENT issue proceeds pursuant to current Administrative Orders of the Court, as well as Florida Family Law Rule of Procedure 12.491 (Child Support Enforcement) and 12.615 (Civil Contempt in Support Matters), if applicable. The language above in bold capital letters does not apply to child support enforcement issues.

DONE AND ORDERED on \_\_\_\_\_, \_\_\_\_\_.

---

CIRCUIT COURT JUDGE

COPIES TO:

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_,  
Petitioner,

and

\_\_\_\_\_,  
Respondent.

**NOTICE OF HEARING BEFORE GENERAL MAGISTRATE**

[ ✎ fill in **all** blanks]

TO: \_\_\_\_\_  
\_\_\_\_\_

There will be a hearing before General Magistrate \_\_\_\_\_,  
on {date} \_\_\_\_\_, at {time} \_\_\_\_\_ m., in Room \_\_\_\_\_ of the George  
Edgecomb Courthouse, 800 East Twiggs Street, Tampa, Florida 33602, on the following issues: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ hour(s)/ \_\_\_\_\_ minutes have been reserved for this hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

**If the matter before the General Magistrate is a Motion for Civil Contempt/Enforcement,  
FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT  
OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE  
HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.**

PLEASE GOVERN YOURSELF ACCORDINGLY.

**This part to be filled out by the court or filled in with information you have obtained from the  
court:**

**If you are a person with a disability who needs any accommodation in order  
to participate in this proceeding, you are entitled, at no cost to you, to the  
provision of certain assistance. Please contact the ADA Coordinator,  
Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa,  
Florida 33602, (813) 272-7040, at least 7 days before your scheduled court  
appearance, or immediately upon receiving this notification if the time before  
the scheduled appearance is less than 7 days; if you are hearing or voice  
impaired, call 711.**

**SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.**

YOU ARE HEREBY ADVISED THAT IN THIS CIRCUIT:

- \_\_\_ a. electronic recording is provided by the court. A party may provide a court reporter at that party's expense.  
\_\_\_ b. a court reporter is provided by the court.

If you are represented by an attorney or plan to retain an attorney for this matter you should notify the attorney of this hearing.

If this matter is resolved, the moving party shall contact the General Magistrate's Office to cancel this hearing.

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.

## General Magistrate / Hearing Officer Division Referral Assignment Table

Last 2 Digits of Case No	GM Division	Last 2 Digits of Case No	GM Division	Last 2 Digits of Case No	GM Division	Last 2 Digits of Case No	GM Division	Last 2 Digits of Case No	GM Division
00	GM-1	01	GM-2	02	GM-3	03	GM-4	50	GM-5
04	GM-1	05	GM-2	06	GM-3	07	GM-4	54	GM-5
08	GM-1	09	GM-2	10	GM-3	11	GM-4	58	GM-5
12	GM-1	13	GM-2	14	GM-3	15	GM-4	62	GM-5
16	GM-1	17	GM-2	18	GM-3	19	GM-4	66	GM-5
20	GM-1	21	GM-2	22	GM-3	23	GM-4	70	GM-5
24	GM-1	25	GM-2	26	GM-3	27	GM-4	74	GM-5
28	GM-1	29	GM-2	30	GM-3	31	GM-4	78	GM-5
32	GM-1	33	GM-2	34	GM-3	35	GM-4	82	GM-5
36	GM-1	37	GM-2	38	GM-3	39	GM-4	86	GM-5
40	GM-1	41	GM-2	42	GM-3	43	GM-4	90	GM-5
44	GM-1	45	GM-2	46	GM-3	47	GM-4	94	GM-5
48	GM-1	49	GM-2			51	GM-4	98	GM-5
52	GM-1	53	GM-2			55	GM-4		
56	GM-1	57	GM-2			59	GM-4		
60	GM-1	61	GM-2			63	GM-4		
64	GM-1	65	GM-2			67	GM-4		
68	GM-1	69	GM-2			71	GM-4		
72	GM-1	73	GM-2			75	GM-4		
76	GM-1	77	GM-2			79	GM-4		
80	GM-1	81	GM-2			83	GM-4		
84	GM-1	85	GM-2			87	GM-4		
88	GM-1	89	GM-2			91	GM-4		
92	GM-1	93	GM-2			95	GM-4		
96	GM-1	97	GM-2			99	GM-4		

The general magistrate/hearing officer assigned is determined by **the last two digits of your case number**.

**GM-1** = Magistrate **Wartenberg** (Phone: 272-5351) / **GM-2** = Magistrate **Johnson** (Phone: 276-2335)

**GM-3** = Magistrate **Montagno** (Phone: 276-2337) / **GM-4** = Magistrate **Sarmiento** (Phone: 272-6435)

**GM-5** = Magistrate **Mason** (Phone: 272-5525)

# INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.923, NOTICE OF HEARING (GENERAL) (9/11)

## When should this form be used?

Anytime you have set a hearing before a judge, you must send notice of the hearing to the other party. **IMPORTANT:** If your hearing has been set before a general magistrate, you should use **Notice of Hearing Before General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(c). If your hearing has been set before a child support enforcement hearing officer, you should use **Notice of Hearing (Child Support Hearing Officer)**, Florida Supreme Court Approved Family Law Form 12.921.

This form should be typed or printed in black ink. 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 must be mailed **or** hand delivered to the other party in your case. If a default has been entered, you must still send this form to the other party to notify the other party of the final hearing.

## 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 on serving notices of hearing, see rule 1.090(d), Florida Civil Rules of Procedure.

## Special notes...

To set a hearing date and time, you will usually have to make a good-faith effort to coordinate a mutually convenient date and time for you, the other parties in the case, and the judge, except in certain emergency situations. Some circuits may have additional procedural requirements that you must follow when you notify the court and other parties of your scheduled hearing. Therefore, before you complete this form, you should contact the clerk's office, family law intake staff, or judicial assistant for information regarding the proper procedure to follow.

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 THIRTEENTH JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

\_\_\_\_\_,  
Petitioner,

and

\_\_\_\_\_,  
Respondent.

**NOTICE OF HEARING (GENERAL)#**

[fill in **all** blanks]

TO: {name of other party}: \_\_\_\_\_

There will be a hearing before Judge {name} \_\_\_\_\_,

on {date} \_\_\_\_\_, at {time} \_\_\_\_\_ m., in Room \_\_\_\_\_ of the \_\_\_\_\_

Courthouse, on the following issues: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ hour(s)/\_\_\_\_\_ minutes have been reserved for this hearing.

**This part is to be filled out by the court or to be filled in with information you obtained from the court:**

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

If you are represented by an attorney or plan to retain an attorney for this matter, you should notify the attorney of this hearing.

If this matter is resolved, the moving party shall contact the judge's office to cancel this hearing.

I certify that a copy of this document was [Choose only **one**] ( ) 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature of Party

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

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

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

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

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

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

**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, whose address is {street} \_\_\_\_\_,

{city} \_\_\_\_\_ {state} \_\_\_\_\_, {phone} \_\_\_\_\_,

helped {name} \_\_\_\_\_,

who is the [Choose only **one**] \_\_\_ petitioner **or** \_\_\_ respondent, fill out this form.



## **Fee Schedule For Family Law Cases**

*(These fees are effective June 1, 2019)*

### **Clerk fees (payable to The Clerk of the Circuit Court):**

<b>Type</b>	<b>Fee</b>	<b>Statute Reference</b>
Adoption *	\$400.00	63.102 & 28.241(1)(a)
Termination of Parental Rights *	\$400.00	63.087 & 28.241(1)(a)
Delayed Birth Certificate *	\$400.00	682.0195 & 28.241(1)(a)
Disabilities of nonage; removed (Emancipation) *	\$400.00	743.015 & 28.241(1)(a)
Temporary Custody by Extended Family Member *	\$400.00	751.03 & 28.241(1)(a)
Name Change *	\$414.00	68.07 & 28.241(1)(a)
Counter Petition <i>for case indicated with *</i>	\$395.00	28.101 & 28.241(1)(c)
Dissolution of Marriage **	\$408.00	28.241 & 28.101
All other Family Law actions not listed above **	\$300.00	28.241(1)(a)
Counter Petition <i>for case indicated with **</i>	\$295.00	28.101 & 28.241(1)(c)
Sealing Fee	\$42.00	28.24(25)
Attorney appearing Pro Hac Vice	\$100.00	28.241(6)
Notice of Appeal <i>(Requires 2 separate checks: (1) \$300.00 made payable to the <u>Second District Court of Appeals</u>; (2) \$100.00 + \$1.00 per page of entire Notice of Appeal and \$2.00 for certifying made payable to Clerk of the Circuit Court)</i>	\$300.00 (Second DCA) \$100.00 plus copy and certification fee (Clerk)	28.241(2); 28.24(3); 28.24(5)(a); 35.22
Reopen fee	\$50.00	28.241(1)(b)
Writ of Garnishment issued	\$188.00	28.241(1)(a)
Issuing a Summons (Initial, Alias, and Pluries)	\$10.00	28.241(1)(d)
Issue & filing a subpoena	\$7.00	28.241(18)(a)
Signing and sealing a subpoena	\$2.00	28.24(18)(b)
Copies	\$1.00 (per page)	28.24(5)(a)
Certification	\$2.00	28.24(3)
Notary fee	\$10.00 (each )	117.05(2)(a)
Approving Bond	\$8.50	28.24(19)
Administering oath	\$3.50	38.25(13)
Exemplified certificate	\$7.00	28.24(16)
Clerk Certificate	\$7.00	28.24(8)
<b><i>Child Support Fees</i></b>		
Judgment payoff statement (Child Support)	\$25.00	61.14(6)(f)1
Payment History (Child Support, Alimony)	\$1.00 - \$2.00 per year	28.24(5)(a)
Affidavit of Delinquency	\$7.00	28.24(8)
Notice of Delinquency fee	\$25.00	61.14(6)(b)1.b.
Driver License/Non Payment of Child Support	\$25.00	61.14(6)(f)1.
Verification form	\$7.00	28.24(8)

### **Mediation (payable to The Clerk of the Circuit Court)**

Family income greater than \$50,000 but less than \$100,000 per year	\$120.00	44.108(2)(b)
Family income less than \$50,000 per year	\$60.00	44.108(2)(b)

Print Form

IN THE \_\_\_\_\_ COURT, 13TH  
JUDICIAL CIRCUIT, IN AND FOR  
HILLSBOROUGH COUNTY, FLORIDA

CASE NO.: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner,

v.

\_\_\_\_\_  
Defendant/Respondent.  
\_\_\_\_\_ /

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

( ) (1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is \_\_\_\_\_, and:

(b) ( ) the entire document is confidential, or

( ) the confidential information within the document is precisely located at:

\_\_\_\_\_.

OR

( ) (2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I hereby notify the clerk that this confidential information is located as follows:

(a) Title/type of document: \_\_\_\_\_;

(b) Date of filing (if known): \_\_\_\_\_;

(c) Date of document: \_\_\_\_\_;

(d) Docket entry number: \_\_\_\_\_;

(e) ( ) Entire document is confidential, or

( ) Precise location of confidential information in document: \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_  
Filer's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by \_\_\_\_\_ on: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name .....

Address .....

Phone .....

Florida Bar No. (if applicable) .....

E-mail address .....

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under subdivision (d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to subdivision (d)(3) of the Rule. Fla. R. Jud. Admin. 2.420(d)(2).

# INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.915

## DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS (06/18)

### When should this form be used?

This form should be used to inform the clerk and the other **party** of your current mailing and e-mail address(es) or **any change of address**. It is very important that the court and the other party in your case have your correct address.

A party not represented by an attorney may choose to designate e-mail address(es) for **service**. A primary and up to two secondary e-mail addresses can be designated. If you do so and the other party is represented by an attorney or has also designated e-mail address(es) for service, e-mail will be the **exclusive means of service**.

If there is any change in your mailing or e-mail address(es), you must complete a new form, file it with the clerk, and serve a copy on any other party or parties in your case.

### What should I do next?

This form should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records. A copy of this form must be served on any other party in your case. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

### IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

### IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings

by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at [www.flcourts.org](http://www.flcourts.org) through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

**SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO.** If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

### **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.** The words that are in **bold underline** in these instructions are defined there.

### **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.

## DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS

I, {full legal name}, \_\_\_\_\_, being sworn, certify that:

### **MAILING ADDRESS:**

My current mailing address is:

{Street or Post Office Box} \_\_\_\_\_,

{City}, \_\_\_\_\_, {State}, \_\_\_\_\_, {Zip} \_\_\_\_\_.

{Telephone No.} \_\_\_\_\_ {Fax No.} \_\_\_\_\_.

### **E-MAIL ADDRESS:**

***{Do not provide an e-mail address unless you choose to serve and receive all documents in the future only by e-mail. If you are a self-represented litigant (appearing without an attorney), you are not required to serve or receive documents by electronic mail (e-mail); however, once you designate an e-mail address, that address will be the exclusive means of serving and receiving documents. Once you choose to serve and receive documents by e-mail, you cannot change your decision.}***

I wish to designate the following e-mail address(es) for the purposes of serving and receiving documents:

\_\_\_\_\_

**I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing and e-mail address(es) and that all future papers in this lawsuit will be served at the address(es) on record at the clerk's office.**

I certify that a copy of this document was \_\_\_\_\_ e-mailed \_\_\_\_\_ 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: \_\_\_\_\_  
Designated E-mail Address(es): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Party

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] This form was prepared for the: {choose only **one**} \_\_\_\_\_ Petitioner \_\_\_\_\_ Respondent

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_,

{name of business} \_\_\_\_\_,

{street} \_\_\_\_\_,

{city} \_\_\_\_\_, {state} \_\_\_\_\_, {zip code} \_\_\_\_\_, {telephone number} \_\_\_\_\_