

THIRTEENTH JUDICIAL CIRCUIT
FAMILY LAW DIVISION

**PETITION TO CONTEST
DRIVER'S LICENSE SUSPENSION**

(Packet #8)

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 221-7780. If you do not have the money to hire an attorney, you may apply to Bay Area Legal Services by calling 232-1343. You may also obtain legal information at the Legal Information Center at the George Edgecomb Courthouse (call 864-2280 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.

<u>FORMS CONTAINED IN THIS PACKET</u>	<u>FORM #</u>	<u>WHEN TO USE</u>
<u>General Information for Self-Represented Litigants</u>	Appendix C	For your information only
<u>12 Rules of Courtroom Civility</u>	12 Rules	Required to start
<u>Nonlawyer Disclosure</u>	12.900(a)	Required if someone who is not a lawyer helps you with the forms
<u>Petition to Contest Notice of Delinquency and Intent to Suspend Driver's License and Motor Vehicle Registration</u>	Contest	Required to start
<u>Summons</u>	12.910(a)	Required if the Clerk of Circuit Court issued the Notice of Intent to Suspend Driver's License
<u>Process Service Memorandum</u>	12.910(b)	Required if the Clerk of Circuit Court issued the Notice of Intent to Suspend Driver's License
<u>Nonmilitary Affidavit</u>	12.912(b)	Use only if the Clerk of Circuit Court issued the Notice of Intent to Suspend Driver's License and the other party is NOT in the military and they do not file an answer
<u>Motion for Default</u>	12.922(a)	Use if the Clerk of Circuit Court issued the Notice of Intent to Suspend Driver's License and no answer is filed within 20 days after service
<u>Default</u>	12.922(b)	Use if the Clerk of Circuit Court issued the Notice of Intent to Suspend Driver's License and no answer is filed within 20 days after service
<u>Notice of Hearing (Child Support Enforcement Hearing Officer)</u>	12.921	Use when a hearing date has been set
<u>General Magistrate / Hearing Officer Division Referral Assignment Table</u>	Table	To determine the General Magistrate / Hearing Officer assigned to your case
<u>Fee Schedule for Family Law Cases</u>	Fee	A schedule of fees for Family Law related cases
<u>Notice of Confidential Information Within Court Filing</u>	2.40(d)(2)	Use to notify the clerk of documents containing confidential information

STEP BY STEP INSTRUCTIONS

- 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.**

If the Notice of Intent to Suspend Driver's License was issued by the CLERK OF THE CIRCUIT COURT (and NOT by the Department of Revenue, Office of Child Support Enforcement), follow these instructions:

A. Complete the following forms and notarize the ones with a notary signature line:

- 1) 12 Rules of Courtroom Civility - (does not need to be notarized)
- 2) Petition to Contest Notice of Delinquency and Intent to Suspend Driver's License and Motor Vehicle Registration
- 3) Summons, Form 12.910(a) - (needs to be signed by the clerk, not by you)
- 4) Process Service Memorandum, Form 12.910(b) - (does not need to be notarized)

B. 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) and 1 extra copy of the petition to give to the depository. Copies can be obtained for a fee in the Court Business Center, on the 6th floor of the George Edgecomb Courthouse. You may also purchase copies for \$0.15 per page, before filing your case, from the Family Law Intake staff in room 101.

C. Filing Your Petition

- 1) Take the original set of completed and signed forms to the clerk on the 1st floor of the main courthouse.
- 2) Summons: The clerk will sign the Summons and give it back to you. There is a charge for this.
- 3) Take 1 copy of the petition to the Child Support Depository in Room 101 of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, FL 33602.

D. Notifying the Other Party

SUMMONS – Attach the Summons and the Process Service Memorandum to one complete copy of your documents and take them to the sheriff or process server in the county where the other party is going to be served (where he/she lives or works). The other party will have 20 days after the date the sheriff or process server delivers the papers to file a written response (answer). **HILLSBOROUGH COUNTY:** Hillsborough County Sheriff's Civil Process is located at 700 Twiggs Street on the 3rd floor (across the street from the main courthouse). A non-refundable fee is required (only cash, cashier's checks or money orders -- no personal checks). This fee will be waived if you have filed an Application for Civil Indigency and the clerk has marked that you are indigent.

E. Obtain Proof of Service

SUMMONS – When the other party is served, the sheriff or process server should send you a form indicating the date and time he/she was served. File this with the clerk.

F. Check for Answer / Default

- 1) Call the Clerk of the Circuit Court (276-8100 ext. 4358) 21 days after the other party was served to see if he/she filed an answer.
- 2) If no answer was filed and the other party is not in the military, complete the following forms: Nonmilitary Affidavit - Form 12.912(b), Motion for Default - Form 12.922(a), and a Default - Form 12.922(b). Take the Nonmilitary Affidavit, Motion for Default, Default, and your proof of service to the clerk.
- 3) If no answer was filed and the other party is in the military STOP HERE and consult an attorney.
- 4) If an answer was filed, obtain a copy in Room 101 of the courthouse (if the other party did not send you a copy).
- 5) If the other party filed a counterpetition, you have 20 days to file a written answer to the counterpetition. You can use Form 12.903(d) – Answer to Counterpetition. File the original with the clerk, send a copy to the other party, and keep a copy for your records.

G. Schedule the Hearing

- 1) Call the administrative assistant for the general magistrate 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 **Cuellar-Stilo** (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 **Reeves** (Phone: 272-8565)
- 2) Once a hearing date has been scheduled, complete a Notice of Hearing, Form 12.921, with the place, date, and time of the hearing.
- 3) 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.
- 4) Make 2 copies of the Notice of Hearing.
- 5) 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.

If the Notice of Intent to Suspend Driver's License was issued by the DEPARTMENT OF REVENUE, OFFICE OF CHILD SUPPORT ENFORCEMENT (and NOT by the Clerk of the Circuit Court), follow these instructions:

A. Complete the following forms and notarize the ones with a notary signature line:

- 1) 12 Rules of Courtroom Civility - (does not need to be notarized)
- 2) Petition to Contest Notice of Delinquency and Intent to Suspend Driver's License and Motor Vehicle Registration

B. Make Copies

After you have completed the forms and have signed and notarized them, make 3 complete copies of everything you have completed (one copy is for your records). Copies can be obtained for a fee in the Court Business Center, on the 6th floor of the George Edgecomb Courthouse. You may also purchase copies for \$0.15 per page, before filing your case, from the Family Law Intake staff in room 101.

C. Filing Your Petition

Take the original set of completed and signed forms to the clerk on the 1st floor of the main courthouse.

D. Notifying the Other Party

Mail, fax, or hand-deliver 1 set of copies of your documents to each of the following:

- 1) The other party, and
- 2) The Florida Department of Revenue, Child Support Enforcement Program, 5050 W. Tennessee Street, Building L, Tallahassee, Florida 32399-0195.

E. Schedule the Hearing

- 1) If you do not receive a notice of hearing within 30 days, please contact the Child Support Enforcement Office at 1-800-622-5437.

THE HEARING

Normally the hearing is when the request in your petition 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 petition

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 child support enforcement hearing officer. Do not interrupt the general magistrate or hearing officer.

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
 - b) <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 → 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

Ruskin/Sun City – SouthShore Regional Service Center

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