

Supreme Court of Florida

No. SC2023-1388

**IN RE: AMENDMENTS TO FLORIDA SUPREME COURT
APPROVED FAMILY LAW FORMS 12.902(k) AND 12.902(l).**

October 26, 2023

PER CURIAM.

Pursuant to the procedures approved in *Amendments to the Florida Family Law Rules of Procedure & Family Law Forms*, 810 So. 2d 1, 13-14 (Fla. 2000), this Court has reviewed a proposal from the Family Law Rules Committee and has determined that adoption of two new Florida Supreme Court Approved Family Law Forms, 12.902(k) (Notice of Joint Verified Waiver of Filing Financial Affidavits) and 12.902(l) (Affidavit of Income for Child Support), is needed.¹ Input was received from the Advisory Workgroup on the Florida Supreme Court Approved Family Law Forms, which conducted an expedited review of the proposed forms.

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.

BACKGROUND

On September 7, 2023, this Court adopted amendments to Florida Family Law Rule of Procedure 12.285 (Mandatory Disclosure), allowing parties to mutually waive the requirement that financial affidavits be filed with the court under certain circumstances. *See In re Amends. to Fla. Fam. L. Rules of Proc. 12.285, & Forms 12.902(k) & 12.902(l)*, 48 Fla. L. Weekly S167 (Fla. Sept. 7, 2023). Along with the original proposal amending rule 12.285, the Committee filed a report on December 15, 2022, proposing the adoption of two new Family Law Rules of Procedure Forms to implement the amendment to rule 12.285. However, we determined that the proposed forms were outside the limited list of forms that are under the Committee's responsibility and that may be proposed under rule 12.015(a). This Court has now internally reviewed the proposal and has determined that the adoption of new forms is needed.

NEW FORMS

New form 12.902(k) (Notice of Joint Verified Waiver of Filing Financial Affidavits) is a notice to be filed with the court when a matter is pending and the parties choose to waive the requirement

to file financial affidavits pursuant to rule 12.285(c)(2). New form 12.902(l) (Affidavit of Income for Child Support) is an affidavit of income to be filed if child support is being requested in a family matter, pursuant to section 61.30(14), Florida Statutes (2023), and the parties have waived filing financial affidavits with the court.

CONCLUSION

The new forms are hereby adopted as set forth in the appendix to this opinion, fully engrossed. The new forms shall become effective on November 1, 2023, at 12:01 a.m. and may be accessed and downloaded from the Florida State Courts' website at <https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Family-Law-Forms>. We direct that the new forms be published for comment. Interested persons shall have seventy-five days from the date of this opinion to file comments with the Court.²

2. All comments must be filed with the Court on or before January 9, 2024, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

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Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

APPENDIX

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.902(k), NOTICE OF JOINT VERIFIED WAIVER OF FILING FINANCIAL AFFIDAVITS (10/23)

When should this form be used?

You should only complete this form if all of the following are true:

1. You have executed this form before you enter into any agreement or stipulation that would be dispositive of/resolve the matter pending before the court;
2. You have received a copy of the other party's fully executed and complete financial affidavit;
3. You have provided the other party with a copy of your fully executed and complete financial affidavit; and
4. You and the other party prefer to keep both financial affidavits private and do not want them to be filed with the court.

What should I do next?

A copy of this form must be filed with the court and served on the other party or his or her attorney. The copy you are serving on the other party must be either mailed, e-mailed, or hand-delivered to the opposing party or his or her attorney on the same day indicated on the certificate of service. If it is mailed, it must be postmarked on the date indicated in the certificate of service. Service must be in accordance with Florida Rules of General Practice and Judicial Administration 2.516.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and 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 General Practice and 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

After the initial service of process of the petition or supplemental petition by the sheriff or certified process server, the Florida Rules of General Practice and Judicial Administration 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 Florida Rules of General Practice and Judicial Administration**, and you **must** review Florida Rule of General Practice and Judicial Administration 2.516. You may find that rule at www.flcourts.org through the link to the Rules of General Practice and Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MUST SERVE DOCUMENTS BY E-MAIL UNLESS OTHERWISE EXCUSED. If a self-represented litigant has been excused from serving documents by e-mail and then elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

Instructions for Florida Supreme Court Approved Family Law Form 12.902(k), Notice of Joint Verified Waiver of Filing Financial Affidavits (10/23)

To serve and receive documents by e-mail, you must designate your e-mail address 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 General Practice and Judicial Administration 2.516.

Where can I find 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. For further information, see section 61.30, Florida Statutes.

Special notes...

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out this form, that person must give you a copy of a **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 this form 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.

NOTICE OF JOINT VERIFIED WAIVER OF FILING FINANCIAL AFFIDAVITS

The Petitioner, _____, and the Respondent, _____ (collectively "parties"), hereby file this Notice of Joint Verified Waiver of Filing Financial Affidavits, as follows:

1. The parties acknowledge that evidence of their current or past financial circumstances may be necessary for future court proceedings.
2. The parties acknowledge they each have provided the other with a fully executed and sworn financial affidavit in conformity with Florida Family Law Form 12.902(b) or 12.902(c), as applicable.
3. The parties acknowledge that the responsibility to retain copies of all affidavits exchanged remains solely with the parties.
4. This notice to waive the filing of the financial affidavit only applies to the current filing and does not automatically apply to any future filings. This waiver may be revoked by either party at any time.

Nothing in this Notice of Joint Verified Waiver of Filing Financial Affidavits precludes any party from filing that party's financial affidavit or that of the other party in the future if the financial condition of a party is relevant to a pending matter, nor shall it preclude a party from requesting the other party serve upon the requesting party an initial or updated financial affidavit in the future.

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Signature of Petitioner
Printed Name: _____
E-mail Address: _____
Address: _____

City, State, Zip: _____
Telephone Number: _____

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Signature of Respondent
Printed Name: _____
E-mail Address: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____

CERTIFICATE OF SERVICE

I certify that a copy of this document was [check all used] to the person(s) listed below on (date)_____.

- ____ Petitioner: () e-mailed () mailed () faxed () hand delivered
- ____ Attorney for Petitioner: () e-mailed () mailed () faxed () hand delivered
- ____ Respondent : () e-mailed () mailed () faxed () hand delivered
- ____ Attorney for Respondent: () e-mailed () mailed () faxed () hand delivered
- ____ Other: _____: () e-mailed () mailed () faxed () hand-delivered

Signature of Filing Party or his/her Attorney
Printed Name: _____
E-mail Address(es): _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
Florida Bar Number: _____

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.902(I), AFFIDAVIT OF INCOME FOR CHILD SUPPORT (10/23)

When should this form be used?

You should complete this affidavit if you or the other party is requesting the establishment or modification of child support in your case, you and the other parent have agreed to keep your financial affidavits confidential, and you have completed Florida Family Law Form 12.902(k). This form must be completed after each party serves their financial affidavits on the other party.

This form should be typed or printed in black ink. You must file this document 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?

A copy of this form must be filed with the court and served on the other party in your case. **Service** must be in accordance with Florida Rule of General Practice and Judicial Administration 2.516.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration 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 General Practice and 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

After the initial service of process of the petition or supplemental petition by the sheriff or a certified process server, the Florida Rules of General Practice and Judicial Administration 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 Florida Rules of General Practice and Judicial Administration**, and you **must** review Florida Rule of General Practice and Judicial Administration 2.516. You may find that rule at www.flcourts.org through the link to the Rules of General Practice and Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MUST SERVE DOCUMENTS BY E-MAIL UNLESS OTHERWISE EXCUSED. If a self-represented litigant has been excused from serving documents by e-mail and then 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 address 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

Instructions for Florida Supreme Court Approved Family Law Form 12.902(I), Affidavit of Income for Child Support (10/23)

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 General Practice and Judicial Administration 2.516.

Where can I find 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. For further information, see section 61.30, Florida Statutes.

Special notes...

If you want to keep your address confidential because you are the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file a **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h).

The affidavit must be completed using **monthly** income and expense amounts. If you are paid or your bills are due on a schedule which is not monthly, you must convert those amounts. Hints are provided below for making these conversions.

Hourly - If you are paid by the hour, you may convert your income to monthly as follows:

Hourly amount x Hours worked per week = Weekly amount

Weekly amount x 52 Weeks per year = Yearly amount

Yearly amount ÷ 12 Months per year = **Monthly Amount**

Daily - If you are paid by the day, you may convert your income to monthly as follows:

Daily amount x Days worked per week = Weekly amount

Weekly amount x 52 Weeks per year = Yearly amount

Yearly amount ÷ 12 Months per year = **Monthly Amount**

Weekly - If you are paid by the week, you may convert your income to monthly as follows:

Weekly amount x 52 Weeks per year = Yearly amount

Yearly amount ÷ 12 Months per year = **Monthly Amount**

Bi-weekly - If you are paid every two weeks, you may convert your income to monthly as follows:

Bi-weekly amount x 26 = Yearly amount

Yearly amount ÷ 12 Months per year = **Monthly Amount**

Semi-monthly - If you are paid twice per month, you may convert your income to monthly as follows:

Semi-monthly amount x 2 = **Monthly Amount**

Expenses may be converted in the same manner.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out this form, that person must give you a copy of a **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 this form 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.

Instructions for Florida Supreme Court Approved Family Law Form 12.902(l), Affidavit of Income for Child Support (10/23)

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

AFFIDAVIT OF INCOME FOR CHILD SUPPORT

I, {full legal name} _____, am the {check only one}
_____ Petitioner _____ Respondent in this case, and certify that the following information is true:

_____ Check here if unemployed and explain on a separate sheet your efforts to find employment.

All amounts must be MONTHLY. See the instructions with this form to figure out money amounts for anything that is NOT paid monthly. Attach more paper, if needed. Items included under "other" should be listed separately with separate dollar amounts.

PRESENT MONTHLY GROSS INCOME	All amounts must be MONTHLY. See the instructions with this form to figure out money amounts for anything that is NOT paid monthly.
1. Salary or wages	
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments	
3. Business income from sources such as self-employment, partnerships, close corporations, and independent contracts (business income means gross receipts minus ordinary and necessary expenses required to produce income)	
4. Disability benefits/SSI	

5. Workers' compensation benefits and settlements	
6. Reemployment Assistance or Unemployment Compensation	
7. Pension, retirement, or annuity payments	
8. Social Security benefits	
9. Spousal support received from this marriage	
10. Spousal support received from prior marriage	
11. Interest and dividends	
12. Rental income (gross receipts minus ordinary and necessary expenses required to produce income)	
13. Income from royalties, trusts, or estates	
14. Reimbursed expenses and in-kind payments to the extent that they reduce living expenses	
15. Gains derived from dealing in property (unless the gain is nonrecurring)	
16. Any other income of a recurring nature (identify source)	
17. TOTAL PRESENT MONTHLY GROSS INCOME (Add Lines 1-16)	
PRESENT MONTHLY DEDUCTIONS	All amounts must be MONTHLY. See the instructions with this form to figure out money amounts for anything that is NOT paid monthly.
18. Federal, state, and local income tax (adjusted for actual filing status and allowable dependents and tax liabilities)	

19a. Filing Status	
19b. Number of dependents claimed	
19c. Federal Income Tax	
19d. State Income Tax <i>{identify which state}</i> : State:	
19e. Local Income Tax <i>{identify which locality}</i> : Locality:	
20. FICA or self-employment taxes	
21. Medicare payments	
22. Mandatory Union Dues	
23. Mandatory Retirement Payments	
24. Health insurance premiums for parent completing this form, excluding payments for coverage of the minor child(ren)	
25. Health insurance premium paid by this parent for minor child(ren) in this case	
26. Court-ordered support for other children which is actually paid <i>{identify issuing court}</i> : Court:	
27. Spousal support paid in this marriage	
28. Court-ordered alimony for prior marriage actually paid <i>{identify issuing court}</i> : Court:	
29. TOTAL DEDUCTIONS (Add Lines 18-28)	

30. PRESENT MONTHLY NET INCOME (Subtract Line 29 from Line 17)	
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Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

 Signature of party
 Printed Name: _____
 E-mail Address: _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____

I certify that a copy of this Affidavit of Income for Child Support was [check all used]: () e-mailed () mailed () faxed () hand-delivered to the person(s) listed below on {date} _____.

Other party or their attorney:

Name: _____
 E-mail Address(es): _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____

 Signature of party or their attorney
 Printed Name: _____
 E-mail Address(es): _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____
 Florida Bar Number: _____

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} _____
 {address} _____
 {city} _____, {state} _____, {telephone number} _____.