

Supreme Court of Florida

No. SC19-2162

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL PROCEDURE, THE FLORIDA SMALL CLAIMS RULES, THE FLORIDA RULES OF APPELLATE PROCEDURE, AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE—SERVICE.

April 8, 2021

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Civil Procedure, the Florida Small Claims Rules, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules. See Fla. R. Gen. Prac. & Jud. Admin. 2.140(f). We have jurisdiction.¹

In response to a referral by the Court, the Civil Procedure Rules Committee, Small Claims Rules Committee, Appellate Court Rules Committee, and Family Law Rules Committee filed a joint

1. See art. V, § 2(a), Fla. Const.

report proposing amendments to Florida Rule of Civil Procedure 1.080 (Service and Filing of Pleadings, Orders, and Documents), Florida Small Claims Rule 7.221 (Hearing in Aid of Execution) and Form 7.343 (Fact Information Sheet), Florida Rules of Appellate Procedure 9.410 (Sanctions) and 9.420 (Filing; Service of Copies; Computation of Time), and Florida Family Law Rule 12.080 (Service of Pleadings and Filing of Documents) to require documents that are served but not filed with the court to be served in accordance with Florida Rule of General Practice and Judicial Administration 2.516 (Service of Pleadings and Documents). All rule amendments were approved by each respective committee and unanimously approved by the Executive Committee of the Board of Governors of The Florida Bar. The committees and the Court published the proposals for comment and received no comments.

We adopt the amendments as proposed by the committees. Accordingly, the Florida Rules of Civil Procedure, the Florida Small Claims Rules, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules are amended as reflected in the appendix to this opinion. New language is indicated by underscoring;

deletions are indicated by struck-through type. The amendments shall take effect immediately upon the release of this opinion.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

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

Original Proceeding – Florida Rules of Civil Procedure, Florida Small Claims Rules, Florida Rules of Appellate Procedure, and Florida Family Law Rules of Procedure

Ceci Culpepper Berman, Chair, Tampa, Florida, and Honorable Ardith Michelle Bronson, Past Chair, Civil Procedure Rules Committee, Miami, Florida; Hon. Olga Maria Gonzalez-Levine, Chair, Plantation, Florida, and Maureen B Walsh, Past Chair, Small Claims Rules Committee, Jacksonville, Florida; Hon. Stephanie W. Ray, Chair, and Thomas D. Hall, Past Chair, Appellate Court Rules Committee, Tallahassee, Florida; Cory Aaron Brandfon, Chair, and Mary Lou Cuellar-Stilo, Past Chair, Family Law Rules Committee, Tampa, Florida; and Joshua E. Doyle, Executive Director, Krys Godwin and Mikalla Andies Davis, Staff Liaisons, The Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

RULE 1.080. SERVICE AND FILING OF PLEADINGS, ORDERS, AND DOCUMENTS

(a) **Service.** Every pleading subsequent to the initial pleading, all orders, and every other document filed or required by statute or rule to be served in the action must be served in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516.

(b) – (c) [No Change]

RULE 7.221. HEARING IN AID OF EXECUTION

(a) **Use of Form 7.343.** In any final judgment, the judge shall include the Enforcement Paragraph of form 7.340 if requested by the prevailing party or attorney. In addition to the forms of discovery available to the judgment creditor under Florida Rule of Civil Procedure 1.560, the judge, at the request of the judgment creditor or the judgment creditor's attorney, shall order a judgment debtor to complete and serve form 7.343 within 45 days of the order or other such reasonable time determined by the court. The completed form must be served, with any copies, pursuant to Florida Rule of General Practice and Judicial Administration 2.516. If the judgment debtor fails to obey the order, Florida Rule of Civil Procedure Form 1.982 may be used in conjunction with this subdivision of this rule.

(b) [No Change]

Committee Notes

[No Change]

FORM 7.343. FACT INFORMATION SHEET

(a) **For Individuals**

(CAPTION)

FACT INFORMATION SHEET — INDIVIDUAL

Full Legal Name: _____

Nicknames or Aliases: _____

Residence Address: _____

Mailing Address (if different): _____

Telephone Numbers: (Home) _____ (Business) _____

Name of Employer: _____

Address of Employer: _____

Position or Job Description: _____

Rate of Pay: \$ _____ per _____. Average Paycheck: \$ _____ per _____

Average Commissions or Bonuses: \$ _____ per _____. Commissions or bonuses are based on _____

Other Personal Income: \$ _____ from _____

(Explain details on the back of this sheet or an additional sheet if necessary.)

Social Security Number: _____ Birthdate: _____

Driver License Number: _____ Issuing State: _____

Marital Status: _____ Spouse's Name: _____

Spouse's Address (if different): _____

Spouse's Social Security Number: _____ Birthdate: _____

Spouse's Employer: _____

Spouse's Average Paycheck or Income: \$ _____ per _____

Other Family Income: \$ _____ per _____ (Explain details on back of this sheet or an additional sheet if necessary.)

Names and Ages of All Your Children (and addresses if not living with you): _____

Child Support or Alimony Paid: \$ _____ per _____

Names of Others You Live With: _____

Who is Head of Your Household? _____ You _____ Spouse _____ Other Person

Checking Account at: _____ Account # _____

Savings Account at: _____ Account # _____

(Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or an additional sheet if necessary.)

For Real Estate (land) You Own or Are Buying:

Address: _____

All Names on Title: _____

Mortgage Owed to: _____

Balance Owed: _____

Monthly Payment: \$ _____

(Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

For All Motor Vehicles You Own or Are Buying:

Year/Make/Model: _____ Color: _____

Vehicle ID #: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to: _____

Balance on Loan: \$ _____

Monthly Payment: \$ _____ (List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? Amount Owed: \$ _____

Name and Address of Person Owing Money: _____

Reason money is owed: _____

Please attach copies of the following:

1. Your last pay stub.
2. Your last 3 statements for each bank, savings, credit union, or other financial account.
3. Your motor vehicle registrations and titles.
4. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.
5. Your last 2 income tax returns filed.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me on(date)....., by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, on(date).....

Notary Public
State of Florida

My Commission expires:

MAIL OR DELIVER/SERVE THE COMPLETED FORM AND ATTACH ANY COPIES, PURSUANT TO FLORIDA RULE OF GENERAL PRACTICE AND JUDICIAL

ADMINISTRATION 2.516, TO THE JUDGMENT CREDITOR OR THE JUDGMENT CREDITOR'S ATTORNEY. DO NOT FILE THIS FORM WITH THE COURT.

(b) For Corporate Entities

(CAPTION)

FACT INFORMATION SHEET — BUSINESS ENTITY

Name/Title of person filling out this form: _____

Address: _____

Telephone Number: Home: _____ Business: _____

Address of Business Entity: _____

Type of Entity: (Check One) Corporation Partnership Limited Partnership Sole Proprietorship Limited Liability Corporation (LLC) Professional Association (PA) Other: (Please Explain)

Does Business Entity own/have interest in any other business entity? If so please explain.

Gross/Taxable income reported for Federal Income Tax purposes last three years:

\$ _____ \$ _____ \$ _____

Taxpayer Identification Number: _____

List Partners (General or Limited and Designate Percentage of Ownership): _____

Average No. of Employees/Month: _____

Names of Officers and Directors: _____

Checking Account at: _____ Account No: _____

Savings Account At: _____ Account No: _____

Does the Business Entity own any vehicles: _____

Years/Makes/Models: _____

Vehicle ID # (VIN): _____

Tag Nos.: _____

Loans Outstanding: _____

Does the Business Entity own any real property: YES _____ NO _____

If Yes: Address: _____

Please check if the business entity owns the following:

- | | |
|-------------------------------|---------------------------|
| _____ Boat | _____ Mobile Home/RV |
| _____ Stocks/Bonds | _____ Other Real Property |
| _____ Other Personal Property | _____ Intangible Property |

Please attach copies of the following:

1. All tax returns for the past 3 years, including but not limited to state and federal income tax returns and tangible personal property tax returns.

2. All bank, savings and loan, and other account books or statements for accounts in institutions in which the defendant had any legal or equitable interest for the past 3 years.

3. All canceled checks for the 12 months immediately preceding the date of this judgment for accounts in which the defendant held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date of this judgment.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the defendant within the 12 months immediately preceding the date of filing this lawsuit. Any transfer of property within the last year other than ordinary course of business transactions.
6. Motor vehicle documents, including titles and registrations relating to any motor vehicles owned by the defendant alone or with others.
7. Financial statements and any other business records, including but not limited to accounts payable and accounts receivable ledgers, as to the defendant's assets and liabilities prepared within the 12 months immediately preceding the date of this judgment.
8. Copies of articles, by-laws, partnership agreement, operating agreement, and any other governing documents, and minutes of all meetings of the defendant's shareholders, board of directors, or members held within 2 years of the date of this judgment.
9. Resolutions of the shareholders, board of directors, or members passed within 2 years of the date of this judgment.
10. A list or schedule of all inventory and equipment.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

 Defendant's Designated Representative
 Title: _____

STATE OF FLORIDA
 COUNTY OF _____

The foregoing instrument was acknowledged before me on(date)....., by _____, as the defendant's duly authorized representative, who is personally known to me or has produced _____ as identification and who ___ did/did not ___ take an oath.

WITNESS my hand and official seal, on(date).....

Notary Public
State of Florida

My Commission expires: _____

~~MAIL OR DELIVER~~ SERVE THE COMPLETED FORM AND ATTACH ANY COPIES, PURSUANT TO FLORIDA RULE OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION 2.516, TO THE JUDGMENT CREDITOR OR THE JUDGMENT CREDITOR'S ATTORNEY. DO NOT FILE THIS FORM WITH THE COURT.

RULE 9.410. SANCTIONS

(a) [No Change]

(b) Motion by a Party.

(1) – (2) [No Change]

(3) Initial Service. A ~~copy of a~~ motion for attorneys' fees as a sanction must initially be served only on the party against whom sanctions are sought. Initial service shall be made in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516. That motion shall be served no later than the time for serving any permitted response to a challenged document or, if no response is permitted as of right, within 20 days after a challenged document is served or a challenged claim, defense, contention, allegation, or denial is made at oral argument. A certificate of service that complies with rule 9.420(d) and that reflects service pursuant to this subdivision shall accompany the motion and shall be taken as prima facie proof of the date of service pursuant to this subdivision. A certificate of filing pursuant to subdivision (b)(4) of this rule shall also accompany the motion, but should remain undated and unsigned at the time of the initial service pursuant to this subdivision.

(4) – (5) [No Change]

Committee Notes

[No Change]

RULE 9.420. FILING; SERVICE-OF-COPIES; COMPUTATION OF TIME

(a) – (b) [No Change]

(c) Method of Service. Service of every document filed in a proceeding governed by these rules (including any briefs, motions, notices, responses, petitions, and appendices) shall be made in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516(b), except that petitions invoking the original jurisdiction of the court under rule 9.030(a)(3), (b)(3), or (c)(3) shall be served both by e-mail pursuant to rule 2.516(b)(1) and in paper format pursuant to rule 2.516(b)(2). Service of any document required to be served but not filed contemporaneously shall be made in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516, unless a court orders, a statute specifies, or a supreme court administrative order specifies a different means of service.

(d) – (e) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 12.080. SERVICE OF PLEADINGS AND FILING OF DOCUMENTS

(a) Service.

(1) Family Law Actions Generally. Every pleading subsequent to the initial pleading and every other document filed or required by statute or rule to be served must be served in conformity with the requirements of~~Service of pleadings and documents after commencement of all family law actions, except proceedings for injunctions for protection against domestic, repeat, dating, and sexual violence, and stalking is as set forth in~~ Florida Rule of General Practice and Judicial Administration 2.516, except that rule 2.516 also applies to service on the party during the attorney’s limited appearance as provided in rule 12.040(f) and must be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

(2) [No Change]

(3) Limited Appearance. Florida Rule of General Practice and Judicial Administration 2.516 also applies to service on the party during the attorney's limited appearance as provided in rule 12.040(f) and must be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

(b) – (c) [No Change]

Commentary

[No Change]