

PUBLICATION UPDATE

Route to: _____ _____ _____ _____
 _____ _____ _____ _____

Florida Family Law Practice Manual

Publication 80643 Release 69

November 2012

HIGHLIGHTS

2012 Legislation

- New Statute Provides for Automatic Termination of Nonowner-Spouse as Beneficiary of Life Insurance Policy on Dissolution of Marriage [see Ch. 10B, *Equitable Distribution of Marital Assets*, Ch. 11, *Marital Settlement Agreements Negotiated by Parties*].

Amended Rules Address E-Procedures

- Amended Rules Address Electronic Filing and Discovery of Electronically Stored Documents [see Ch. 4, *Initiating the Dissolution*, Ch. 7, *Discovery*].

New Rule Establishes Uniform Methods of Computing Time

- New Rule of Judicial Administration Sets Forth Methods to Compute Procedural Time Limitations Stated in Days or Hours [see Ch. 5, *Service of Process and Defaults*, Ch. 7, *Discovery*].
- **Third District Issues Opinion Contrary to Case Law Minimiz-**

ing Importance of Parties' Standard of Living (*Quinones v. Quinones*) [see Ch. 10, *Alimony*].

Family Law Rules and Forms Are Amended

- Recently Amended Forms Are Set Forth in Volume 4.

2012 Legislation

Under new Florida Statutes Section 732.703, which took effect on July 1, 2012, a former spouse's designation as beneficiary of funds from (1) an employee benefit plan, (2) individual retirement account (IRA), (3) life insurance policy, or (4) other similar asset, is automatically terminated on dissolution of marriage between the designee-spouse and the owner-spouse unless a statutory exception applies [see 2012 Fla. Laws, ch. 2012-148, §§ 1-2 (creating Fla. Stat. § 732.703 and stating effective date)].

A complete discussion of new Section 732.703 is set forth in Chapter 11, *Marital Settlement Agreements Negotiated by Parties*. The new statute is also covered in

Chapter 10B, *Equitable Distribution of Marital Assets*.

**Amended Rules Address
E-Procedures**

E-Filing

In family cases at the trial-court level, new e-filing requirements set forth in amendments to Florida Rules of Judicial Administration 2.520 and 2.525, and reflected in conforming amendments to the family law rules, will take effect on April 1, 2013. The e-filing requirements in Rules 2.520 and 2.525 took effect for purposes of appellate court proceedings on October 1, 2012 [*see* In Re Amendments to the Florida Rules of Judicial Administration, . . . and The Florida Family Law Rules of Procedure—Electronic Filing, 2012 Fla. App. LEXIS ___, 37 Fla. L. Weekly S426, ___ So. 3d ___ (Fla. June 26, 2012)].

Pursuant to the e-filing amendments, all court documents filed with the family division of a trial court must be filed in electronic rather than hard-copy form, unless one of the following exceptions applies [*see* Fla. R. Jud. Admin. 2.525(d)(1)–(8); In Re Amendments to the Florida Rules of Judicial Administration, . . . and The Florida Family Law Rules of Procedure—Electronic Filing, 2012 Fla. App. LEXIS ___, 37 Fla. L. Weekly S426, ___ So. 3d ___ (Fla. June 26, 2012)]:

(1) The court clerk does not have e-filing capacity.

(2) The filer is a *pro se* party.

(3) The filer is an attorney who has obtained an exemption from the service-by-e-mail requirement established in new Florida Rule of Judicial Administration 2.516.

(4) Another exception applies.

The new e-service requirement mentioned in (3) above is not applicable to

service of initial pleadings. Rather, it is applicable to subsequent pleadings and other documents served in an action. New Florida Rule of Judicial Administration 2.516, which authorizes and sets forth procedures for e-service of subsequent pleadings and other documents, is briefly described in Section 5.01 of Chapter 5, *Service of Process and Defaults*.

Regarding (4) in the list above, which is a “catch-all” exception that allows other exceptions set forth by law to exempt a filing party from e-filing requirements, amended Florida Family Law Rule of Procedure 12.025(b) exempts any document that is filed in an adoption proceeding or other proceeding under Florida Statutes Chapter 63 and that may be relied on by the court to terminate parental rights from the e-filing requirements [*see* Fla. Fam. L. R. P. 12.025(b); In Re Amendments to the Florida Rules of Judicial Administration, . . . and The Florida Family Law Rules of Procedure—Electronic Filing, 2012 Fla. App. LEXIS ___, 37 Fla. L. Weekly S426, ___ So. 3d ___ (Fla. June 26, 2012)].

The e-filing requirements are thoroughly discussed in new Section 4.14 of Chapter 4, *Initiating the Dissolution*. In addition, the exception to e-filing requirements that is applicable to documents pertaining to termination of parental rights in adoption proceedings is discussed in Chapter 18, *Adoption*.

E-Discovery

The Florida Supreme Court recently adopted amendments to the Florida Rules of Civil Procedure that (1) expressly authorize requests for discovery of electronically stored information, and (2) set forth standards for successful challenges to such requests. Additionally, the Supreme Court amended the rules to prohibit sanctions for the loss of electronic evidence due to good-

faith operation of an electronic information system. Most of the amendments apply to family law cases and all took effect on September 1, 2012 [see *In Re: Amendments to the Florida Rules of Civil Procedure—Electronic Discovery*, FL Orders 2012-30, 37 Fla. L. Weekly S442, ___ So. 3d ___ (Fla. July 5, 2012); see also Fla. R. Civ. P. 1.280, 1.340, 1.350, 1.380, 1.420].

The e-discovery amendments that are applicable to family law cases are covered in new Section 7.02B of Chapter 7, *Discovery*.

New Rule Establishes Uniform Methods of Computing Time

The Florida Supreme Court recently adopted new Florida Rule of Judicial Administration 2.514, which establishes uniform methods to calculate time deadlines stated in procedural rules, local rules, court orders, or statutes. The new rule is applicable to all types of proceedings, and sets forth calculation methods applicable to time periods stated in terms of (1) seven days or longer, (2) less than seven days, or (3) hours [see Fla. R. Jud. Admin. 732.703(a)(1)–(3); *In Re: Amendments to the Florida Rules of Judicial Administration, . . . and the Florida Family Law Rules of Procedure—Computation of Time*, 2012 Fla. App. LEXIS ___, 37 Fla. L. Weekly S486, ___ So. 3d ___ (July 12, 2012)].

New Rule 2.514 became effective on October 1, 2012, as did conforming amendments to various procedural rules, including amended Florida Family Law Rule of Procedure 12.090. As amended, Rule 12.090 provides that computation of time will be governed by Rule 2.514 [see Fla. Fam. L. R. P. 12.090; *In Re: Amendments to the Florida Rules of Judicial Administration, . . . and the Florida Family Law*

Rules of Procedure—Computation of Time, 2012 Fla. App. LEXIS ___, 37 Fla. L. Weekly S486, ___ So. 3d ___ (July 12, 2012)].

This release incorporates Rule 2.514 into a number of discussions in the **Florida Family Practice Manual**, including discussions about the time limits on (1) service of process, (2) responding to an initial pleading, and (3) taking various actions pertaining to discovery [see Ch. 5, *Service of Process and Defaults*, Ch. 7, *Discovery*].

Significant Recent District Court Opinions Are Covered

Various significant district court opinions are discussed in this release, including the following:

Chapter 10, Alimony

Quinones v. Quinones, ___ So. 3d ___, 2012 Fla. App. LEXIS 4351, 37 Fla. L. Weekly D699 (Fla. 3d DCA Mar. 21, 2012) (Third District issues decision regarding alimony that is very important because it is contrary to case law that holds parties' standard of living is not "super factor" that "trump[s] all others.").

Silverman v. Silverman, 89 So. 3d 974 (Fla. 3d DCA 2012) (obligee-spouse must have been left in "dire circumstances" before alimony may properly be increased based on inflation's effects).

Galligar v. Galligar, 77 So. 3d 808 (Fla. 1st DCA 2011) (obligor who is meeting current alimony obligation is not required to set aside additional funds to meet future alimony obligations, in anticipation that he or she may lose income due to job loss or other event).

Chapter 10B, Equitable Distribution of Marital Assets

Byrne v. Byrne, ___ So. 3d ___, 2012 Fla. App. LEXIS 4350, 37 Fla. L. Weekly D688 (Fla. 3d DCA Mar. 21, 2012)

(spouse's unwillingness to "walk away" from underwater marital residence is not legally sufficient basis on which to order unequal distribution by assigning residence entirely to that spouse; even if foreclosure occurs, spouses remain liable to pay any difference between what was paid for home at foreclosure sale and what they still owe on home, and therefore negative value of home must be treated as marital liability).

Family Law Forms

Amendments to various family law forms found in Volume 4 of this set have been adopted by the Florida Supreme Court since the last update to the Florida Family Law Practice Manual. Affected forms are as follows:

1. Florida Supreme Court Approved Family Law Form 12.901(b)(1), *Petition for Dissolution of Marriage with Dependent or Minor Child(ren)*
2. Florida Supreme Court Approved Family Law Form 12.901(b)(2), *Petition for Dissolution of Marriage with Property but No Dependent or Minor Child(ren)*
3. Florida Supreme Court Approved Family Law Form 12.901(b)(3), *Petition for Dissolution of Marriage with No Dependent or Minor Children or Property*
4. Florida Supreme Court Approved Family Law Form 12.902(f)(1), *Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren)*
5. Florida Supreme Court Approved Family Law Form 12.902(f)(2), *Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren)*
6. Florida Supreme Court Approved Family Law Form 12.903(a), *Answer, Waiver, and Request for Copy of Final Judgment of Dissolution of Marriage*
7. Florida Supreme Court Approved Family Law Form 12.903(c)(1), *Answer to Petition and Counterpetition for Dissolution of Marriage with Dependent or Minor Child(ren)*
8. Florida Supreme Court Approved Family Law Form 12.903(c)(2), *Answer to Petition and Counterpetition for Dissolution of Marriage with Property but no Dependent or Minor Child(ren)*
9. Florida Supreme Court Approved Family Law Form 12.903(d), *Answer to Counterpetition*
10. Florida Supreme Court Approved Family Law Form 12.904(a), *Petition for Support Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren)*
11. Florida Supreme Court Approved Family Law Form 12.904(b), *Petition for Support Unconnected with Dissolution of Marriage with No Dependent or Minor Child(ren)*
12. Florida Supreme Court Approved Family Law Form 12.905(c), *Supplemental Petition for Modification of Alimony; 12.943, Motion to Deviate from Child Support Guidelines*
13. Florida Supreme Court Approved Family Law Form 12.947(a), *Motion for Temporary Support and Time-Sharing with Dependent or Minor Child(ren)*
14. Florida Supreme Court Approved Family Law Form 12.947(b), *Temporary Order of Support and Time-Sharing with Dependent or Minor Child(ren)*
15. Florida Supreme Court Approved Family Law Form 12.947(c), *Motion for Temporary Support with No Dependent or Minor Child(ren)*
16. Florida Supreme Court Approved Family Law Form 12.947(d), *Temporary*

Support Order with No Dependent or Minor Child(ren)

17. Florida Supreme Court Approved Family Law Form 12.980(a), *Petition for Injunction for Protection Against Domestic Violence*

18. Florida Supreme Court Approved Family Law Form 12.980(b)(1), *Order Setting Hearing on Petition for Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence Without Issuance of an Interim Temporary Injunction*

19. Florida Supreme Court Approved Family Law Form 12.980(b)(2), *Order Denying Petition for Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence or Sexual Violence*

20. Florida Supreme Court Approved Family Law Form 12.980(c)(1), *Temporary Injunction for Protection Against Domestic Violence with Minor Child(ren)*

21. Florida Supreme Court Approved Family Law Form 12.980(c)(2), *Temporary Injunction for Protection Against Domestic Violence Without Minor Child(ren)*

22. Florida Supreme Court Approved Family Law Form 12.980(d)(1), *Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren) (After Notice)*

23. Florida Supreme Court Approved Family Law Form 12.980(d)(2), *Final Judgment of Injunction for Protection Against Domestic Violence Without Minor Child(ren) (After Notice)*

24. Florida Supreme Court Approved Family Law Form 12.980(e), *Order of Dismissal of Temporary Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence*

25. Florida Supreme Court Approved Family Law Form 12.980(f), *Petition for Injunction for Protection Against Repeat Violence*

26. Florida Supreme Court Approved Family Law Form 12.980(g), *Supplemental Affidavit in Support of Petition for Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence*

27. Florida Supreme Court Approved Family Law Form 12.980(h), *Request for Confidential Filing of Address*

28. Florida Supreme Court Approved Family Law Form 12.980(i), *Motion for Extension of Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence*

29. Florida Supreme Court Approved Family Law Form 12.980(j), *Motion for Modification of Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence*

30. Florida Supreme Court Approved Family Law Form 12.980(k), *Temporary Injunction for Protection Against Repeat Violence*

31. Florida Supreme Court Approved Family Law Form 12.980(l), *Final Judgment of Injunction for Protection Against Repeat Violence (After Notice)*

32. Florida Supreme Court Approved Family Law Form 12.980(m), *Order Extending Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence*

33. Florida Supreme Court Approved Family Law Form 12.980(n), *Petition for Injunction for Protection Against Dating Violence*

34. Florida Supreme Court Approved Family Law Form 12.980(o), *Temporary*

Injunction for Protection Against Dating Violence

35. Florida Supreme Court Approved Family Law Form 12.980(p), *Final Judgment of Injunction for Protection Against Dating Violence (After Notice)*

36. Florida Supreme Court Approved Family Law Form 12.980(q), *Petition for Injunction for Protection Against Sexual Violence*

37. Florida Supreme Court Approved Family Law Form 12.980(r), *Temporary Injunction for Protection Against Sexual Violence*

38. Florida Supreme Court Approved Family Law Form 12.980(s), *Final Judgment of Injunction for Protection Against Sexual Violence (After Notice)*

39. Florida Supreme Court Approved Family Law Form 12.980(t), *Petition by Affidavit for Order to Show Cause for a Violation of Final Judgment of Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence*

40. Florida Supreme Court Approved Family Law Form 12.980(u), *Order to Show Cause*

41. Florida Supreme Court Approved Family Law Form 12.983(g), *Final Judgment of Paternity*

42. Florida Supreme Court Approved Family Law Form 12.990(c)(1), *Final Judgment of Dissolution of Marriage with Dependent or Minor Child(ren)*

43. Florida Supreme Court Approved Family Law Form 12.990(c)(2), *Final Judgment of Dissolution of Marriage with Property but No Dependent or Minor Child(ren)*

44. Florida Supreme Court Approved Family Law Form 12.993(a), *Supplemental Final Judgment Modifying Parental Responsibility, Visitation, or Parenting Plan/Time-Sharing Schedule and Other Relief*

45. Florida Supreme Court Approved Family Law Form 12.993(b), *Supplemental Final Judgment Modifying Child Support*

46. Florida Supreme Court Approved Family Law Form 12.993(c), *Supplemental Final Judgment Modifying Alimony*

47. Florida Supreme Court Approved Family Law Form 12.993(d), *Supplemental Temporary Judgment Modifying Parenting Issues for Child(ren) of a Parent Activated, Deployed, or Temporarily Assigned to Military Service*

48. Florida Supreme Court Approved Family Law Form 12.994(a), *Final Judgment for Support Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren)*

49. Florida Supreme Court Approved Family Law Form 12.994(b), *Final Judgment for Support Unconnected with Dissolution of Marriage with No Dependent or Minor Child(ren)*

50. Florida Family Law Rules of Procedure Form 12.996(d), *Florida Addendum to Income Withholding Order*

Matthew Bender provides continuing customer support for all its products:

- Editorial assistance—please consult the “Questions About This Publication” directory printed on the copyright page;

- Customer Service—missing pages, shipments, billing or other customer service matters (1-800-833-9844).
- Outside the United States and Canada, (518) 487-3000, or fax (518) 487-3584;
- Toll-free ordering (1-800-223-1940).



www.lexis.com

Copyright © 2012 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 80643, Release 69, November 2012

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

FILING INSTRUCTIONS

Florida Family Law Practice Manual

Publication 80643 Release 69

November 2012

**Check
As
Done**

- 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 68. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 68, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- 2. This Release Number 69 contains only White Revision pages.
- 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

**Check
As
Done** Remove Old
Pages Numbered

Insert New
Pages Numbered

For faster and easier filing, all references are to right-hand pages only.

VOLUME 1

Revision

- | | | |
|--------------------------|---|--|
| <input type="checkbox"/> | Publication Table of Contents page 1 thru ix. | Publication Table of Contents page 1 thru ix |
| <input type="checkbox"/> | 4-1 thru 4-33 | 4-1 thru 4-37 |
| <input type="checkbox"/> | 5-3 | 5-3 thru 5-4.1 |
| <input type="checkbox"/> | 5-13 thru 5-19 | 5-13 thru 5-19 |
| <input type="checkbox"/> | 7-1 thru 7-45 | 7-1 thru 7-47 |
| <input type="checkbox"/> | 8-41 | 8-41 thru 8-42.1 |
| <input type="checkbox"/> | 9-53 | 9-53 thru 9-54.1 |
| <input type="checkbox"/> | 10-11. | 10-11 thru 10-12.1 |
| <input type="checkbox"/> | 10-19 thru 10-21 | 10-19 thru 10-22.1 |
| <input type="checkbox"/> | 10-89 thru 10-93 | 10-89 thru 10-93 |

VOLUME 2

Revision

- | | | |
|--------------------------|-----------------------------|---------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 10B-9 thru 10B-13 | 10B-9 thru 10B-14.1 |
| <input type="checkbox"/> | 10B-45 thru 10B-47. | 10B-45 thru 10B-47 |
| <input type="checkbox"/> | 11-1 | 11-1 thru 11-2.1 |
| <input type="checkbox"/> | 11-37 thru 11-39 | 11-37 thru 11-43 |
| <input type="checkbox"/> | 12-17 thru 12-23 | 12-17 thru 12-24.1 |
| <input type="checkbox"/> | 15-17. | 15-17 thru 15-18.1 |
| <input type="checkbox"/> | 17-39 thru 17-41 | 17-39 thru 17-42.1 |
| <input type="checkbox"/> | 18-1 thru 18-3 | 18-1 thru 18-4.1 |
| <input type="checkbox"/> | 18-41 thru 18-45 | 18-41 thru 18-46.1 |

VOLUME 3

Revision

- | | | |
|--------------------------|---------------------------|------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | TC-1 thru TC-163. | TC-1 thru TC-163 |
| <input type="checkbox"/> | TS-1 thru TS-21 | TS-1 thru TS-21 |
| <input type="checkbox"/> | I-1 thru I-23 | I-1 thru I-23 |

VOLUME 4

Revision

- | | | |
|--------------------------|------------------------------|----------------------|
| <input type="checkbox"/> | Title page thru xv | Title page thru xiii |
|--------------------------|------------------------------|----------------------|

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	49 thru 71	49 thru 72.1
<input type="checkbox"/>	115 thru 122.5	115 thru 122.5
<input type="checkbox"/>	145 thru 199	145 thru 200.1
<input type="checkbox"/>	213 thru 217	213 thru 218.3
<input type="checkbox"/>	353 thru 380.1	353 thru 379
<input type="checkbox"/>	414.49 thru 498.1	415 thru 498.2(43)
<input type="checkbox"/>	571 thru 577	571 thru 578.1
<input type="checkbox"/>	587 thru 629	587 thru 630.11
<input type="checkbox"/>	687.	687 thru 688.5

FILE IN THE FRONT OF THE FIRST VOLUME
OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printcdsc or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?
FIND THEM AT www.lexisnexis.com/printcdsc

Use the search tool provided to find and download missing filing instructions,
or sign on to the Print & CD Service Center to order missing pages or
replacement materials. Visit us soon to see what else
the Print & CD Service Center can do for you!



www.lexis.com

Copyright © 2012 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 80643, Release 69, November 2012

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.