

## APPENDIX

### RULE 12.060. TRANSFERS OF ACTIONS

(a) – (b) [No Change]

(c) **Method.** The service charge of the clerk of the court to which an action is transferred under this rule must be paid by the party who commenced the action within 30 days from the date the order of transfer is entered, subject to taxation as provided by law when the action is determined. If the service charge is not paid within the 30 days, the action ~~may~~must be dismissed without prejudice by the court that entered the order of transfer.

### RULE 12.070. PROCESS

(a) – (d) [No Change]

(e) **Constructive Service.**

(1) [No Change]

(2) For constructive service of process in any case or proceeding involving parental responsibility, custody, or time-sharing with a minor child, the petitioner must file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(eb). If the responding party cannot be located, the party must be served with process by publication in the manner provided by chapter 49, Florida Statutes. The clerk of the circuit court must mail a copy of the notice to the party's last known address.

(3) [No Change]

(f) – (l) [No Change]

### RULE 12.285. MANDATORY DISCLOSURE

(a) [No Change]

(b) **Time for Production of Documents.**

(1) **Temporary Financial Relief Hearings.** Any document required under this rule in any temporary financial relief proceeding, whether an

initial proceeding or supplemental proceeding, must be served on the other party for inspection and copying as follows.

(A) ~~The~~Any party seeking relief must serve the required documents on the other party ~~with the notice of~~ at least ten days prior to the temporary financial hearing, unless the documents have already been served under subdivision (b)(2).

(B) The responding party, if not otherwise seeking relief, must serve the required documents on the party seeking relief ~~on or before 5:00 p.m., 2 business days before the day of the temporary financial relief hearing if served by delivery or 7 days before the day of the temporary financial relief hearing if served by mail or e-mail, unless the documents have been received previously by the party seeking relief under subdivision (b)(2). A responding party must be given no less than 12 days to serve the documents required under this rule, unless otherwise ordered by the court. If the 45-day period for exchange of documents provided for in subdivision (b)(2) will occur before the expiration of the 12 days, the provisions of subdivision (b)(2) control~~ at least five days prior to the temporary financial hearing, unless the documents have already been served under subdivision (b)(2) of this rule.

(2) [No Change]

(c) [No Change]

(d) **Disclosure Requirements for Temporary Financial Relief.** In any proceeding for temporary financial relief heard within 45 days of the service of the initial pleading or within any extension of the time for complying with mandatory disclosure granted by the court or agreed to by the parties, the following documents must be served on the other party:

(1) [No Change]

(2) All complete federal and state personal income tax returns, gift tax returns, and intangible personal property foreign tax returns filed by the party or on the party's behalf for the past 3 years, including all attachments, including Forms W-2, 1099, K-1, and all accompanying schedules and worksheets comprising the entire tax return. A party may file a transcript of the tax return as provided by Internal Revenue Service Form 4506 T in lieu of his or her individual federal income tax return for purposes of a temporary hearing.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared. If income tax returns have not been filed for any of the prior 2 years beyond the past year, then IRS forms W-2, 1099, and K-1 for those prior 2 years as well.

(4) Pay stubs or other evidence of earned income for the 36 months before ~~service of the financial affidavit~~ compliance with these disclosure requirements for temporary financial relief.

**(e) Parties' Disclosure Requirements for Initial or Supplemental Proceedings.** A party must serve the following documents in any proceeding for an initial or supplemental request for permanent financial relief, including, but not limited to, a request for child support, alimony, equitable distribution of assets or debts, or attorneys' fees, suit money, or costs:

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than \$50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than \$50,000, which requirement cannot be waived by the parties. The financial affidavits must also be filed with the court. A party may request, by using the Standard Family Law Interrogatories, or the court on its own motion may order, a party whose gross annual income is less than \$50,000 to complete Florida Family Law Rules of Procedure Form 12.902(c). All documents supporting the income, assets, and liabilities figures entered into the financial affidavit must also be produced.

(2) All complete federal and state personal income tax returns, gift tax returns, and ~~intangible personal property~~ foreign tax returns filed by the party or on the party's behalf for the past 3 years, including all attachments, including Forms W-2, 1099, K-1, and all accompany schedules and worksheets comprising the entire tax return. A party may file a transcript of the tax return as provided by Internal Revenue Service Form 4506T in lieu of his or her individual federal income tax return for purposes of a temporary hearing.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared. If income tax returns have not been filed for any of the prior 2 years beyond the past year, then IRS forms W-2, 1099, and K-1 for those prior 2 years as well.

(4) Pay stubs or other evidence of earned income for the 36 months before ~~service of the financial affidavit~~compliance with these disclosure requirements for initial or supplemental proceedings.

(5) A statement by the producing party identifying the amount and source of all income received from any source during the 36 months preceding the ~~service of the financial affidavit required by this rule~~compliance with these disclosure requirements for initial or supplemental proceedings if not reflected on the pay stubs produced.

(6) All loan applications, ~~and financial statements, credit reports, or any other form of financial disclosure, including financial aid forms,~~ prepared or used within the 24 months preceding ~~service of that party's financial affidavit required by this rule~~compliance with these disclosure requirements for initial or supplemental proceedings, whether for the purpose of obtaining or attempting to obtain credit or for any other purpose.

(7) All deeds ~~withinevidencing any ownership interest in property held at any time during the last 3 years, all promissory notes or other documents evidencing money owed to either party at any time within the last 24 months, and all present leases, in which the party owns or owned an interest,~~ whether held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for ~~any other person a party or a minor or adult dependent child of both parties,~~ or in someone else's name on the party's behalf wherein either the party:

(A) is receiving or has received payments at any time within the last 3 years for leased real or personal property, or

(B) owns or owned an interest.

(8) All periodic statements from the last 12 months for all checking accounts, and ~~from the last 12 months~~ for all other accounts (for example, savings accounts, money market funds, certificates of deposit, etc.), regardless of whether or not the account has been closed, including those held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for ~~any other person a party or a minor or adult dependent child of both parties,~~ or in someone else's name on the party's behalf. For all accounts that have check-writing privileges, copies of canceled checks and registers, whether written or electronically maintained, shall also be

produced, so that the payee and purpose of each individual instrument can be ascertained.

(9) All brokerage account statements in which either party to this action held within the last 12 months or holds an interest including those held in the party's name individually, in the party's name jointly with any person or entity, in the party's name as trustee or guardian ~~any other person~~ for a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf. For all accounts that have check-writing privileges, copies of canceled checks and registers, whether written or electronically maintained, shall also be produced, so that the payee and purpose of each individual instrument can be ascertained.

(10) The most recent statement and statements for the past 12 months for any profit sharing, retirement, deferred compensation, or pension plan (for example, IRA, 401(k), 403(b), SEP, KEOGH, or other similar account) in which the party is a participant or an alternate payee receiving payments and the summary plan description for any retirement, profit sharing, or pension plan in which the party is a participant or an alternate payee receiving payments. (The summary plan description must be furnished to the party on request by the plan administrator as required by 29 U.S.C. § 1024(b)(4).)

(11) The most recent statement and statements for the past 12 months for any virtual currency transactions in which either party to this action participated within the last 12 months or holds an interest, including those held in the party's name individually, in the party's name jointly with any person or entity, in the party's name as trustee or guardian for a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf. Virtual currency is a digital representation of value that functions as a medium of exchange, a unit of account, and/or a store of value. A listing of all current holdings of virtual currency shall also be disclosed.

(11~~2~~) The declarations page, the last periodic statement, statements for the past 12 months, and the certificate for all life insurance policies insuring the party's life or the life of the party's spouse, whether group insurance or otherwise, and all current health and dental insurance cards covering either of the parties and/or their dependent children.

(123) Corporate, partnership, and trust tax returns for the last 3 tax years if the party has an ownership or interest in a corporation, partnership, or trust ~~greater than or equal to 30%.~~

(134) All promissory notes evidencing a party's indebtedness for the last ~~12~~24 months, whether since paid or not, all credit card and charge account statements and other records showing the party's indebtedness as of the date of the filing of this action and for the last ~~3~~24 months preceding compliance with these disclosure requirements, and all present lease agreements, whether owed in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for ~~any other person~~ a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf.

(145) All written premarital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage, and all affidavits and declarations of non-paternity or judgments of disestablishment of paternity for any minor or dependent children born or conceived during the marriage. Additionally, in any modification proceeding, each party must serve on the opposing party all written agreements entered into between them at any time since the order to be modified was entered.

(156) All documents ~~and tangible evidence~~ supporting the producing party's claim that an asset or liability is nonmarital, for enhancement or appreciation of nonmarital property, or for an unequal distribution of marital property. The documents ~~and tangible evidence~~ produced must be for the time period from the date of acquisition of the asset or debt to the date of production or from the date of the marriage, if based on premarital acquisition.

(167) Any court orders directing a party to pay or receive spousal or child support.

**(f) [No Change]**

**(g) Sanctions.** Any document to be produced under this rule that is not served on the opposing party ~~fewer than 24 hours~~ within the time periods set forth in subdivision (b)(1), as applicable, before a nonfinal hearing or in violation of the court's pretrial order shall not be admissible in evidence at that hearing unless the court finds good cause for the delay. In addition, the court may impose other sanctions authorized by rule 12.380 as may be equitable under the circumstances.

The court may also impose sanctions upon the offending lawyer in lieu of imposing sanctions on a party.

**(h) Extensions of Time for Complying with Mandatory Disclosure.** By agreement of the parties, the time for complying with mandatory disclosure may be extended. Either party may also file, ~~at least 5 days~~ before the due date, a motion to enlarge the time for complying with mandatory disclosure. The court must grant the request for good cause shown.

**(i) – (m) [No Change]**

**Commentary**

[No Change]

**Committee Notes**

[No Change]

**RULE 12.350. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY ON LAND FOR INSPECTION AND OTHER PURPOSES**

**(a) Request; Scope.** Any party may request any other party:

**(1) – (3) [No Change]**

**(b) Procedure.** Without leave of court the request may be served on the petitioner after commencement of the action and on any other party with or after service of the process and initial pleading on that party. The request must set forth the items to be inspected, either by individual item or category, and describe each item and category with reasonable particularity. The request must specify a reasonable time, place, and manner of making the inspection or performing the related acts. The party to whom the request is directed must serve a written response within 30 days after service of the request, except that a defendant may serve a response within 45 days after service of the process and initial pleading on that defendant. The court may allow a shorter or longer time. For each item or category, the response must state that inspection and related activities will be permitted as requested unless the request is objected to, in which event the reasons for the objection must be stated. If an objection is made to part of an item or category, the part must be specified. When producing documents, the response must include an accompanying notice filed in compliance with Rule of Judicial