

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE  
FLORIDA FAMILY LAW RULES  
OF PROCEDURE FORMS 12.985 (a)–(g)**

**CASE NO.:SC19-**

**OUT-OF-CYCLE REPORT OF THE  
FAMILY LAW RULES COMMITTEE**

Maria Liliana Obradovich, Chair of the Family Law Rules Committee (“Committee”), and Joshua E. Doyle, Executive Director of The Florida Bar, respectfully file this Out-of-Cycle Report of the Family Law Rules Committee under Florida Rule of Judicial Administration 2.140(e)(2). The new forms 12.985(a)–(g) have been approved by the full Committee by a vote of 20-0-2 and, as required by Rule 2.140(e)(2), The Florida Bar Board of Governors recommends acceptance of these forms by a vote of 39-0.

The new proposed Forms 12.985(a)–(g) are found in Appendix A (full-page format). In order to preserve the unique formatting required for the footers of the Family Law Forms, the Committee has placed the page numbering for Appendix A in the upper right corner of the Appendix. Pursuant to *In re: Guidelines for Rules Submission*, No. AOSC06-14 (Fla. 2016), no two-column appendix is provided as amendments are the creation of new family law forms. These proposed new forms are filed out-of-cycle because, in the opinion of the Committee, these forms are necessary for the administration of justice. In 2016, the Florida Legislature enacted Part III of Chapter 61, Florida Statutes, regarding the collaborative law divorce process. In *Re: Amendments to Rule Regulating the Florida Bar 4-1.19 and Florida Family Law Rule of Procedure 12.745 (Collaborative Law Process)*, 218 So. 3d 440 (Fla. 2017), the Court adopted relevant procedure rules for the Collaborative Law Process, making the statutes and the corresponding procedure rules effective July 1, 2017. At this time, the Committee believes that it is necessary that these new forms be presented to the Court out-of-cycle to serve as a general guide for attorneys who may be newly engaged in the Collaborative Law Process for Dissolution of Marriage since adoption of the new statutes and rules of procedure. These proposed amendments were published in the September 1, 2018 edition of *The Florida Bar News* and one comment was received by Gregory

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Firestone, Ph.D. (See Appendix B and C.) Dr. Firestone was concerned about the use of “neutral facilitator” throughout the forms. Dr. Firestone believes that a neutral facilitator should have a mental health background and is concerned that the forms do not require this. After analyzing the comment, the Committee determined that no amendments to the forms are necessary in response to the comment received. Mental Health professionals are not regulated by the Supreme Court or the Florida Rules of Professional Conduct, and the Committee believes that persons using the collaborative process should have flexibility to choose professionals who they deem qualified as neutral facilitators. The Committee appreciates Dr. Firestone’s comment.

The Committee respectfully submits the proposed new Forms 12.985(a-g) Introduction and Explanatory Remarks and Forms 12.985(a)–(g) for this Court’s consideration for the following reasons and in the following ways:

**FORMS 12.985(a–g) COLLABORATIVE LAW PROCESS FOR DISSOLUTION OF MARRIAGE FORMS INTRODUCTION AND EXPLANATORY REMARKS**

This introduction provides the purpose of the new Forms 12.985(a)–(g) for use in the collaborative law divorce process.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.985(a) EXPLANATION OF COLLABORATIVE DISSOLUTION PROCESS ATTORNEY–CLIENT**

The new proposed Form 12.985(a) is added to explain the collaborative law process and is presented to the client before the client enters into the collaborative law divorce process. This new form is intended to satisfy Florida Bar Rule of Professional Conduct 4-1.19.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.985(b)(1) COLLABORATIVE LAW PARTICIPATION AGREEMENT PRINCIPLES AND GUIDELINES**

The new proposed Form 12.985(b)(1) is added as a detailed form for a collaborative law participation agreement. The new proposed Form 12.985(b)(1) ensures the client understands the principles and guidelines for the collaborative law process.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.985(b)(2) COLLABORATIVE LAW PARTICIPATION AGREEMENT**

The new proposed Form 12.985(b)(2) is added as a shorter form for the collaborative law participation agreement. The new proposed Form 12.985(b)(2) ensures the client understands the principles and guidelines for the collaborative law process.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.985(c)  
JOINT NOTICE OF COLLABORATIVE LAW PARTICIPATION  
AGREEMENT**

The new proposed Form 12.985(c) is to be filed with the court when an action for dissolution of marriage or paternity is pending and the parties choose to use the collaborative law process. The court may order that the proceedings be stayed while the parties engage in the collaborative law process.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.985(d) CONFIDENTIALITY AGREEMENT (FOR NEUTRAL OR  
INDIVIDUAL CONSULTANT OR NOTE TAKER)**

The new proposed Form 12.985(d) is to be used by neutral or individual consultants or note takers to maintain confidentiality in the collaborative law process.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.985(e)  
AMENDMENT TO COLLABORATIVE LAW PROCESS  
PARTICIPATION AGREEMENT**

The new proposed Form 12.985(e) is to be used when a new collaborative law attorney is substituted for a former collaborative law attorney and the collaborative law process continues with the clients and other participants.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.985(f)  
NOTICE OF TERMINATION OF COLLABORATIVE LAW PROCESS**

The new proposed Form 12.985(f) is to be filed with the court when the collaborative law process has been terminated while an action for dissolution of marriage or paternity is pending.

**FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.985(g)**  
**JOINT VERIFIED PETITION AND VERIFIED ANSWER FOR**  
**DISSOLUTION OF MARRIAGE**

The new proposed Form 12.985(g) is to be filed with the court after the parties have resolved their matter through the collaborative law process and they request that the court ratify their collaborative agreement.

WHEREFORE, the undersigned respectfully request that the Court amend the Florida Family Law Rules of Procedure as outlined in this Out-of-Cycle Report of the Family Law Rules Committee.

Respectfully submitted on June 21, 2019.

/s/ Maria Liliana Obradovich  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was furnished by e-mail, via the Florida Courts E-filing Portal, on June 21, 2019, to:

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**CERTIFICATE OF COMPLIANCE**

I certify that this request was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Mikalla Andies Davis  
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