

**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 Judicial Administration 2.516.

(b) Filing. All documents shall be filed in conformity with the requirements of Florida Rule of Judicial Administration 2.525.

(c) Writing and written defined. Writing or written means a document containing information, an application, or a stipulation.

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 ~~Fla. R. Civ. P.~~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 30 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 Judicial Administration 2.516. If the judgment debtor fails to obey the order, ~~Fla. R. Civ. P.~~Florida Rule of Civil Procedure Form 1.982 may be used in conjunction with this subdivision of this rule.

(b) Purpose of Hearing. The judge, at the request of the judgment creditor, shall order a judgment debtor to appear at a hearing in aid of execution at a time certain 30 or more days from the date of entry of a judgment for the purpose of inquiring of the judgment debtor under oath as to earnings, financial status, and any assets available in excess of exemptions to be applied towards satisfaction of judgment. The provisions of this subdivision of this rule shall only apply to a judgment creditor who is a natural person and was not represented by an attorney prior to judgment. Forms 7.342, 7.343, and 7.344 shall be used in connection with this subdivision of this rule.

Committee Notes

1988 Amendment. Provides a procedure for postjudgment, court-assisted discovery for natural person judgment creditors, unrepresented by counsel prior to judgment.

1996 Amendment. The purpose of the change is to make form 7.343 (Fact Information Sheet) available for use by both a party and the party's attorney, even though the hearing in aid of execution is not available to the attorney. The rule will allow the court to include the order as part of the final judgment or to issue the order after the judgment. The court may adjust the time allowed for the response to the Fact Information Sheet to fit the circumstances.

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's License Number: _____

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 Owning 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.

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 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 I.D. Nos.: _____

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

_____ Camper

_____ 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 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) Court's Motion. After 10 days' notice, on its own motion, the court may impose sanctions for any violation of these rules, or for the filing of any proceeding, motion, brief, or other document that is frivolous or in bad faith. Such sanctions may include reprimand, contempt, striking of briefs or pleadings, dismissal of proceedings, costs, attorneys' fees, or other sanctions.

(b) Motion by a Party.

(1) Applicability. Any contrary requirements in these rules notwithstanding, the following procedures apply to a party seeking an award of attorneys' fees as a sanction against another party or its counsel pursuant to general law.

(2) Proof of Service. A motion seeking attorneys' fees as a sanction shall include an initial certificate of service, pursuant to rule 9.420(d) and subdivision (b)(3) of this rule, and a certificate of filing, pursuant to subdivision (b)(4) of this rule.

(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 Judicial Administration 2.516(b). 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) Filing and Final Service. If the challenged document, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected within 21 days after initial service of the motion under subdivision (b)(3), the movant may file the motion for attorneys' fees as a sanction with the court (A) no later than the time for service of the reply brief, if applicable, or (B) no later than 45 days after initial service of the motion, whichever is later.

The movant shall serve upon all parties the motion filed with the court. A certificate of filing that complies in substance with the form below, and which shall be dated and signed at the time of final service pursuant to this subdivision, shall be taken as prima facie proof of such final service.

I certify that on (date). . . . , a copy of this previously served motion has been furnished to(court)..... byhand delivery/mail/other delivery source..... and has been furnished to(name or names)..... byhand delivery/mail/other delivery source.....

(5) Response. A party against whom sanctions are sought may serve 1 response to the motion within 15 days of the final service of the motion. The court may shorten or extend the time for response to the motion.

Committee Notes

1977 Amendment. This rule replaces former rule 3.17. This rule specifies the penalties or sanctions that generally are imposed, but does not limit the sanctions available to the court. The only change in substance is that this rule provides for 10 days notice to the offending party before imposition of sanctions.

2010 Amendment. Subdivision (b) is adopted to make rule 9.410 consistent with section 57.105, Florida Statutes (2009).

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

(a) Filing.

(1) Generally. Filing may be accomplished in a manner in conformity with the requirements of Florida Rule of Judicial Administration 2.525.

(2) Inmate Filing. The filing date of a document filed by a pro se inmate confined in an institution shall be presumed to be the date it is stamped for filing by the clerk of the court, except as follows:

(A) the document shall be presumed to be filed on the date the inmate places it in the hands of an institutional official for mailing if the institution has a system designed for legal mail, the inmate uses that system, and the institution's system records that date; or

(B) the document shall be presumed to be filed on the date reflected on a certificate of service contained in the document if the certificate is in substantially the form prescribed by subdivision (d)(1) of this rule and either:

(i) the institution does not have a system designed for legal mail; or

(ii) the inmate used the institution's system designed for legal mail, if any, but the institution's system does not provide for a way to record the date the inmate places the document in the hands of an institutional official for mailing.

(b) Service.

(1) By a Party or Amicus Curiae. All documents shall be filed either before service or immediately thereafter. A copy of all documents filed under these rules shall, before filing or immediately thereafter, be served on each of the parties. The lower tribunal, before the record is transmitted, or the court, on motion, may limit the number of copies to be served.

(2) By the Clerk of Court. A copy of all orders and decisions shall be transmitted, in the manner set forth for service in rule 9.420(c), by the clerk of the court to all parties at the time of entry of the order or decision, without first requiring payment of any costs for the copies of those orders and decisions. Prior

to the court's entry of an order or decision, the court may require that the parties furnish the court with stamped, addressed envelopes for transmission of the order or decision.

(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 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 Judicial Administration 2.516(b) unless a court orders, a statute specifies, or a supreme court administrative order specifies a different means of service.

(d) Proof of Service. A certificate of service by an attorney that complies in substance with the requirements of Florida Rule of Judicial Administration 2.516(f) and a certificate of service by a pro se party that complies in substance with the appropriate form below shall be taken as prima facie proof of service in compliance with these rules. The certificate shall specify the party each attorney represents.

(1) By Pro Se Inmate:

I certify that I placed this document in the hands of(here insert name of institution official)..... for mailing to(here insert name or names and addresses used for service)..... on(date).....

.....(name).....

.....(address).....

.....(prison identification number).....

(2) By Other Pro Se Litigants:

I certify that a copy hereof has been furnished to(here insert name or names and addresses used for service)..... by(e-mail) (delivery) (mail)..... on(date).....

.....(name).....
.....(address).....
.....(phone number).....

(e) Computation. Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.

Committee Notes

1977 Amendment. Subdivision (a) replaces former rule 3.4(a). The last sentence of former rule 3.4(a) was eliminated as superfluous. The filing of papers with a judge or justice is permitted at the discretion of the judge or justice. The advisory committee recommends that the ability to file with a judge or justice be exercised only if necessary, and that care be taken not to discuss in any manner the merits of the document being filed. See Fla. Code Prof. Resp., DR 7-110(B) (now R. Regulating Fla. Bar 4-3.5(b)); Fla. Code Jud. Conduct, Canon 3(A)(4).

Subdivision (b) replaces and simplifies former rules 3.4(b)(5) and 3.6(i)(3). The substance of the last sentence of former rule 3.4(b)(5) is preserved. It should be noted that except for the notices or petitions that invoke jurisdiction, these rules generally provide for service by a certain time rather than filing. Under this provision filing must be done before service or immediately thereafter. Emphasis has been placed on service so as to eliminate the hardship on parties caused by tardy service under the former rules and to eliminate the burden placed on the courts by motions for extension of time resulting from such tardy service. It is anticipated that tardy filing will occur less frequently under these rules than tardy service under the former rules because the parties are unlikely to act in a manner that would irritate the court. The manner for service and proof thereof is provided in subdivision (c).

Subdivision (d) replaces former rule 3.4(b)(3) and provides that if a party or clerk is required or permitted to do an act within a prescribed time after service, 5 days (instead of 3 days under the former rule) shall be added to the time if service is by mail.

Subdivision (e) replaces former rule 3.18 with no substantial change. “Holiday” is defined to include any day the clerk’s office is closed whether or not done by order of the court. The holidays specifically listed have been included, even though many courts do not recognize them as holidays, to not place a burden on practitioners to check whether an individual court plans to observe a particular holiday.

1980 Amendment. Subdivision (b) was amended to provide that either the lower tribunal or the court may limit the number of copies to be served. The rule contemplates that the number of copies may be limited on any showing of good cause, for example, that the number of copies involved is onerous or that the appeal involves questions with which some parties have no interest in the outcome or are so remotely involved as not to justify furnishing a complete record to them at appellant’s initial cost. The availability of the original record at the clerk’s office of the lower tribunal until due at the appellate court is a factor to be considered.

2014 Amendment. Subdivision (a)(2) has been completely rewritten to conform this rule to *Thompson v. State*, 761 So. 2d 324 (Fla. 2000), and the federal mailbox rule adopted in *Haag v. State*, 591 So. 2d 614 (Fla. 1992). The amendment clarifies that an inmate is required to use the institutional system designed for legal mail, if there is one, in order to receive the benefits of the mailbox rule embodied in this subdivision. If the institution’s legal mail system records the date the document is provided to institutional officials for mailing (e.g. Rule 33-210.102(8), Florida Administrative Code (2010)), that date is presumed to be the date of filing. If the institution’s legal mail system does not record the date the document is provided to institutional officials—or if the institution does not have a system for legal mail at all—the date of filing is presumed to be the date reflected on the certificate of service contained in the document, if the certificate of service is in substantial conformity with subdivision (d)(1) of this rule. If the inmate does not use the institution’s legal mail system when one exists—or if the inmate does not include in the document a certificate of service when the institution does not have a legal mail system—the date the document is filed is presumed to be the date it is stamped for filing by the clerk of the court.

Court Commentary

2000. Subdivision (a)(2) codifies the Florida Supreme Court's holding in *Thompson v. State*, 761 So. 2d 324 (Fla. 2000).

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 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) Domestic, Repeat, Dating, and Sexual Violence, and Stalking Actions. Service of pleadings and documents regarding proceedings for injunctions against domestic, repeat, dating, and sexual violence, and stalking is governed by rule 12.610, where it is in conflict with this rule.

(3) Limited Appearance. Florida Rule of Judicial Administration 2.516 also applies to service on the party during the attorney's limited appearance as provided in rule 12.040(0 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) Service and Preparation of Orders and Judgments. A copy of all orders or judgments involving family law matters, except proceedings for injunctions for protection against domestic, repeat, dating, and sexual violence, and stalking, must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may require that recommended orders, orders, or judgments be prepared by a party. If the court requires that a party prepare the recommended order, order, or judgment, the party must furnish the court with stamped, addressed envelopes to all parties for service of the recommended order, order, or judgment. The court may also require that any proposed recommended order, order, or judgment that is prepared by a party be furnished to all parties no less than 24 hours before submission to the court of the recommended order, order, or judgment.

(c) **Defaulted Parties.** No service need be made on parties against whom a default has been entered, except that:

(1) Pleadings asserting new or additional claims against defaulted parties must be served in the manner provided for service of summons contained in rule 12.070.

(2) Notice of final hearings or trials and court orders must be served on defaulted parties in the manner provided for service of pleadings and documents contained in Florida Rule of Judicial Administration 2.516.

(3) Final judgments must be served on defaulted parties as set forth in Florida Rule of Judicial Administration 2.516(h).

Commentary

1995 Adoption. This rule provides that the procedure for service shall be as set forth in Florida Rule of Civil Procedure 1.080 with the following exceptions or additions to that rule. First, subdivision (b) corresponds to and replaces subdivision (h)(1) of rule 1.080 and expands the rule to include recommended orders. Second, this rule expands items that must be served on defaulted parties to ensure that defaulted parties are at least minimally advised of the progress of the proceedings. This rule is not intended to require the furnishing of a proposed recommended order, proposed order, or proposed final judgment to a defaulted party.