

RULE 12.105. SIMPLIFIED DISSOLUTION PROCEDURE

(a) **Requirements for Use.** The parties to the dissolution may file a petition for simplified dissolution if they certify under oath that

(1) the parties do not have any minor or dependent children together, the wife does not have any minor or dependent children who were born during the marriage, and the wife is not now pregnant;

(2) the parties have made a satisfactory division of their property and have agreed as to payment of their joint obligations; and

(3) the other facts set forth in Florida Family Law Rules of Procedure Form 12.901(a) (Petition for Simplified Dissolution of Marriage) are true.

(b) **Consideration by Court.** The clerk shall submit the petition to the court. The court shall consider the cause expeditiously. The parties shall appear before the court ~~in every case~~ and, if the court so directs, testify unless the court excuses one or both parties' appearance. The court may order the parties to appear by audio or audio-video communication technology instead of in-person appearance. The court, after examination of the petition ~~and personal appearance of the parties~~, shall enter a judgment granting the dissolution (Florida Family Law Rules of Procedure Form 12.990(a)) if the requirements of this rule have been established and there has been compliance with the waiting period required by statute.

(c) **Final Judgment.** Upon the entry of the judgment, the clerk shall furnish to each party a certified copy of the final judgment of dissolution, which shall be in substantially the form provided in Florida Family Law Rules of Procedure Form 12.990(a).

(d) **Forms.** The clerk or family law intake personnel shall provide forms for the parties whose circumstances meet the requirements of this rule and shall assist in the preparation of the petition for dissolution and other papers to be filed in the action.

Commentary

1995 Adoption. This rule was previously contained in Florida Rule of Civil Procedure 1.611, which included several unrelated issues. Those issues are now

governed by separate family law rules for automatic disclosure, central governmental depository, and this rule for simplified dissolution procedure. Under this rule, the parties must file a financial affidavit (Florida Family Law Rules of Procedure Form 12.902(b) or 12.902(c)), depending on their income and expenses) and a marital settlement agreement (Florida Family Law Rules of Procedure Form 12.902(f)(3)).