

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO: 5-20.8

IN RE: ADMINISTRATIVE PROVISIONS FOR FAMILY LAW DIVISION

WHEREAS, the proper administration of justice in this circuit will be served by the adoption of the recommended administrative provisions, the Court, therefore **ORDERS**:

SECTION 1: APPLICABILITY

These provisions shall apply to actions in the family law division and are intended to complement the Florida Family Law Rules of Procedure.

SECTION 2: INFORMATION FOR SELF-REPRESENTED LITIGANTS

Self-represented individuals are highly encouraged to seek legal advice before proceeding as a “pro se” litigant. However, individuals may visit The Florida State Courts System’s website at www.flcourts.org for general information and essential resources. The website includes family law forms approved by the Florida Supreme Court.

Additionally, before receiving services from the Self-Help Program, please read the NOTICE OF LIMITATIONS OF SERVICES disclaimer. Self-help programs and court staff function under certain service limitations. They can assist you administratively and procedurally, but are not able to act as your lawyer or give you legal advice.

SECTION 3: MEDIATION

Mediation is mandatory in all cases in which there remains a disputed issue.

SECTION 4: TRIALS

Trials shall be scheduled in accordance with Florida Family Law Rule of Procedure 12.440.

SECTION 5: CASE MANAGEMENT AND PRETRIAL CONFERENCES

In all family law cases in which a trial is anticipated, either party may submit a notice for

trial. The Court may then schedule a case management conference pursuant to Florida Family Law Rule of Procedure 12.200. An order scheduling the case management conference, substantially in accordance with the form set forth in Appendix One, will be entered.

Following the case management conference, the Court may schedule a pretrial conference. The order scheduling pretrial conference shall be substantially in accordance with the form order set forth in Appendix Two.

A final hearing scheduled for less than two (2) hours will not require a pretrial or a case management conference unless ordered by the Court on its own motion or the motion of a party. The Court may schedule other case management conferences as authorized by law.

SECTION 6: MOTIONS

Original Motions:

- A. All original motions shall be filed with the Clerk of Court.
- B. When a motion is scheduled for a hearing, a copy of the motion and notice of hearing shall be furnished directly to the judge.
- C. Copies of motions for rehearing shall be submitted to the judge's office upon filing.
- D. All motions shall be captioned in accordance with Florida Family Law Rule of Procedure 12.100. All motions shall include the number of the assigned section placed beneath the case number. All motions shall have a title which indicates the purpose of the motion; simply stating "Motion" is insufficient.

Ex Parte Motion for Temporary Relief:

Any party who seeks temporary relief not provided under the Standing Temporary Order for Dissolution of Marriage on an *ex parte* basis under Florida Rule of Civil Procedure 1.610 or Florida Family Law Rule of Procedure 12.610, shall file a verified, written motion detailing the factual circumstances requiring immediate judicial action without notice to the opposing party.

Emergency And/Or Expedited Motions for Temporary Relief:

- A. Any party who seeks relief on an emergency or expedited basis shall file a verified,

- written motion detailing the factual circumstances requiring immediate judicial action.
- B. Upon the filing of an emergency or expedited motion, the moving party shall serve a copy of the motion to the judge, counsel, and unrepresented parties involved.
- C. In the event that an emergency or expedited motion is judicially determined to warrant an emergency or expedited hearing, a hearing shall be coordinated as soon as possible. If the Court determines that the motion is not of an emergency nature or that the motion does not need to be heard on an expedited basis, then the motion should be set in accordance with Paragraph 7(A) below.

SECTION 7: HEARINGS, NOTICES, CANCELLATIONS, AND CONTINUANCES

- A. SCHEDULING HEARINGS: Following the filing of a motion, the judicial assistant for the judge assigned to a case will schedule all hearings unless the judge schedules a hearing at a pretrial conference, case management conference, or any other hearing. A party desiring to schedule a hearing may obtain available dates from the judicial assistant. Attorneys or unrepresented parties shall request adequate time to hear their motion. When requesting hearing time, the party setting the hearing shall consider how much time opposing counsel will need to defend the motion. At the hearing, it is the responsibility of opposing counsel to inform the Court of the time needed to defend the motion, not to exceed fifty percent (50%) of the time reserved. All hearing dates shall be cleared with opposing counsel prior to notices being filed. This fact shall be shown on the face of the notice itself by inserting the following: **“The above hearing has been cleared with opposing counsel’s calendar on (date).”** In the alternative, if counsel’s good faith attempt to clear a hearing has been unsuccessful, the following language shall be used: **“The above hearing date has not been cleared with opposing counsel’s calendar because (factual statement).”** Further, all notices of hearing shall state whether a court reporter has been and/or will be booked for the hearing.
- B. NOTICES OF HEARING: Any notice of hearing shall be filed as a document separate

from the pleading for which the hearing is scheduled. Any notice of hearing shall clearly specify the purpose, place, date, time and length of the hearing. Any notice of hearing shall comply with the Americans with Disabilities Act. Copies of the notice of hearing shall be served in accordance with Florida Family Law Rule of Procedure 12.090 on all parties and the judge within five (5) working days of scheduling the hearing.

- C. ADDITIONAL MOTIONS: Counsel shall not notice additional motions to be heard at the same time as motions previously noticed for hearing unless both counsel stipulate in writing that any additional motions can be heard at the same time, the judicial assistant is informed, the Court approves, and an amended notice of hearing or a cross notice of hearing is served and filed. If both counsels cannot stipulate to additional motions being heard at the same time as a previously scheduled hearing, then either counsel who wishes to set additional motions for hearing shall obtain new dates from the judicial assistant and follow Paragraph 7(A) above. If a cross notice and/or an amended notice of hearing is filed and a motion or motions are added to a hearing time previously noticed for other matters without the prior stipulation of opposing counsel or court approval, the Court may strike the notice and may impose sanctions.
- D. CANCELATION OF HEARINGS: All hearings scheduled for two (2) hours or more may not be canceled without the mutual consent of the parties, or their counsels, and approval of the Court. The Court may require a mutually signed agreement, which resolves all issues scheduled to be heard at the hearing, to be filed with the Court prior to canceling of the hearing. Other hearings may be canceled by the attorney setting the hearing if sufficient notice is provided to the opposing party. The party canceling the hearing shall serve and file a written notice of cancelation of the hearing and notify the judicial assistant.
- E. CONTINUANCES: Pursuant to Florida Rule of Judicial Administration 2.545(e), “All

motions for continuance shall be in writing unless made at trial and, except for good cause shown, shall be signed by the party requesting the continuance.” All motions for continuance shall include a statement that opposing counsel has been contacted and that opposing counsel either agrees or disagrees with said continuance request.

- F. REASONABLE TIME: “Reasonable Time”, as set forth in Florida Family Law Rule of Procedure 12.090 and Florida Rule of Civil Procedure 1.090, shall be deemed to be not less than five (5) business days except upon a finding of emergency status by the judge before whom such motion is heard. If motions/pleadings are not timely filed, the Court may continue the hearing to a later date.

SECTION 8: ORDERS AND FINAL JUDGMENTS

- A. STANDING TEMPORARY ORDER FOR DISSOLUTION OF MARRIAGE CASES: Upon the filing of any contested petition for dissolution of marriage, the Standing Temporary Order set forth in Administrative Order 5-51.0 (or as later amended by the Court) shall be applicable. The Petitioner must serve a copy of the Standing Temporary Order along with a copy of the initial process and original petition.
- B. FORMAT: Florida Rule of Judicial Administration 2.520 and Florida Family Law Rule of Procedure 12.100 address the requirements for captioning and formatting orders or judgments. Special attention should be paid to the requirement for recording space in Florida Rule of Judicial Administration 2.520. A sufficiently-sized blank for the signature of the judge should be provided, and the signature blank should not be the only item on a page. All pages should be numbered.
- C. UNIFORM ORDERS SETTING FINAL HEARING: The Uniform Order Setting Final Hearing and Pretrial Conference, as referenced herein, shall be used for scheduling contested family law cases that require two hours or more for the final hearing. Although pretrial conferences are not required for hearings that are scheduled for less than two hours, orders scheduling final hearings are required for all cases. There is no

uniform order for scheduling an uncontested final hearing.

- D. UNIFORM ORDER SETTING MEDIATION: The Order of Referral to Mediation, as set forth in Administrative Order 5.33.4 (or as later amended by the Court), shall be utilized for all referrals of mediation to the Tenth Circuit Mediation Services.
- E. ORDERS INCLUDING SUPPORT AWARDS: Orders including a child or spousal support award must include the findings that are the basis for the calculation of support as required by Florida law (including income, insurance, daycare, etc.). When the Court directs that payment of a support award is to be paid through the State Disbursement Unit, the party submitting the proposed order must prepare and include all documents with sufficient information as required by the Clerk of Court in operating the depository as described in Section 61.181, Florida Statutes. If the Court orders an income withholding order, the income withholding order must be submitted contemporaneously with the order or final judgment. Administrative Order 5-8.2 (or as later amended by the Court) is related to the requirements of the documents accompanying a support award.
- F. ORDERS ON PRETRIAL OR POST-JUDGMENT MOTIONS: The title of an order that disposes of a pretrial or post-judgment motion should accurately identify the motion by title. If the title of the motion is not specific enough to identify it, the date of filing should be added to specifically identify the motion being disposed.
- G. FINAL JUDGMENTS: The contents of a final judgment should include:
1. The date of the hearing and the persons who attended the hearing.
 2. Jurisdiction of parties and action, e.g. residency and dissolution of marriage.
 3. Findings and conclusions of law announced by the Court.
 4. Findings regarding parenting plans include specific language concerning the children's best interest.
 5. Findings regarding equitable distribution of assets and debts include findings of

value. In the event of an unequal division, the findings comply with Florida law.

6. Findings regarding transfer of legal title include identification number, legal description, certificate number, account number, VIN number, or similar legal descriptions.
7. Findings regarding alimony include need, ability to pay, and a review of the statutory factors.
8. Findings regarding child support include those items referenced in Paragraph E above.
9. Findings awarding attorney's fees include need, ability to pay, reasonableness of hourly rate, reasonableness of the number of hours, and terms of payment.
10. Findings regarding a name change include a reference to the statutory requirements and the sworn testimony of the person who is seeking the name change.
11. Judgments and orders announced by the Court.
12. Judgments relating to a marital settlement agreement should comply with Section 10 below.

H. SUBMITTING AND OBJECTING TO PROPOSED ORDERS AND JUDGMENTS:

1. The party designated by the Court shall submit the proposed order/judgment within ten (10) working days after the oral decision. Every proposed order should be accompanied by a letter, indicating only that a copy of the proposed order has been provided to the opposing party. In the event the designated party fails to submit a proposed order or judgment within said ten (10) working days, the opposing party may submit a proposed order or judgment after certifying that he/she has made a good faith effort to contact the opposing party and has received no reason for the delay. The Court may impose sanctions for failure to comply with the Court's directive to submit a proposed order timely.
2. In the event a party objects to the proposed order, the objection to the proposed

order must be submitted in writing directly to the judge's office within five (5) working days of the submission of the order, unless otherwise allowed by the Court. Objections to proposed orders may not be used as a substitute for a request for rehearing. Any request for rehearing must be submitted pursuant to the applicable Florida Family Law Rules of Procedure.

3. The judicial assistant will hold the proposed order or judgment for five (5) working days to afford the opposing party an opportunity to file a written objection. In the event of an objection, the judicial assistant shall present any objections or conflicting proposed orders to the judge for resolution. The judicial assistant may distribute the order or judgment without holding the order for five (5) days in the event that the judicial assistant has written confirmation that there is no objection to the proposal.
4. Service of Orders shall be accomplished pursuant to Florida Rule of Judicial Administration 2.516(h). The return address on the furnished envelopes shall read:

(Name of Judge)
Circuit Judge
P.O. Box 9000, Drawer “__” (assigned letter of Judge's mail drawer is used)
Bartow, Florida 33831-9000

The judicial assistant will file any returned or undelivered orders in the court file.

SECTION 9: COORDINATION AND CONSOLIDATION OF ACCOUNTS

The only cases that should be consolidated are cases with *identical parties* and *identical case types*. A case type is assigned by the clerk based upon the relief requested by the Plaintiff/Petitioner. Actions for paternity, IV-D support, and dissolutions of marriage are examples of different case types. An example of cases that should be consolidated are two separate petitions for dissolution of marriage filed by each of the parties, resulting in two separate cases for dissolution of marriage. The cases should be consolidated as one case using the lowest case

number because the parties and case types are the same.

The coordination of cases should be accomplished pursuant to Florida Rule of Judicial Administration 2.545.

SECTION 10: MARITAL SETTLEMENT AGREEMENTS

The proposed final judgment must reflect that the parties’ marital settlement agreement is approved by the Court and that it is made a part of the proposed final judgment. It is better practice for the proposed final judgment to reflect that the parties have entered into a marital settlement agreement and to recite, at a minimum, the provisions of the agreement pertaining to parental responsibility, time sharing, child support, and alimony and that the parties are ordered to abide by all of the terms and provisions contained in the marital settlement agreement. The parties’ fully executed marital settlement agreement shall be filed with the court prior to submission of a proposed final judgment and shall be referenced by title and date of execution in the proposed final judgment. If the marital settlement agreement is not attached to the proposed final judgment it may be destroyed by the clerk under Florida Rule of Judicial Administration 2.430.

SECTION 11: DOCUMENTARY EVIDENCE

Prior to any hearing, all documents intended for admission into evidence shall have exhibit identification information pre-marked in a form suitable for receipt into evidence. The exhibit label shall be in substantially the following format:

Case No. _____
Party _____ Exhibit No. _____
Admitted _____ Excluded _____
Date _____

The party submitting the exhibit shall fill in all blanks on the label except “admitted” and “excluded.”

SECTION 12: RELATED CASES

“[I]f related cases are known or reasonably ascertainable”, the petitioner shall comply with Florida Rule of Judicial Administration 2.545(d) by filing a Notice of Related Cases. Pursuant to rule 2.545(d),

A case is related when:

- (A) it involves any of the same parties, children, or issues and is pending at the time the party files a family case; or
- (B) it affects the court’s jurisdiction to proceed; or
- (C) an order in the related case may conflict with an order on the same issues in the new case; or
- (D) an order in the new case may conflict with an order in the earlier litigation.

The applicable form is Florida Family Law Rules of Procedure Form 12.900(h).

SECTION 13: SOCIAL SECURITY NUMBERS

Parties shall comply with section 61.052(8), Florida Statutes, which states: “Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Each party is also required to provide the full name, date of birth, and social security number for each minor child of the marriage. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.”

SECTION 14: CONFIDENTIAL RECORDS

Parties shall comply with requirements of Florida Rules of Judicial Administration 2.420 and 2.425. Regarding rule 2.425(b)(5), the requirement to use a minor child’s initials does not apply to “[t]he name of a minor in any order relating to parental responsibility, time-sharing, or child support.” Further, the requirement that only the year of birth of a minor’s birth date be

utilized for court filings does not apply to “a writ of attachment or notice to payor” or if “[t]he birth date of a minor...is necessary for the court to establish or maintain subject matter jurisdiction.” See Fla. R. J. Admin. 2.425(b)(4) and (7).

SECTION 15: PARENTING PLANS WITH TIME-SHARING SCHEDULES

- A. All judgments and orders involving time-sharing schedules for minor children shall include a parenting plan. Florida Supreme Court Approved Family Law Forms (parenting plans) 12.995(a), 12.995(b), and 12.995(c) may be found at www.flcourts.org. A sample time-sharing plan is set forth in Appendix Three. Examples of time-sharing schedules are provided at <http://www.jud10.flcourts.org/?q=forms-checklists>.
- B. A parenting plan shall be filed with the Court as provided in the Uniform Order Setting Final Hearing and Pretrial Conference referenced in Section 5 of this Administrative Order.
- C. Parenting plans associated with Final Judgments shall be paginated and shall have a separate signature line for the judge.

SECTION 16: EFFECTIVE DATE

This Order SUPERSEDES Administrative Order No. 5-20.7, entered on January 19, 2017, and shall be effective upon entry.

DONE AND ORDERED on this 20th day of September, 2019.

s/ **ELLEN S. MASTERS**, Chief Judge

Original: Polk County Clerk of Court

Distribution:

All Judges

Hardee County Clerk of Court

Highlands County Clerk of Court

Polk County Clerk of Court

Electronic Bar Mailing

APPENDIX ONE

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA

CASE NO:

SECTION NO:

Petitioner,

and

Respondent.

_____ /

ORDER SETTING CASE MANAGEMENT CONFERENCE

A CASE MANAGEMENT CONFERENCE, pursuant to Florida Family Law Rule of Procedure 12.200 and section 5 of Administrative Order 5-20.8, in the above styled cause will be held on _____ at _____ at the _____ County Courthouse, located at _____ . Counsel and any party who does not have an attorney must attend.

Matters to be considered are:

- a. Whether disputed issues might be resolved by mediation;
- b. Scheduling future proceedings, including a pretrial conference (if deemed necessary), and the final hearing;
- c. Discovery issues, including completion dates; and
- d. Any other issues provided by Florida Family Law Rule of Procedure 12.200.

Note: If a party fails to attend in person or by counsel, the Court may dismiss the case, strike the party's pleadings, limit that party's proof or witnesses, or take any other action the Court deems appropriate.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator, 255 N. Broadway Avenue, Bartow, Florida 33830, (863) 534-4686, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled court appearance is less than 7 days; if you are hearing or voice impaired, call 711.

DONE AND ORDERED on this _____ day of _____, _____.

Circuit Judge

APPENDIX TWO

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA

CASE NO:

SECTION NO:

Petitioner,

and

Respondent.

UNIFORM ORDER SETTING FINAL HEARING AND PRETRIAL CONFERENCE

This cause came before the Court for a Case Management Conference on _____.
The Court, finding that the case is at issue and ready for a Final Hearing; hereby **ORDERS** as follows:

1. **TRIAL.** The trial in this matter is set for _____, beginning at ____ a.m./p.m. and continuing through _____ for ____ hour(s)/day(s); before Circuit Judge _____, Hearing Room _____ of the _____ County Courthouse, _____, Florida _____.
2. **PRETRIAL CONFERENCE.** A Pretrial Conference will be held on _____, at ____ a.m./p.m. before Circuit Judge _____, Hearing Room _____ of the _____ County Courthouse, _____, Florida _____. Each party, if represented by counsel, shall be represented at the conference by the attorney who expects to conduct the actual trial can who shall be familiar, not only with the provisions and purposes of Florida Family Law Rule of Procedure 12.200, but with the party's evidence, and who shall have full authority to simplify and expedite the trial.
3. **Unrepresented parties shall appear at the Pretrial Conference and all parties, including those represented by counsel, are encouraged to attend the Pretrial Conference.**
4. All discovery shall be completed before the Pretrial Conference.
5. Prior to the close of discovery:

- a. **Expert Witness Disclosure.** No later than sixty (60) days before the Pretrial Conference, each party shall file and exchange their final Expert Witness List, which specifically discloses the substance of any expert opinions to be offered at trial. All experts must be made available for deposition at least thirty (30) days before the Pretrial Conference and the expert disclosure shall include at least three (3) dates when the expert and disclosing counsel are available for deposition. Failure to timely comply with the above, without good cause, **shall** result in the exclusion of said witness at the Trial.
 - b. **Witness Disclosure.** Within ten (10) days of the Case Management Conference, each party shall provide the opposing party with a preliminary witness list. No later than thirty (30) days prior to the Pretrial Conference, each party shall file and exchange their final Witness List, which specifically discloses the substance of the witness testimony. Failure to timely comply with the above, without good cause **shall** result in the exclusion of said witness.
 - c. **Exhibit Disclosure.** Within ten (10) days of the Case Management Conference, each party shall provide the opposing party with a preliminary exhibit list. No later than thirty (30) days before the Pretrial Conference, each party shall file and exchange their final Exhibit List, which specifically discloses and identifies the exhibits to be offered at trial. A generic statement disclosing “all discovery in this action”, alone, does not comply with this section. Failure to timely comply with the above, without good cause, **shall** result in the exclusion of said exhibit at trial.
 - d. All written discovery must be completed by the Pretrial Conference. Please be advised that discovery requests must be timely served so that the applicable rule allows for a response prior to the discovery deadline.
 - e. Please also be advised that, absent extraordinary circumstances and good cause shown, at the Final Hearing the Court **will not** permit the introduction of exhibits not disclosed prior to the close of discovery.
6. At least three (3) days prior to the Pretrial Conference, the attorneys for the parties are directed to each file with the court and serve upon opposing counsel a memorandum containing the following information and attachments if relevant based on the pleadings. The memorandum shall not be deemed to amend the pleadings.
 - a. THE MARRIAGE
 - i. Date and place of marriage.
 - ii. Date of separation.
 - iii. Date of filing petition for dissolution of marriage.
 - b. THE CHILDREN
 - i. Names and ages of the children involved, if any.

- ii. The party who presently has majority time-sharing with the children.
 - iii. The amount of the child support proposed for the children.
 - iv. Whether or not the children are presently covered under any medical insurance policy.
 - v. What, if any, special medical problem any of the children have.
 - vi. Suggested parenting plan.
- c. ALIMONY (if applicable based on the pleadings)
- i. Nature of the alimony (permanent, durational, rehabilitative, and/or bridge-the-gap).
 - ii. Amount of alimony, if any, proposed by each party.
- d. PERSONAL PROPERTY
- i. A list of all personal property remaining in controversy and which require action by the Court.
 - ii. Suggested disposition of said property.
 - iii. The value of each piece of property showing any lien or obligation against said property, and who is obligated for payment.
 - iv. Life insurance policies and their present cash surrender value.
 - v. Date of valuation used by a party in valuing any item of personal property.
- e. REAL PROPERTY
- i. A list of real property remaining in controversy and which require action by the Court.
 - ii. The value of each parcel of property showing any lien or obligation against said property, and who is obligated for payment.
 - iii. What interest, right, claim or equitable interest each party claims in each parcel of property.
 - iv. Suggested disposition of the property.
 - v. Date of valuation used by a party in valuing any real property.
- f. RETIREMENT PLANS

- i. A list of all retirement, pension, profit sharing, annuity, deferred compensation and/or insurance plans whether they are vested or non-vested.
 - ii. The value of the retirement plans or other benefits.
 - iii. What interest, right, claim or equitable interest each party claims in the property.
 - iv. Suggested disposition of the plan or benefit.
 - v. Date of valuation used by a party in valuing any retirement plan.
 - g. DEBTS
 - i. A list of all unsecured debts and the amounts thereof.
 - ii. A list of all secured debts including the security payment of debts and the amounts thereof.
 - iii. Suggested disposition of the debts.
 - iv. Date of valuation used by a party in valuing any debt.
 - h. ATTORNEY'S FEES AND COURT COSTS
 - i. The amount of attorney's fees and court costs sought by either party from the other (estimate to conclusion of trial).
 - i. MISCELLANEOUS
 - i. Request for amendments to pleadings.
 - ii. Necessity for further discovery. Be advised that no discovery may be sought after the Pretrial Conference except with leave of Court. Leave to conduct additional discovery after the deadline will generally be denied except upon a finding of good cause and sufficient assurance that the discovery sought will not delay the Final Hearing.
 - iii. List of admissions and stipulations to avoid unnecessary proof.
 - iv. Requests for judicial notice.
 - v. List of all issues of fact to be resolved.
 - vi. List of all issues of law to be resolved.
7. The following shall be attached to the pretrial memorandum described above in Section 7:
 - a. A current and fully executed Financial Affidavit.

- b. A Child Support Guideline Worksheet.
 - c. A spreadsheet with a proposed chart of equitable distribution.
 - d. The final Exhibit List previously filed with the Court identifying all exhibits that the party intends to use at trial.
 - e. A witness list giving all names, addresses, and telephone numbers of individuals who are likely to be called as a witness. The witness list shall specifically designate all expert witnesses.
8. All motions not heard by the Pretrial Conference will be deemed abandoned or waived, absent good cause shown.
 9. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure.
 10. **Counsel or, if unrepresented, the party(ies) shall notify the Court in the event of settlement.** A matter shall be removed from the trial docket only upon the Court's written order.
 11. Be advised that the Pretrial Conference and Final Hearing will only be continued in exceptional circumstances and for good cause shown in writing, signed by counsel and the party he or she represents. Scheduling conflicts arising after the date of this Order will not be persuasive. If a continuance of the Pretrial Conference is sought, the motion to continue must be filed and called up for hearing before Pretrial Conference. The Court will not entertain a motion to continue the Pretrial Conference during the Pretrial Conference.
 12. **COURT REPORTER.** The parties will coordinate if either wishes to have a court reporter present at the trial. The party requiring a court reporter shall secure same, and notify the opposing party three (3) days prior to the trial.
 13. **INTERPRETER.** If either of the parties requires an interpreter, the party requiring the interpreter shall notify the Court prior to the pretrial conference to enable the Court to comply with Florida Rule of Appellate Procedure 2.560.
 14. The time for the Final Hearing has been set based upon the representations of the parties and/or their counsel during the case management conference. The parties will be expected to complete the Final Hearing within the time allotted. The Court will equitably allocate the time between the parties.
 15. Failure to comply with the requirements of this Order may subject the party and/or counsel to such sanctions as the Court shall determine just and proper under the circumstances. Such sanctions may include, but are not limited to, an award of attorney's fees and costs against a party or counsel for non-compliance.

16. **YOU MUST DRESS APPROPRIATELY FOR COURT. ANYONE WEARING NON-BUSINESS-LIKE APPAREL WILL NOT BE ALLOWED INSIDE THE COURTROOM. DO NOT WEAR SHORTS.**

17. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator, 255 N. Broadway Avenue, Bartow, Florida 33830, (863) 534-4686, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled court appearance is less than 7 days; if you are hearing or voice impaired, call 711.

DONE AND ORDERED on this _____ day of _____, _____.

Circuit Judge

APPENDIX THREE

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA**

Case No: _____
Division: _____

Petitioner Father/Mother
and

Respondent Father/Mother

(SAMPLE) PARENTING PLAN

I. PARENTS

Mother

Name: _____

Address: _____

Telephone Number: _____

E-Mail: _____

Address Confidential: *{Please indicate here if mother's address and phone numbers are confidential pursuant to either a _____ Final Judgment for Protection Against Domestic Violence, or _____ other court order _____}*

Father

Name: _____

Address: _____

Telephone Number: _____

E-Mail: _____

Address Confidential: *{Please indicate here if father's address and phone numbers are confidential pursuant to either a _____ Final Judgment for Protection Against Domestic Violence or _____ other court order _____}*

II. CHILDREN

This parenting plan is for the following child(ren) born to, or adopted by the parties:

Legal Name	Date of Birth

III. JURISDICTION

The United States is the country of habitual residence of the child(ren). The State of Florida is the

child(ren)'s home state for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

This Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. Sections 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980, and for all other state and federal laws.

IV. PARENTAL RESPONSIBILITY AND DECISION MAKING

A. PARENTAL RESPONSIBILITY: {Choose only one}

1. **Shared Parental Responsibility.**

It is in the best interests of the child(ren) that the parents confer and **jointly** make all major decisions affecting the welfare of the child(ren). Major decisions include, but are not limited to, decisions about the child(ren)'s education, healthcare, religion and other responsibilities unique to this family.

2. **Shared parental responsibility with designation of specific responsibility.**

It is in the best interests of the child(ren) that the parents confer and **jointly** make all major decisions affecting the welfare of the child(ren) except as noted below. Major decisions include, but are not limited to, decisions about the child(ren)'s education, healthcare, religion and other responsibilities unique to this family.

The Mother/ Father shall have sole responsibility for decisions relating to _____.

The Mother/ Father shall have sole responsibility for decisions relating to _____.

3. **Sole Parental Responsibility:**

It is in the best interests of the child(ren) that the Mother Father shall have sole authority to make major decisions for the child(ren.) It is detrimental to the child(ren) to have shared parental responsibility.

B. DESIGNATION FOR OTHER LEGAL PURPOSES:

The Mother Father is designated as the custodian of the child(ren) SOLELY for purposes of all other state and federal statutes which require a designation or determination of custody. **This designation does not affect either parent's rights and responsibilities under this parenting plan.**

C. DAY TO DAY DECISIONS

Unless otherwise specified in this plan, each parent shall make decisions regarding day-to-day care and control of each child while the child is with that parent. Regardless of the allocation of decision making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child(ren) when the child is residing with that parent. A parent who makes an emergency decision shall share the decision with the other parent as soon as reasonably possible.

D. CHILD CARE:

_____ Each parent may select appropriate childcare providers.

_____ All childcare providers must be agreed upon by both parents.

_____ Each parent must offer the other parent the opportunity to care for the child(ren) before using a childcare provider for any period exceeding _____ hours.

_____ Other: {Specify} _____

_____.

E. EDUCATION

For purposes of school boundary determination and registration, the _____ Mother's / _____ Father's address shall be designated.

_____ {If Applicable} The following provisions are made regarding private or home schooling:

_____.

The _____ Mother / _____ Father is responsible for providing a copy of this Parenting Plan with the child(ren)'s school or day care within _____ days of the entry of the Parenting Plan.

The registering parent shall ensure that the other parent has access to the child(ren) as provided below:

Both parents shall have access to educational records relating the child(ren) and shall be permitted to independently consult with any and all educational professionals involved with the child(ren). Each parent shall be responsible for obtaining records and reports directly from the school or day care.

Regarding emergency contacts, see V. INFORMATION SHARING below.

Both parents are permitted to pick up the child(ren), to attend school or daycare related functions regardless of which parent is exercising time-sharing unless there is a court order stating otherwise. School or daycare related functions include, but are not limited to, lunch, extra -curricular activities, award ceremonies, field trips, etc.

The parents shall cooperate with each other in sharing information related to the child(ren)'s education and shall sign any necessary documentation to ensure that both parents have access to educational records.

F. EXTRA-CURRICULAR ACTIVITIES *{Indicate all that apply}*

1. _____ Either parent may register the child(ren) and allow them to participate in the activity of the child(ren)'s choice.
2. _____ The parents must mutually agree to all extra-curricular activities.
3. _____ The parent with the minor child(ren) shall transport the minor child(ren) to and/or from all mutually agreed upon extra-curricular activities, providing all necessary uniforms and equipment within the parent's possession.

B. BETWEEN PARENT AND CHILD(REN):

Both parents shall keep contact information current. Telephone or other electronic communication between the child(ren) and the other parent shall not be monitored by or interrupted by the other parent. "Electronic communication" includes telephones, electronic mail or e-mail, webcams, video-conferencing equipment and software or other wired or wireless technologies or other means of communication to supplement face to face contact.

The child(ren) may have _____ telephone _____ e-mail _____ other electronic communication in the form of _____ with the other parent: {Choose only **one**}

1. _____ Anytime
2. _____ Every day during the hours of _____ to _____.
3. _____ On the following days _____
during the hours of _____ **to** _____.
4. _____ Other: _____.

Neither parent shall speak about the other parent in a derogatory manner in the presence of the child(ren) nor permit a third party to do so.

Neither parent shall encourage a child to refer to a third party as "Mom, Mother, Dad or Father."

Both parents shall encourage a close and continuing parent-child relationship between the child(ren) and the other parent.

C. COSTS OF ELECTRONIC COMMUNICATION SHALL BE AS FOLLOWS: _____

_____.

VII. SCHEDULING

Timeshare and child support are mutually exclusive. Time-sharing cannot be refused based on failure to pay ordered support.

A. SCHOOL CALENDAR:

If necessary, on or before _____ of each year, both parents should obtain a copy of the school calendar for the next school year. The parents shall discuss the calendars and the time-sharing schedule so that any differences or questions can be resolved.

The parents shall follow the school calendar of: *{Indicate all that apply}*

1. _____ the oldest child
2. _____ the youngest child
3. _____ County
4. _____ School or day care

B. ACADEMIC BREAK DEFINITION:

When defining academic break periods, the period shall begin at the end of the last scheduled day of classes before the holiday or break and shall end on the first day of regularly scheduled classes after the holiday or break.

C. SCHEDULE CHANGES: *{Indicate all that apply}*

1. _____ A parent making a request for a schedule change will make the request as soon as possible, but in any event, except in cases of emergency, no less than _____

_____ before the change is to occur.

2. _____ A parent requesting a change of schedule shall be responsible for any additional childcare, or transportation costs caused by the change.
3. _____ Other *{Specify}* _____
_____.

D. SCHEDULING INTERFERENCE:

Neither parent shall schedule events or activities (i.e. play dates, activities, etc.) for the child(ren) during the other parent’s scheduled time-sharing without the other parent’s consent.

E. TIME-SHARING SCHEDULE:

The Following Time-Sharing Schedule shall begin on _____ (Date and Time).

1. **TIME-SHARING.** Please indicate the overnights spent with each parent on the calendar provided by placing “M” for the Mother and placing an “F” for the Father to illustrate the timeshare rotation. Also indicate the exchange time. For example, if your exchange time is 6:00 pm on a Saturday and the child is going to the Father for an overnight, then Saturday would be marked with an “F” as the Father has the overnight, and a 6:00 pm exchange time.

Saturday
F 6:00 pm

If the overnight is with the Mother and the Father has evening (only) time-sharing from 6:00 pm until 8 pm fill in the schedule as follows:

Wednesday
M (F: 6pm -8pm)

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

2. HOLIDAY TIME-SHARING. (Choose only one)

- a. No holiday time-sharing shall apply. The regular time-sharing schedule set forth above shall apply.
- b. Holiday time-sharing shall be as the parties agree.
- c. Holiday time-sharing shall be in accordance with the following schedule.

The Holiday schedule will preempt and take priority over the regular weekday, weekend, and summer schedules.

Even numbered years (Indicate the parent within each column)

Mother	Father	Mother	Father
Martin Luther King Weekend		Spring Break Vacation	
Memorial Day Weekend		July 4 th	
Labor Day Weekend		Thanksgiving	
Halloween			
2 nd Half of Winter Break		1 st Half of Winter Break	

Odd numbered years (This will be the reverse of the above schedule. Indicate the parent within each column)

Mother	Father	Mother	Father
Spring Break Vacation		Martin Luther King Weekend	
July 4 th		Memorial Day Weekend	
Thanksgiving		Labor Day Weekend	
		Halloween	
1 st Half of Winter Break		2 nd Half of Winter Break	

- i. MARTIN LUTHER KING JR. DAY WEEKEND, MEMORIAL WEEKEND, LABOR DAY WEEKEND: Time-sharing begins at 6:00 p.m. on Friday and ends 6:00 p.m. on Monday.
- ii. SPRING BREAK : Spring break time-sharing begins at 6:00 p.m. on the day school releases for spring break and ends at 6:00 p.m. on Sunday at the end of spring break
- iii. MOTHER’S DAY: Mother’s Day shall be spent with the mother every year. In the event the holiday falls on a weekend scheduled to be spent with the other parent, time-sharing begins at 9:00 a.m. and ends at 6:00 p.m. on Mother’s Day.
- iv. FATHER’S DAY: Father’s Day shall be spent with the father every year. In the event the holiday falls on a weekend scheduled to be spent with the other parent, time-sharing begins at 9:00 a.m. and ends at 6:00 p.m. on Father’s Day.
- v. JULY FOURTH WEEKEND:
 - If July 4th is on Monday, Tuesday, Wednesday, or Thursday, then time-sharing begins on July 3rd at 6:00 p.m. and ends at 8:30 a.m. on July 5th.
 - If July 4th is on Friday, time-sharing begins on July 3rd at 6:00 p.m. and ends at 6:00 p.m. on July 6th.
 - If July 4th is on Saturday or Sunday, time-sharing begins at 6:00 p.m. on the Friday before July 4th and ends at 8:30 a.m. the Monday after July 4th.
- vi. HALLOWEEN/OCTOBER 31ST: If the holiday falls on a weekday, time-sharing begins at 3:00 p.m. (or when school releases) and ends at 8:30 p.m. If the holiday falls on a Saturday or Sunday, time-sharing begins at 9:00 a.m. and ends at 8:30 p.m.
- vii. THANKSGIVING: Time-sharing begins on Wednesday before Thanksgiving at

- viii. 6:00 p.m. and ends at 6:00 p.m. Sunday.
WINTER BREAK: The first half of the winter time-sharing period begins at 6:00 p.m. on the last day of school and ends (including all travel) at 8:30 p.m. December 24th. The second half of the winter time-sharing period begins at 8:30 p.m. December 24th and ends at noon January 1st (including all travel). If school resumes significantly after the January 1 holiday, the parties are encouraged to negotiate an equitable allocation of the additional time.
- ix. MOTHER'S BIRTHDAY: The mother's birthday shall be spent with the mother every year. If the mother is not scheduled to have time-sharing and the mother's birthday is on a weekday, then the time-sharing hours shall begin at 3:00 p.m. or when school releases and end at 8:30 p.m.. If the mother's birthday is on a weekend scheduled with the other parent, time-sharing begins at 9:00 a.m. and ends at 6:00 p.m. on the mother's birthday.
- x. FATHER'S BIRTHDAY: The father's birthday shall be spent with the father every year. If the father is not scheduled to have time-sharing and the father's birthday is on a weekday, time-sharing begins at 3:00 p.m. (or when school releases) and ends at 8:30 p.m. If the father's birthday is on a weekend scheduled with the other parent, time-sharing begins at 9:00 a.m. and ends at 6:00 p.m. on the father's birthday.
- xi. CHILD'S BIRTHDAY: The child's birthday shall be spent with the parent with time-sharing Block A in odd-numbered years and the other parent in even-numbered years. If the child's birthday falls on a weekday, time-sharing shall be from 3:00 p.m. (or when school releases) and ends at 8:30 p.m. If the child's birthday falls on a weekend, time-sharing begins at 9:00 a.m. and ends at 6:00 p.m. on the child's birthday.

Other:

Holidays	Even Years	Odd Years	Beginning Time	Ending Time

3. **SUMMER TIME-SHARING.** (*Choose only one*):

[Insert the name or designation of the appropriate parent in the space provided]

- a. ___ The parents shall follow the regular schedule through the summer.
- b. ___ Parent _____ shall have the entire Summer Break from _____ until _____.
- c. ___ The parents shall equally divide the Summer Break as follows: During odd-numbered years, Parent _____ shall have the child(ren) from _____ (Date) until _____ (Date). The other parent shall have the child(ren) for the second half of the Summer Break from _____ (Date) until _____ (Date). The parents shall alternate the first and second one-halves each year unless otherwise agreed. During the extended periods of time-sharing, the other parent shall have the child(ren)

- _____.
- d. _____ One parent shall have the child(ren) for one week and the other parent shall have the child(ren) for one week rotating back and forth. Exchanges shall occur on the day and at the time set forth below: _____
- _____.
- e. _____ Each parent shall have five weeks during summer to be exercised in a period of three weeks and a period of two weeks, not consecutive to each other. In odd numbered years the _____ Mother _____ Father shall have first choice of summer time-sharing and shall designate such choice in writing no later than April 1 of each year. In even numbered years the other parent shall have first choice and shall designate such choice in writing no later than April 1 of each year.
- f. _____ Other: _____
- _____.

4. **NUMBER OF OVERNIGHTS.**

[Insert the name or designation of the appropriate parent in the space provided]

Based upon the time-sharing schedule, Parent _____ has a total of _____ overnights per year and Parent _____ has a total of _____ overnights per year.

Note: The two numbers must equal 365.

VIII. TRANSPORTATION AND EXCHANGE OF CHILD(REN)

A. TRANSPORTATION: {Choose only one}

1. _____ The _____ Mother _____ Father shall provide all transportation.
2. _____ The parent beginning their time-sharing shall provide transportation for the child(ren).
3. _____ The parent ending their time-sharing shall provide transportation for the child(ren).
4. _____ Any non-local arrangements: _____
5. _____ Other: _____

B. EXCHANGE: {Choose only one}

Both parents shall have the child(ren) ready on time with sufficient clothing packed and ready at the agreed upon time of exchange. If a parent is more than 30 minutes late without contacting the other parent to make other arrangements, the parent with the child(ren) may proceed with other plans and activities.

1. _____ Exchanges shall be at Mother's and Father's homes unless both parents agree to a different meeting place.
2. _____ Exchanges shall occur at _____ unless both parties agree in advance to a different meeting place.

C. FOREIGN AND OUT OF STATE TRAVEL: {Indicate all that apply}

1. ____ Either parent may travel within the United States with the child(ren) during his/her time-sharing. The parent traveling with the child(ren) shall give the other parent at least ____ days written notice before traveling out of state unless there is an emergency, and shall provide the other parent with a detailed itinerary, including locations and telephone numbers where the child(ren) and parent can be reached at least ____ days before traveling. Where one parent lives out of state and a non-local parenting plan is in place, the non-local parent does not have to give a notice or itinerary where the travel is to/from the parent's home state.
2. ____ Either parent may travel out of the country with the child(ren) during his/her time-sharing. At least ____ days prior to traveling, the parent shall provide a detailed itinerary, including locations, and telephone numbers where the child(ren) and parent may be reached during the trip. Each parent shall timely provide whatever documentation is necessary for the other parent to take the child(ren) out of the country, including but not limited to, consent for a passport.
3. ____ If a parent wishes to travel out of the country with the child(ren), he/she shall provide the following security for the return of the child: _____
_____.
4. ____ Other: _____

_____.

IX. CHANGES OR MODIFICATIONS OF THE PARENTING PLAN

The Parties understand, and agree, that it is in the best interest of the Minor Child(ren) for both parents to have quality timeshare with their child(ren). They agree to follow this Timeshare/ Parenting Plan to the best of their abilities. They are aware that there may be times that each Party may have to make good faith adjustments to accommodate this timeshare due to their work schedules and other occurrences that may develop. Temporary changes may be made if they are confirmed in writing by text, letter, or email. **When the parties do not agree, this Parenting Plan remains in effect until further order of the court.**

Any substantial changes to the Parenting Plan must be sought through the filing of a supplemental petition for modification.

X. RELOCATION

Any relocation is subject to and must be sought in compliance with section 61.13001, Florida Statutes. Even a parent with limited time-sharing must comply. Note: Section 61.13001, Florida Statutes, defines "parent" as "any person . . . who is entitled to access to or time-sharing with the child."

XI. DISPUTES OR CONFLICT RESOLUTION

Parents shall attempt to cooperatively resolve any disputes which may arise over the terms of the Parenting Plan. The parents may wish to use mediation or other dispute resolution methods and assistance, such as Parenting Coordinators and Parenting Counselors, before filing a court action.

XII. OTHER PROVISIONS

_____.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in all blanks] This form was prepared for the: {choose only one} Mother Father

This form was completed with the assistance of:

{name of individual} _____,
{name of business} _____,
{address} _____,
{city} _____, {state} _____, {zip code} _____, {telephone number} _____.

SIGNATURES OF PARENTS

(Where parenting plan was achieved by agreement of the parties)

I certify that I have been open and honest in entering into this Parenting Plan. I am satisfied with this Plan and intend to be bound by it effective the date signed below.

Dated: _____

Signature of Mother
Printed Name: _____

I certify that I have been open and honest in entering into this Parenting Plan. I am satisfied with this Plan and intend to be bound by it effective the date signed below.

Dated: _____

Signature of Father
Printed Name: _____

Judicial Enforcement: Failure to comply with the terms of this Parenting Plan may result in appropriate sanctions against the offending party, as permitted by Florida law.

DONE and ORDERED on this _____ day of _____, 20__.

Circuit Court Judge