

Supreme Court of Florida

No. 75,807

IN RE: AMENDMENT TO FLORIDA RULES
OF CIVIL PROCEDURE FORM 1.943(c).

[July 5, 1990]

PER CURIAM.

The Honorable Richard Yale Feder, Circuit Judge of the Eleventh Judicial Circuit of Florida, has requested this Court to amend Florida Rules of Civil Procedure Form 1.943(c). We have jurisdiction. Art. V, § 2(a), Fla. Const.

Judge Feder points out that Form 1.943(c) appears to require the corroborating witness to affirm personal knowledge

that a spouse involved in a dissolution has resided in Florida for six months preceding the date on which the form certificate is executed. As Judge Feder rightly notes, this may result in needless problems if the certificate is signed after the filing date of the dissolution action. This is because section 61.021, Florida Statutes (1989), requires residence for at least six months preceding the date on which the petition is filed. A certificate signed after the filing of the action could be subject to attack as insufficient under the marital dissolution statute.

We agree with Judge Feder's comments, withdraw the present Form 1.943(c) and substitute as its replacement the attached appendix. Deletions are indicated by the use of struck-through type. New language is indicated by underscoring. This amendment shall become effective July 6, 1990, at 12:01 a.m.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, EHRLICH, BARKETT, GRIMES and KOGAN, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THIS AMENDMENT.

Appendix

FORM 1.943(c) CERTIFICATE OF CORROBORATING WITNESS

RE: _____ v. _____, Case No. _____.

____ (Insert information on case.)

UNDER PENALTY OF PERJURY I CERTIFY that I am a resident of the State of Florida; I have known _____ (insert name of Husband or Wife) for more than six months preceding ~~this date~~ _____, the date of the filing of the petition in this action, and I know of my own personal knowledge that such person has resided in the State of Florida for at least that period of time.

Witness' Signature

Witness' Name Typed

Witness' Residence Address

SWORN TO AND SIGNED before me this _____ day of _____,

19____.

CLERK OF THE CIRCUIT COURT OR
NOTARY PUBLIC

Original Proceeding - Florida Rules of Civil Procedure

Honorable Richard Yale Feder, Circuit Judge, Eleventh Judicial
Circuit, Miami, Florida,

for Petitioner