

# Understand Your Legal Issue

Simplified Divorce

Solve Your Legal Problem

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## Simplified Divorce in Florida

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### FAQ

#### **What is a simplified divorce?**

In Florida divorce is known as “Dissolution of Marriage.” A “Simplified Dissolution Procedure” is a procedure people can use to get divorced in Florida if they have no other issues for the court to decide other than their divorce: no children and no property to be divided.

#### **Can I get a simplified divorce?**

You may be able to get a simplified dissolution of marriage if you and/or your spouse have lived in Florida for at least 6 months and if all of the following are true:

- You and your spouse agree that the marriage is “irretrievably broken” and cannot be saved.
- You and your spouse have no minor or dependent child(ren) together (whether they were born before your marriage, during your marriage, or after you were separated) and neither of you is now pregnant.
- You and your spouse have worked out how the two of you will divide the things that you both own (your marital assets) and who will pay what part of the money you both owe (your marital liabilities).
- You accept that you will lose your property if your spouse does not follow through with your agreement to divide your property.
- Note: a pension is property. If either spouse expects to receive part of the other’s pension a simplified dissolution is not the right procedure to use.
- You do not want support (alimony) from your spouse and your spouse does not want support from you.
- Neither you nor your spouse wish to have any financial information other than what is in the financial affidavits.
- You are willing to give up your rights to trial and appeal.
- You and your spouse are both willing to go into the clerk’s office to sign the petition (not necessarily together).

- You and your spouse are both willing to go to the final hearing (at the same time).

## **How do I get a simplified divorce?**

Go to the Clerk of the Court in your area. Tell the Clerk you would like to file for a simplified divorce. The Clerk will give you information to read about the procedure. After you read the information, the Clerk will give you forms to complete. You can also get the forms online at [www.flcourts.org](http://www.flcourts.org)

Make an appointment for BOTH you AND your spouse to meet with the Clerk of the Court. During this meeting, your spouse will have to read the same things that you read. One of you will have to prove that you have been a resident of Florida for at least six months before filing for your divorce. The most common way to do this is with a Florida Driver's License issued six months or more before filing. If neither of you has a license you can have a witness fill out a sworn statement that they have personal knowledge that you have been a Florida resident for six months and have that statement notarized.

After your spouse has read the information and all of your forms are complete, both you and your spouse can file for the simplified divorce and pay the required filing fee. It costs \$409.00 to file your petition but you may qualify for a payment plan if you are indigent. You can get all of the forms online at [www.flcourts.org](http://www.flcourts.org) In addition to asking for a divorce, you may also ask the court to change your name back to what it was before you were married.

## **What happens when we appear before the judge at a hearing?**

When you and your spouse file for the divorce, a hearing date will be set. Both you and your spouse must appear before the Judge at the hearing. Plan to arrive early for the hearing: give yourself plenty of time to find parking, get through security, and find the correct room. Dress neatly as you would for a job interview. Call the judge "ma'am," "sir," or "your honor," and do not interrupt. You will be asked questions about what you wrote in your paperwork and both spouses will be expected to tell the judge that the marriage is "irretrievably broken."

After the testimony of both you and your spouse is heard, the Judge will give you his/ her decision. If the divorce is granted, the judge will sign your final judgment for dissolution of marriage and you will get a certified copy about a week later. You will need to keep the certified copy for your records.

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### **Links:**

[Simplified Divorce in Florida - English Forms from Florida Courts](#)

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