

COORDINATION OF CASE FILES

Background & Analysis

In In re Amendments to Florida Rules of Judicial Admin., 132 So.3d 1114 (Fla., 2014), the court adopted Fla. Fam. L.R.P. 12.003 which provides that all related cases must be handled before one judge unless impractical. Under Fla. R. Civ. P. 1.270(a), “(w)hen actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.” The Commentary to Rule 1.270 indicates that the court has the authority to order the consolidation of actions, trials, or hearings on any or all matters upon the court’s own initiative or upon motion by a party. The broad language of the rule and the stated rationale that “an action should not be handled piecemeal when it reasonably can be avoided, and it should be administered with the least expense and vexation to the parties” suggests that the rule is applicable to the coordination of a family’s pending cases. Commentary to Rule 1.270.

It is also important to be mindful of closed cases which may contain judgments and orders that will impact pending cases. The court must be aware of and consider any orders or judgments that impact jurisdiction, establish a precedence of orders, or may contain inconsistent rulings. Also, reports, assessments, and histories may be readily available in closed files and provide a more accurate and complete family history. Each circuit should address issues related to coordination of UFC cases in its administrative order.

Fla. R. Jud. Admin. 2.545(d) requires the petitioner in a family law case to file a Notice of Related Cases, form 12.900(h), if related cases are known or reasonably ascertainable. A case is considered related if:

- it involves the same parties, children, or issues and is pending when the family law case is filed; or
- it affects the court’s jurisdiction to proceed; or
- an order in the related case may conflict with an order on the same issues in the new case; or an order in the new case may conflict with an order in the earlier case.