

TRANSFERRING RELATED CASES

Background & Analysis:

Jurisdiction of the circuit courts is established pursuant to Article V, Section 5 of the Florida Constitution and is further enumerated in §26.012, Florida Statutes. A circuit judge's jurisdiction is not limited by court divisions. Willie v. State, 600 So. 2d 479, 481 (Fla. 1st DCA 1992) explains that: "[I]t is the court, and not the particular judges thereof, that has jurisdiction over a particular cause, controversy and the parties thereto. (Citation omitted.) Thus, [a]ll circuit judges are empowered to hear and determine any case properly within [that] court's jurisdiction."

While circuit courts are often divided into divisions for purposes of administrative efficiency, the assignment of a circuit judge to a particular division does not limit that judge's jurisdiction; he or she continues to possess the authority to exercise the full power conferred on the circuit courts by the state. Citation omitted.

Similarly, in In the Interest of Peterson, 364 So. 2d 98, 99 (Fla. 4th DCA 1978), the court held, The circuit court has jurisdiction over all matters concerning the custody and welfare of children. All circuit court judges have the same jurisdiction within their respective circuits. A judge in the probate division or the juvenile division or the civil division or the criminal division has the authority and jurisdiction to hear cases involving child custody and dependency. The internal operation of the court system and the assignment of judges to various divisions does not limit a particular judge's jurisdiction.

The Florida Supreme Court has stated its determination to better serve Florida's families through its opinion In re Amendments to Florida Rules of Judicial Admin., 132 So.3d 1114 (Fla., 2014) and its predecessors. These opinions have the force of law and should be referred to when each circuit creates its administrative order designing and implementing its unified family court. As to the issue of UFC jurisdiction, the court has said,

[A] family's interaction with the courts in all circuits **shall** be administratively coordinated and monitored in one unified family division, whether that interaction involves dissolutions of marriage (and attendant determinations of custody, visitation, child support, alimony, and modifications thereof), cases under the Uniform Child Custody Jurisdiction and Enforcement Act and the Uniform Reciprocal Enforcement of Support Act, adoption and paternity; domestic, repeat, dating, or sexual violence; juvenile delinquency and dependency, termination of parental rights, or cases of children or families in need of services. In re Report of the Commission on Family Courts, 633 So. 2d 14, 17 (Fla. 1994) (emphasis added).

Likewise, Fla. R. Jud. Admin. 2.545(d)(2) defines family cases as:

- dissolution of marriage
- annulment
- support unconnected with dissolution of marriage
- paternity
- child support
- UIFSA
- custodial care of and access to children
- proceedings for temporary or concurrent custody of minor children by extended family
- adoption
- name change
- declaratory judgment actions related to premarital, marital, or postmarital agreements
- civil domestic violence injunctions
- repeat violence injunctions
- dating violence injunctions
- stalking injunctions
- sexual violence injunctions
- juvenile dependency
- termination of parental rights
- juvenile delinquency
- emancipation of a minor
- CINS/FINS, truancy
- modification and enforcement of orders entered in these cases

In addition to the directives and guidance already provided by the Florida Supreme Court, it may be helpful to one day have comprehensive and unified rules of procedure for unified family court cases. Presently, however, there are several rules of procedure that aid in the transfer and coordination of cases. Fla. R. Jud. Admin. 2.545 requires the filing of the Notice of Related Cases, Family Law Form 12.900(h), to ensure that all necessary parties, attorneys and judges are aware of related pending cases, and that supplemental notices be sent as related cases become known. In 2014, the Supreme Court issued In re Amendments to Florida Rules of Judicial Admin., 132 So.3d 1114 (Fla., 2014) which created Fla. Fam. L. R. P. 12.003(a)(1). This rule states that all related family cases must be handled before one judge unless impractical. Rule 12.003(2) outlines the procedures to be followed if it is not practical, including consolidating the issues and determining the access of the parties to court records if a related case is confidential. The judges may confer for the purpose of case management and coordination, and either the court or the party that filed the notice of related cases may organize a case management conference under rule 12.200.

Fla. Fam. L.R.P. 12.004 was also created in 2014 to authorize judges, court staff and court personnel access and review of related family files, either pending or closed. The rule prohibits disclosure of confidential information and documents except in accordance with applicable confidentiality laws, and permits court staff to advise the court about the existence of related legal proceedings.

Fla. Fam. L.R.P. 12.003(b) allows the court to order joint hearings or trials in related family cases. Fla. Fam. L.R.P. 12.006 permits the court to file copies of court orders in related family cases involving the same parties. This rule ensures that the files in each of the related family cases contain copies of relevant and appropriate orders which will reduce the possibility that judges will enter conflicting orders in the related cases.