

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2024-029
(Superseded Administrative Order S-2012-041)**

COLLABORATIVE FAMILY LAW PRACTICE

In the 1990s the collaborative family law practice model was adopted in jurisdictions both in the United States and abroad by common law and by statute. In Florida, the creation of family law divisions and necessary support services in the 1990s and the adoption of the Model Family Court in 2001 reflected the recognition of the Florida Supreme Court and Florida Legislature that families in conflict needed a non-litigation forum to restructure family relationships.

The Florida Supreme Court recognized that family cases needed “a system that provided non-adversarial alternatives and flexibility of alternatives; a system that preserved rather than destroyed family relationships; . . . and a system that facilitated the process chosen by the parties.” *In re Report of the Family Law Steering Committee*, 794 So. 2d 518, 523 (Fla. 2001). Florida Family Law Rule of Procedure 12.745 establishes procedures governing courts’ administration of collaborative matters when a proceeding in a collaborative matter is pending before a court.

The Collaborative Law Process Act, sections 61.55-61.58, Florida Statutes, establishes a uniform system of practice for the collaborative law process in this state. The collaborative law process may be commenced prior to the filing of an action with the court or after the filing of an action.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2), and in recognition of the legislative enactment of the Collaborative Law Process Act and the Florida Supreme Court’s

adoption of Florida Family Law Rule of Procedure 12.745, it is therefore ORDERED:

1. Collaborative Practice Model

The collaborative practice model is confidential and utilizes interest-based negotiation to resolve disputes through the structured assistance of collaboratively trained professionals, including but not limited to lawyers, financial professionals, mental health professionals, mediators, and other neutral professionals. It is the policy of Florida to encourage the peaceful resolution of family law disputes and early resolution of pending litigation through a voluntary settlement process. See §61.55, Fla. Stat.

2. Notice of Collaborative Law Participation Agreement

Because the collaborative law process requires each party to be represented by an attorney as set forth in section 61.56(4), Florida Statutes, the Notice of Collaborative Law Participation Agreement will be a joint notice, in substantial conformity with Florida Family Law Rules Form 12.985(c), and must be signed by both individual collaborative attorneys. The Notice of Collaborative Law Participation Agreement will operate both as an application for stay of the proceeding and as a notice of appearance if either attorney has not previously filed a notice of appearance in the pending action.

3. Stay

Upon the filing of a Notice of Collaborative Law Participation Agreement as described above, the presiding judge will promptly either: (a) enter a stay of the proceedings *ex parte*, or (b) notify counsel for both parties that the application for stay must be scheduled for a non-evidentiary hearing. A stay entered in accordance with Florida Family Law Rule of Procedure 12.745(b)(2)(D) may include a requirement for a status report.

4. Approval of Interim Agreements

In accordance with Florida Family Law Rule of Procedure

12.745(c), notwithstanding the stay of a proceeding in which a Notice of Collaborative Law Participation Agreement was filed, the court may enter orders on written interim agreements reached by the parties in the collaborative law process if both parties consent.

5. Concluding the Collaborative Law Process

When a proceeding in a collaborative matter is pending before a court, counsel must promptly file a written notice with the court, consistent with Florida Family Law Rule of Procedure 12.745(b)(2), upon the occurrence of any of the following events concluding the collaborative law process:

- A. Resolution of the collaborative matter as evidenced by a signed record;
- B. Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the collaborative matter will not be resolved in the collaborative law process;
- C. The provision of notice by either party to the other that the collaborative law process is concluded (consistent with Florida Family Law Rule of Procedure 12.745(b)(1)(B), the notice must not identify the party serving the notice that the collaborative law process is concluded);
- D. The initiation by a party of a pleading, a motion, an order to show cause, or a request for a conference with the tribunal;
- E. The request by a party that the proceeding be put on the tribunal's active calendar;
- F. An action by a party requiring notice to be sent to the parties; or

- G. The conclusion of the collaborative law process in accordance with the terms of the parties' collaborative law participation agreement.

The filing of a notice of any of the events listed in section 5(A)-(G) of this administrative order automatically terminates any stay of a proceeding which was based upon the filing of a Notice of Collaborative Law Participation Agreement.

6. Discharge or Withdrawal of Collaborative Attorney

When a proceeding in which a Notice of Collaborative Law Participation Agreement has been filed is pending before a court and an individual attorney who signed the collaborative law participation agreement is no longer representing a party to the collaborative matter, whether they have withdrawn, been replaced, or otherwise:

- A. The attorney who is no longer representing a party must promptly provide notice to the court, which notice must identify the date that the notice of discharge or withdrawal of the collaborative attorney required by Florida Family Law Rule of Procedure 12.745(b)(2)(D), was provided to the parties;
- B. Thirty-one (31) days after the date that the notice of discharge or withdrawal of the collaborative attorney was provided to the parties, the collaborative law process will be concluded and any abatement of a proceeding which was based upon the filing of a Notice of Collaborative Law Participation Agreement automatically terminated, unless a successor collaborative attorney was retained, both collaborative attorneys and the parties reaffirm the collaborative law participation agreement by the signing of an amended collaborative law participation agreement, and within 30 days of the date the notice of discharge or

withdrawal of the collaborative attorney was provided to the parties, counsel files a Notice of Amended Collaborative Law Participation Agreement in substantial conformity with Florida Family Law Rules Form 12.985(c).

7. Excusal from Parenting Course

In a family law matter in which a Notice of Collaborative Law Participation Agreement has been filed, the affidavit of a licensed mental health professional averring that he or she has acted as a facilitator, coach, child specialist or other similar capacity in the collaborative law process and has spent at least four hours educating, training, and assisting each parent to understand the consequences of divorce on parents and children, such assistance of the licensed mental health professional will be considered the “good cause” referenced in section 61.21(4)(b), Florida Statutes, for excusing the parties from the parenting course requirements of this statute.

8. Privacy of Agreement

If the parties to a collaborative law process file a joint notice of their desire to maintain the privacy of an agreement (including, but limited to attachments such as an equitable distribution schedule or a parenting plan) and both parties execute an acknowledgement of their separate obligations to maintain a copy of the agreement and any appropriate attachments, the documents that the parties have acknowledged an obligation to maintain will be reviewed by the court if required, and if incorporated in a court order, may be incorporated only by reference, without requiring the attachment or filing of the document(s).

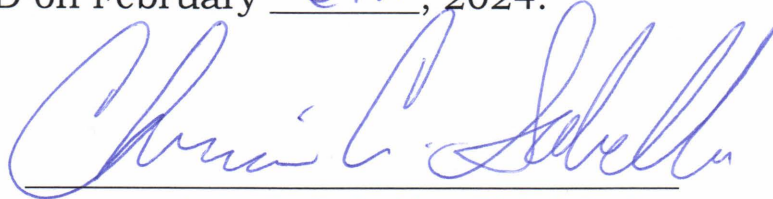
9. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2012-041 (*Collaborative Family Law Practice*).

10. Effective Date

This administrative order is effective March 1, 2024.

ENTERED on February 6th, 2024.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Family Law Division Judges
Hillsborough County Bar Association – Marital and
Family Law Section