

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 24-1
(Court Administration)

ADMINISTRATIVE ORDER
NO. 24-05
(Rescinding AO NO. 07-08)

IN RE: UNIFORM ADMINISTRATIVE ORDER
ESTABLISHING COLLABORATIVE LAW
PROCESS PROCEDURES

WHEREAS, 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; and

WHEREAS, a Collaborative Law Process may be commenced prior to the filing of an action with the court or after the filing of an action; and

WHEREAS, 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; and

WHEREAS, the judicial process will be more efficient and the parties to a pending Collaborative proceeding will benefit from the uniform application of sections 61.55-61.58, Florida Statutes and Rule 12.745, Florida Family Law Rules of Procedure across the Circuit Courts of this State.

NOW, THEREFORE, this Order is intended to provide uniform procedures governing the administration of Collaborative matters when a proceeding in a Collaborative matter is pending before a court, and, under the administrative authority conferred upon the Chief Judge by Article V, Section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Rule 2.215(b)(2), Florida Rules of General Practice and Judicial Administration, it is **ORDERED** that:

1. In accordance with Florida's policy goal of facilitating the peaceful resolution of disputes and early resolution of pending litigation through a voluntary settlement process, Florida family law judges are encouraged to support the use of the Collaborative Law Process. See § 61.55, Fla. Stat.
2. 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 shall be a joint notice, in substantial conformity with Florida Family Law Rules Form 12.985(c), and shall be signed by both individual Collaborative attorneys. The Notice of Collaborative Law Participation Agreement shall 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. Upon the filing of a Notice of Collaborative Law Participation Agreement as described above, a court shall 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 pursuant to Florida Family Law Rules of Procedure, Rule 12.745(b)(2)(D) may include a requirement for a status report.
4. 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.
5. When a proceeding in a Collaborative matter is pending before a court, counsel shall promptly file a written notice with the court, consistent with Florida Family Law Rules of Procedure, Rule 12.745(b)(2)(D), 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 Rules of Procedure, Rule 12.745(b)(2)(D), the Notice shall not identify the party serving the notice that the Collaborative Law Process has 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 5(a)-(g) above automatically terminates any stay of a proceeding which was based upon the filing of a Notice of Collaborative Law Participation Agreement.

- 6. 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 shall promptly provide notice to the court, which notice shall identify the date that the notice of discharge or withdrawal of the Collaborative attorney required by Florida Family Law Rules of Procedure, Rule 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 of Procedure, Form 12.985(c).
- 7. 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 4 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 may be considered the "good cause" referenced in section 61.21 (4)(b), Florida Statutes, for excusing the parties from the parenting course requirements of section 61.21, Florida Statutes.

8. In the event that the parties to a Collaborative Law Process file a joint notice of their desire to maintain the privacy of an agreement and/or appropriate attachments thereto (such as an Equitable Distribution Schedule, a Parenting Plan, etc.) and both parties execute an acknowledgement of their separate obligations to maintain a copy of the agreement and/or appropriate attachment(s) thereto, the documents which the parties have acknowledged an obligation to maintain shall 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. Fees and expenses: Counsel and other retained professionals are entitled to be paid for their services. The parties agree to pay them as part of their contract. If appropriate, one party may be asked to pay all or a disproportionate share of the fees when the assets, liabilities and income of the parties are compared. The determination of fees is also subject to the Collaborative Law Process.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 9th day of May 2024.

**NUSHIN G. SAYFIE, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT**