

FLORIDA THIRD DISTRICT COURT OF APPEAL

Tania T. Aguilar v. Giraldo A. Perez De Utrera

No. 3D25-2344 · No. 3D25-2344 · Decided May 20, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed a circuit court judgment in a family-law appeal. The court held that Florida Rule of Civil Procedure 1.540 and its family-law counterpart, Rule 12.540, are not appropriate vehicles for challenging a judgment based on alleged legal error, and it rejected judicial disqualification based solely on an adverse ruling.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Lindsey, J.; Miller, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 20, 2026
DOCKET	3D25-2344
DISPOSITION	affirmed
PROCEDURAL POSTURE	Aguilar appealed a ruling of the Circuit Court for Miami-Dade County in a family-law matter.
PRECEDENTIAL VALUE	Published
PARTIES	Tania T. Aguilar v. Giraldo A. Perez De Utrera

TOPICS

family law procedure

appellate procedure

family law

preservation of error

PRACTICE AREAS

family law

civil procedure

appellate procedure

judicial disqualification

QUESTIONS PRESENTED

- Whether relief under Florida Rule of Civil Procedure 1.540 or Florida Family Law Rule of Procedure 12.540 is an appropriate means of challenging a judgment based on alleged legal error.
- Whether the fact that a judge ruled against a party provides a legally sufficient basis for judicial disqualification.

HOLDINGS

1. Neither Florida Rule of Civil Procedure 1.540 nor its family-law equivalent, Florida Family Law Rule of Procedure 12.540, is an appropriate vehicle to challenge a judgment based upon alleged legal error.
2. The fact that a judge has ruled against a party is not, standing alone, a legally sufficient basis for disqualification.

KEY QUOTATIONS

“Neither rule 1.540, nor its family law equivalent (rule 12.540), is an appropriate vehicle to challenge a judgment based upon alleged legal error.” (251 So. 3d at 327)

“[W]here a court . . . has jurisdiction of the subject matter and the adverse parties are given an opportunity to be heard, then errors, irregularities or wrongdoing in proceedings, short of illegal deprivation of opportunity to be heard, will not render the judgment void.” (571 So. 2d at 445)

FACTUAL BACKGROUND

The opinion provides no substantive factual background beyond identifying the family-law appeal and the appellant's challenge to the judgment. The cited authorities indicate that the appellant relied on Florida Rule of Civil Procedure 1.540 or its family-law equivalent, Rule 12.540, and possibly sought relief based on alleged legal error or judicial disqualification.

PROCEDURAL HISTORY

The appeal arose from the Circuit Court for Miami-Dade County, Lower Tribunal No. 24-20029-FC-04. The Third District Court of Appeal affirmed the lower court's disposition.

DISPOSITION

affirmed

CASES CITED

- Franco v. Thomas, 251 So. 3d 325, 327 (Fla. 3d DCA 2018)
- Curbelo v. Ullman, 571 So. 2d 443, 445 (Fla. 1990)
- Theodorides v. Theodorides, 201 So. 3d 141, 143–44 (Fla. 3d DCA 2015)
- Thompson v. State, 759 So. 2d 650, 659 (Fla. 2000)

OPINION

Tania T. Aguilar v. Giraldo A. Perez De Utrera

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 20, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-2344 Lower Tribunal No. 24-20029-FC-04 _____ Tania T. Aguilar, Appellant, vs. Giraldo A.

Perez De Utrera, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Donald Cannava, Judge. Tania T. Aguilar, in proper person. Giraldo A. Perez De Utrera, in proper person. Before LINDSEY, MILLER and BOKOR, JJ. PER CURIAM. Affirmed. See *Franco v. Thomas*, 251 So. 3d 325, 327 (Fla. 3d DCA 2018) (“Neither rule 1.540, nor its family law equivalent (rule 12.540), is an appropriate vehicle to challenge a judgment based upon alleged legal error.” (citing *Curbelo v. Ullman*, 571 So. 2d 443, 445 (Fla. 1990), and *Theodorides v. Theodorides*, 201 So. 3d 141, 143–44 (Fla. 3d DCA 2015))); *Curbelo*, 571 So. 2d at 445 (“[W]here a court . . . has jurisdiction of the subject matter and the adverse parties are given an opportunity to be heard, then errors, irregularities or wrongdoing in proceedings, short of illegal deprivation of opportunity to be heard, will not render the judgment void.”); see also *Thompson v. State*, 759 So. 2d 650, 659 (Fla. 2000) (explaining that the fact that a judge has ruled against a party is not a legally sufficient basis for disqualification). 2