

SUPREME COURT OF FLORIDA

In Re: Amendments to Florida Family Law Rule of Procedure 12.100

No. SC21-1173, Supreme Court of Florida (March 24, 2022)

SUMMARY

The Supreme Court of Florida adopted amendments to Florida Family Law Rule of Procedure 12.100 (Pleadings and Motions), effective April 1, 2022. The amendments streamline caption nomenclature to remain constant in trial-level proceedings, clarify that a caption may only be changed by the court for good cause shown, and delete the former provision requiring the caption to remain the same in supplemental proceedings for modification or enforcement. The rule also updates a cross-reference to the renamed Rules of General Practice and Judicial Administration.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Canady, C.J.; Polston, J.; Labarga, J.; Lawson, J.; Muñiz, J.; Couriel, J.; Grosshans, J.
JURISDICTION	Florida
DECIDED	March 24, 2022
DOCKET	SC21-1173
DISPOSITION	approved
PROCEDURAL POSTURE	Original proceeding for rule amendment
PRECEDENTIAL VALUE	Published
PARTIES	Florida Bar Family Law Rules Committee v. Family Law Section of The Florida Bar

TOPICS

- family law
- family law procedure
- civil procedure
- appellate procedure

PRACTICE AREAS

- Family Law
- Civil Procedure

QUESTIONS PRESENTED

- Whether to adopt the proposed amendments to Florida Family Law Rule of Procedure 12.100.

HOLDINGS

1. The Court adopts the proposed amendments to Florida Family Law Rule of Procedure 12.100 as set forth in the appendix to this opinion.

KEY QUOTATIONS

“the Court hereby amends Florida Family Law Rule of Procedure 12.100 (Pleadings and Motions) as proposed by the Committee.” (at 2)

“The amendments shall become effective April 1, 2022, at 12:01 a.m.” (at 3)

“This rule is amended to clarify that trial level nomenclature should be simple, clear, and constant even upon the filing of a post-judgment motion or supplemental action, unless there has been a judicial determination of good cause shown.” (at 7 (Court Commentary))

FACTUAL BACKGROUND

The Florida Bar's Family Law Rules Committee filed a report proposing amendments to Florida Family Law Rule of Procedure 12.100. The proposed amendments were unanimously approved by the Committee and the Board of Governors of The Florida Bar. The proposal was published for comment prior to filing with the Court and received one comment in support. After filing, the Court published the proposal for comment and received one comment in support, to which the Committee responded.

PROCEDURAL HISTORY

This is an original proceeding for rule amendment. The Florida Bar's Family Law Rules Committee proposed amendments to Florida Family Law Rule of Procedure 12.100, which were approved by the Committee and the Board of Governors, published for comment, and received support.

DISPOSITION

approved

CASES CITED

- In re Amends. to Fla. Rules of Jud. Admin.— 2020 Regular-Cycle Report, 310 So. 3d 374 (Fla. 2021)

OPINION

PER CURIAM.

Supreme Court of Florida _____ No. SC21-1173 _____ IN RE: AMENDMENTS TO FLORIDA FAMILY LAW RULE OF PROCEDURE 12.100. March 24, 2022 PER CURIAM. This matter is before the Court for consideration of proposed amendments to Florida Family Law Rule of Procedure 12.100 (Pleadings and Motions). See Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1).

We have jurisdiction. See art. V, § 2(a), Fla. Const. The Florida Bar's Family Law Rules Committee (Committee) filed a report proposing amendments to rule 12.100. The Committee and the Board of Governors of The Florida Bar unanimously approved the proposed amendments.

The Committee published its proposal for comment prior to filing it with the Court and received one comment in support of the proposed amendments. After the Committee filed its report, the Court published the proposal for comment. One comment was received in support of the proposed amendments, and the Committee filed a response.

Having considered the proposed amendments, the comment, and the Committee's response, the Court hereby amends Florida Family Law Rule of Procedure 12.100 (Pleadings and Motions) as proposed by the Committee. The more significant amendments are discussed below.

First, throughout subdivision (c) (Caption), references to the parties are streamlined for clarity and consistency with approved family law forms. Next, existing subdivision (c)(2) is relocated to subdivision (c)(1), and existing subdivision (c)(1) is renumbered as subdivision (c)(2). Within newly renumbered subdivision (c)(1), language is added to clarify that the caption of a case must remain unchanged, but a provision is added that would allow the court to change a caption for good cause shown.

Additionally, newly renumbered subdivision (c)(2)(I), which provides that the caption in all supplemental proceedings for modification or actions to enforce must remain the same, is deleted. -2- Last, in subdivision (d) (Notice of Related Cases), a reference to the Rules of Judicial Administration is amended to reflect the updated name, the Rules of General Practice and Judicial Administration.

See *In re Amends. to Fla. Rules of Jud. Admin.— 2020 Regular-Cycle Report*, 310 So. 3d 374 (Fla. 2021). Accordingly, Florida Family Law Rule of Procedure 12.100 is amended as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck- through type.

The amendments shall become effective April 1, 2022, at 12:01 a.m. It is so ordered. CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS. Original Proceeding – Florida Family Law Rules of Procedure Ashley Elizabeth Taylor, Chair, Family Law Rules Committee, Tampa, Florida, Joshua E. Doyle, Executive Director, and Mikalla Andies Davis, Staff Liaison, The Florida Bar, Tallahassee, Florida, for Petitioner Heather L. Apicella, Chair, Family Law Section of The Florida Bar, Boca Raton, Florida, Kristin R.H.

Kirkner, Co-Chair, Rules and Forms Committee, Family Law Section of The Florida Bar, Tampa, -3- Florida, and Jack A. Moring, Co-Chair, Rules and Forms Committee, Family Law Section of

The Florida Bar, Crystal River, Florida, Responding with comments -4- APPENDIX RULE 12.100. PLEADINGS AND MOTIONS (a) [No Change] (b) [No Change] (c) Caption.

(1) Trial level nomenclature used in the caption should be simple, clear and constant, regardless of who files a petition, counter-petition, motion, or a supplemental action. Even upon filing a supplemental petition or counter-petition, the trial level nomenclature must remain unchanged. Information as to who files a pleading or motion should be part of the document rather than in the caption of the case.

Notwithstanding the foregoing, a court, for good cause shown, may change a caption. (2) Every pleading, motion, order, judgment, or other document must have a caption containing the name of the court, the file number, and except for in rem proceedings, the name of the first party on each side with an appropriate indication of other parties, and a designation identifying the party filing it and its nature or the nature of the order, as the case may be.

In any in rem proceeding, every pleading, motion, order, judgment, or other document must have a caption containing the name of the court, the file number, the style “In re” (followed by the name or general description of the property), and a designation of the person or entity filing it and its nature or the nature of the order. All documents filed in the action must be styled in such a manner as to indicate clearly the subject matter of the document and the party requesting or obtaining relief.

Specific captions for family law cases are as follows: (A) Matters Arising From Dissolution of Marriage. (i) Original Dissolution of Marriage: In re the Marriage of....., HusbandPetitioner and....., WifeRespondent, regardless of who files first and whether there is a counter-petition. -5- (ii) Modification of Final Judgment of Dissolution of Marriage: In the Former Marriage of....., Former HusbandPetitioner, and....., Former WifeRespondent, regardless of who files first and the supplemental petition and whether there is a supplemental counter-petition.

(B) Annulment. (i) Original Annulment: In re the Marriage of....., HusbandPetitioner and....., WifeRespondent, regardless of who files first and whether a counter-petition for annulment or any other pleading in the alternative for dissolution of marriage is filed. (ii) [No Change] (C) Support Unconnected With Dissolution of Marriage: In re the Marriage of....., HusbandPetitioner and....., WifeRespondent, regardless of who files first and whether there is a counter-petition.

(D) Paternity. (i) Original Paternity Proceeding when Paternity is not Admitted Before Filing:....., Putative FatherPetitioner, and....., MotherRespondent, regardless of who files first and whether there is a counter-petition. (ii) Original Paternity Proceedings when Paternity has been Admitted Before Filing:....., FatherPetitioner, and....., MotherRespondent, regardless of who files first and whether there is a counter-petition. (iii) Paternity Modification:....., FatherPetitioner, and....., MotherRespondent, regardless of who files the supplemental petition

and whether there is a supplemental counter-petition. (iv) Disestablishment of Paternity Proceeding:....., FatherPetitioner, and....., MotherRespondent. -6- (E) – (H) [No Change] (I) In all supplemental proceedings for modification or actions to enforce, the caption must remain the same as indicated in this rule.

(2) Trial level nomenclature used in the caption should be simple, clear, constant, and, to the extent possible, unchanging, regardless of who files a petition, counter-petition, or a supplemental action. The trial level nomenclature expressed herein is intended to meaningfully identify the parties by role, such as Wife, Husband, Former Wife, Former Husband, Putative Father, Father, and Mother.

Information as to who files a pleading or motion should be part of the document rather than in the caption of the case. (3) - (4) [No Change] (d) Notice of Related Cases. A notice of related cases, form 12.900(h), must be filed in conformity with Florida Rule of General Practice and Judicial Administration 2.545(d). Commentary [No Change] Court Commentary 2022 Amendments.

This rule is amended to clarify that trial level nomenclature should be simple, clear, and constant even upon the filing of a post-judgment motion or supplemental action, unless there has been a judicial determination of good cause shown. -7-