

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN  
AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE AND  
ST. LUCIE COUNTIES, STATE OF FLORIDA.

**ADMINISTRATIVE ORDER 2022-03**

**In Re: Magistrates and Hearing Officers**

**WHEREAS**, many Family, Dependency, Baker Act, and Marchman Act cases are brought before the Circuit Court; and

**WHEREAS**, the interests of the public and of the litigants require a flexible and speedy resolution of such matters; and

**WHEREAS**, Fla. Fam. L. R. P. 12.490 and Fla. R. Juv. P. 8.257 provide for the appointment of General Magistrates in Family and Dependency proceedings; and

**WHEREAS**, Section 394.467(a), Florida Statutes (2021) also known as the **Baker Act** and Section 397.681, Florida Statutes (2021) also known as the **Marchman Act**, provide for the appointment of General Magistrates to hear these proceedings; and

**WHEREAS**, by Administrative Order dated November 16, 1994, the Supreme Court of Florida has ordered that, pursuant to Fla. R. Civ. P. 1.491(now known as Fla. R. Fam. P. 12.491), Child Support Hearing officers may be utilized in this circuit to hear proceedings for the establishment, enforcement and modification of support in both Title IV-D and Non-Title IV-D cases; and

**WHEREAS**, it is necessary for the proper administration of justice to appoint General Magistrates to hear and make recommendations in family law matters, certain dependency matters, Baker Act and Marchman Act proceedings; and to appoint Child Support Hearing Officers to hear and make recommendations in proceedings for the establishment, enforcement, and modification of support in both Title IV-D and Non-Title IV-D cases; and

**WHEREAS**, it is necessary to establish procedures for the efficient and speedy resolution of all of these matters, it is therefore;

**ORDERED** as follows:

**1. General Magistrate Powers:**

General Magistrates will be appointed by the Chief Judge and shall serve at the

pleasure of the Chief Judge and a majority of the Circuit Judges in the Circuit. General Magistrates shall hear and make recommendations on all post-judgment family law matters and specific pre-judgment family law matters as designated by the judge assigned to the case. They shall also be appointed pursuant to Fla. R. Juv. P. 8.257 to hear dependency matters, *except those prohibited by law*, and to hear Baker Act and Marchman Act proceedings. General Magistrates shall not be referred nor shall they hear Petitions for Termination of Parental Rights Pending Adoption and/or Petitions for Adoption, Petitions for Injunctions for Protection Against Domestic, Repeat, Sexual, Stalking, or Dating Violence. Separate orders of referral shall be entered in each case.

## **2. Child Support Enforcement Hearing Officers Powers:**

Child Support Enforcement Hearing Officers will be appointed by the Chief Judge and serve at the pleasure of the Chief Judge and a majority of the Circuit Judges in the circuit. Child Support Enforcement Hearing Officers shall hear and make recommendations involving the establishment, enforcement, and modification of child support in all Title IV-D and Non-Title IV-D proceedings initially filed by the Department of Revenue or in which they have intervened.

Persons appointed as General Magistrates shall also be appointed as Child Support Enforcement Hearing Officers for the purpose of conducting proceedings involving the establishment, enforcement, and/or modification of child support in cases in which the Department of Revenue is not a party. When acting as a Child Support Enforcement Hearing Officer pursuant to this administrative order, the General Magistrate will have all powers and duties as provided in Fla. R. Fam. P. 12.491.

## **3. Procedures for Referral to General Magistrate**

a. Upon the filing of any post-judgment family action (excluding cases where the Florida Department of Revenue is a party), the action shall be automatically referred to the appropriate General Magistrate and the Court will enter an Order of Referral to General Magistrate. The Order of Referral shall be in substantial conformity with Fla. Fam. L. R. P. 12.920(b) and shall be filed in the court file, even if an objection is intended by a party. No preemptory objections will be accepted prior to the filing of Order of Referral.

b. Upon the filing of any Baker Act or Marchman Act proceeding, the Court will enter an Order of Referral to General Magistrate.

c. At appropriate stages in any dependency proceeding, the Court may enter an Order of Referral for hearings on matters not otherwise prohibited by law.

d. At appropriate stages in any family case, the Court may enter an Order of Referral for a specific hearing or hearings to a General Magistrate.

e. Any objection to an Order of Referral to General Magistrate must be in compliance with Fla. Fam. L. R. P. 12.490 or Fla. R. Juv. P. 8.257.

f. If a timely objection is filed, the matter will remain with the original judge assigned to the case.

g. When a case is referred to a General Magistrate, either party may set the action for hearing before the assigned General Magistrate.

h. The General Magistrate will proceed with hearings and preparation and filing of recommended orders in the manner set forth in Fla. Fam. L. R. P. 12.490 or Fla. R. Juv. P. 8.257.

i. The General Magistrate will retain authority to correct errors or omissions in the original recommended order by filing a corrected or amended recommended order.

j. A Motion to Vacate filed in a family law proceeding shall be governed by Fla. Fam. L. R. P. 12.490(f). Exceptions filed in juvenile proceedings shall be governed by Fla. R. Juv. P. 8.257(f). Should the moving party fail to provide the record and transcript for the Court's review not less than 48 hours before the hearing on the Motion to Vacate or the hearing on Exceptions, without requesting an extension of time, the Motion to Vacate or Exceptions may be deemed abandoned and result in a denial of the Motion to Vacate or sustaining of the Exceptions.

#### **4. Automatic Referral to Child Support Enforcement Hearing Officer**

a. Upon the filing of any action where the Florida Department of Revenue is a party and the sole issue is the establishment, enforcement, or modification of child support, the action shall be automatically referred to the appropriate Child Support Enforcement Hearing Officer.

b. No objections to a referral to a Child Support Enforcement Hearing Officer pursuant to this section will be entertained by the Court.

c. Either party may set the action for hearing before the assigned Child Support Enforcement Hearing Officer.

d. The Child Support Enforcement Hearing Officer will proceed with the hearings and preparation and filing of a recommended order pursuant to Fla. Fam. L. R. P. 12.491.

#### **5. Recommendation of Immediate Incarceration**

On any recommendation for a finding of contempt by a General Magistrate or Child Support Enforcement Hearing Officer, in which a recommendation of immediate incarceration is made, the matter should be transferred *instanter* to the appropriate circuit judge assigned to the case.

#### **6. Time Standards**

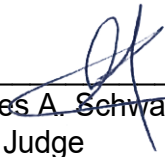
General Magistrates will file and serve copies of the recommended order on all parties within sixty (60) days from the date of the hearing. Child Support Enforcement Hearing

Officers will submit a recommended order to the assigned judge within sixty (60) days from the date of the hearing. In no event will General Magistrates or Child Support Enforcement Hearing Officers maintain a case under advisement more than ninety (90) days from the date of the hearing.

**7. Effective Date and Vacation of Administrative Order 2013-02.**

This administrative order is effective on June 1, 2022. Administrative order 2013-02 is hereby vacated.

**DONE AND ORDERED** in at Ft. Pierce, St. Lucie County, Florida on May 18, 2022.

  
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Charles A. Schwab  
Chief Judge

Electronically Signed by Chief Judge Charles A. Schwab  
10:11 am, May 18, 2022