

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

CASE NO:
DIVISION:

_____/

**ORDER OF REFERRAL TO
GENERAL MAGISTRATE / SUPPORT ENFORCEMENT HEARING OFFICER**

This cause is referred to General Magistrate/Hearing Officer _____, pursuant to Florida Family Law Rules of Procedure 12.490 and 12.491, respectively, and current Administrative Orders of the Court.

1. **Matters Referred.**

This cause is referred to the General Magistrate on the following matters:

- a)
- b)

All other motions currently filed relating to requests for the temporary establishment of parental responsibility, time-sharing, spousal support, child support, exclusive use and possession of a residence/vehicles, and/or attorney's fees and costs *pendente lite*.

Financial Affidavits, Florida Family Law Rules of Procedure Form 12.902(b) or (c), shall be filed in accordance with Florida Family Law Rule of Procedure 12.285.

2. **SCHEDULING OF HEARING:**

Either party may schedule the above referred matter(s) for hearing before the Magistrate by coordinating a hearing date and time with the Magistrate's assistant (904-278-3668 or magistrate@clayclerk.com) and opposing counsel/party. The party setting the motion for hearing shall prepare and serve a notice of hearing. No further order of referral is required. The General Magistrate may also schedule the above referred matter(s) for hearing and prepare and serve a notice of hearing on all parties.

ANY NOTICE OF HEARING BEFORE THE MAGISTRATE MUST FULLY COMPLY WITH THE NOTICE REQUIREMENTS SET FORTH IN FLORIDA FAMILY LAW RULE OF PROCEDURE 12.490(d)(4) AND (5).

ANY NOTICE OF HEARING ON A MOTION FOR CIVIL CONTEMPT IN SUPPORT MATTERS MUST FULLY COMPLY WITH THE NOTICE REQUIREMENTS SET FORTH IN FLORIDA FAMILY LAW RULE OF PROCEDURE 12.615(b).

3. **GENERAL MAGISTRATE:**

(A) Proceedings Before General Magistrate:

Issues relating to dissolution of marriage, spousal support, designation of a majority time-share parent, delineating parental responsibility, and / or establishing an appropriate time-share schedule, paternity, post-judgment matters, and all other matters referred by the Court, shall be heard before the above referenced Court Officer in his/her capacity as a General Magistrate. This referral is made pursuant to Rule 12.490, Florida Family Law Rules of Procedure and current Administrative Orders of Court.

The General Magistrate is authorized to administer oaths and conduct hearings which may include taking of evidence, and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any.

Upon conclusion of the hearing, the General Magistrate shall file a report that includes findings of fact and conclusions of law, together with recommendations to the undersigned Judge.

(B) Consent to Referral:

A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BEFORE A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BEFORE THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE REFERRAL.

IF AN OBJECTION IS FILED, THE OBJECTING PARTY MUST SERVE A COPY OF THE OBJECTION ON ALL PARTIES, THE DIVISION JUDGE AND THE GENERAL MAGISTRATE ASSIGNED TO HEAR THE CASE.

If either party files a timely objection, this matter shall be returned to the Judge to which the case is assigned with a notice stating the amount of time needed for hearing.

(C) Review of Report and Recommendation:

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 12.490(F), FLORIDA FAMILY LAW RULE OF PROCEDURE. A RECORD, WHICH INCLUDES A

TRANSCRIPT OF PROCEEDINGS, MAY BE REQUIRED TO SUPPORT THE EXCEPTIONS.

YOU ARE ADVISED THAT IN THIS COUNTY, SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.

You are advised that in this Circuit electronic recording is provided by the Court. A party may bring a court reporter at that party's expense.

AFTER CONCLUSION OF THE PROCEEDINGS, IF EXCEPTIONS TO THE GENERAL MAGISTRATE'S REPORT ARE FILED, A COPY OF SAME SHALL BE CONTEMPORANEOUSLY SUBMITTED TO THE GENERAL MAGISTRATE.

The General Magistrate shall have reserved jurisdiction to conduct such re-hearing or request for clarification as the General Magistrate determines appropriate. Such reservation of jurisdiction shall not restrict the jurisdiction of the Circuit Court to proceed on the exceptions.

4. **SUPPORT ENFORCEMENT HEARING OFFICER:**

(A) Proceedings Before Support Enforcement Hearing Officer:

Proceedings for the establishment, enforcement, or modification of child support, or the enforcement of any support order for the parent or other person entitled to receive child support, in conjunction with an ongoing child support or child support arrearage order, shall be heard before the above referenced Court Officer in his/her capacity as a Support Enforcement Hearing Officer. This referral is made pursuant to Rule 12.491, Florida Family Law Rules of Procedure, and current Administrative Orders of Court.

The Support Enforcement Hearing Officer is authorized to issue process, administer oaths, require the production of documents, and conduct hearings for the purpose of taking evidence. Upon conclusion of the hearing, the Support Enforcement Hearing Officer shall submit a recommended Order to the undersigned Judge.

The court shall review recommended orders, and shall enter such orders promptly upon receipt unless good cause appears to amend the order, conduct further proceedings, or refer the matter back to the Hearing Officer to conduct further proceedings.

(B) Relief From Order:

ONCE ENTERED, ANY PARTY AFFECTED BY THE ORDER MAY MOVE TO VACATE THE ORDER BY FILING A MOTION TO VACATE WITHIN 10 DAYS FROM THE DATE OF

ENTRY OF THE ORDER. YOU MUST FILE YOUR MOTION TO VACATE IN ACCORDANCE WITH RULE 12.491(f), FLORIDA FAMILY LAW RULES OF PROCEDURE

For purpose of hearing on a motion to vacate, the party seeking review shall provide the court with a transcript of all relevant proceedings before the Hearing Officer. The transcript shall be delivered to the judge and provided to opposing counsel or opposing party not less than 48 hours before the hearing on the motion to vacate. The cost of the original and all copies of the transcript shall be borne initially by the party seeking review, subject to appropriate assessment of suit monies.

Any party affected by any order entered herein may move to modify that order at any time.

5. **DURATION OF REFERRAL:**

This referral shall be effective through all temporary proceedings, and shall continue in effect unless and until the case is set for trial before a Circuit Judge. In the event that trial is to be set before the Magistrate, a separate Order of Referral shall be required.

DONE AND ORDERED in Chambers at Green Cove Springs, Clay County, Florida on this _____ day of _____, 20__.

Circuit Judge

Copies to: