

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup>  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 5.017/10-1

IN RE:

APPOINTMENT OF SPECIAL  
MAGISTRATES IN FAMILY  
COURT PROCEEDINGS

\_\_\_\_\_:

WHEREAS, pursuant to Florida Family Law Rule of Procedure Section 12.492, the Court is authorized to appoint a Special Magistrate for any particular service required by the Court; and

WHEREAS, the prompt and efficient administration of justice requires that the services of Special Magistrates be available to the Family Courts; and

WHEREAS, pursuant to the authority vested in the Chief Judge by Florida Rule of Judicial Administration 2.215(b), the Sixteenth Judicial Circuit institutes the following procedures regarding the appointment of Special Magistrates in Family Court proceedings:

1. All referrals to a Special Magistrate, except those appointments made to preside over depositions and rule upon objections, require the express prior consent of the parties.
2. The general powers and duties of a Special Magistrate and the conduct of hearings are as set forth in Florida Family Rule of Procedure Section 12.492 (c) and (e).
3. The costs of a Special Magistrate may be assessed as any other suit money in Family proceedings, based on the discretion of the presiding judge. The rate of compensation for Special Magistrates is based on current contract rates.
4. All Family Court cases are automatically scheduled for a Case Management Conference pursuant to the Standing Order for Case Management Conference and Notice and Referral to Special Magistrate, designated as "Attachment A" and attached hereto.

Administrative Order 5.017, *Appointment of Special Masters in Family Court Proceedings*, is amended in its entirety.

DONE AND ORDERED at Key West, Monroe County, Florida, this 10<sup>th</sup> day of January, 2010.

  
Luis Garcia  
Chief Judge

ATTACHMENT "A"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,  
IN AND FOR MONROE COUNTY, FLORIDA

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent,  
\_\_\_\_\_ /

CASE NO: \_\_\_\_\_  
FAMILY DIVISON

**STANDING ORDER FOR CASE MANAGEMENT CONFERENCE AND NOTICE  
AND ORDER OF REFERRAL TO MAGISTRATE**

Pursuant to Rule 12.200 Florida Family Law Rules of Procedure, the Court finds it is in the best interests of the parties to provide for the prompt and efficient administration of Justice. Upon its own motion, it is ordered as follows:

1. **CASE MANAGEMENT STATUS CONFERENCE REQUIRED.** Petitioner and Respondent and his/her attorney are required to attend a Case Management Conference scheduled on \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ a.m./p.m. at the \_\_\_\_\_ Courthouse located at \_\_\_\_\_, Florida 330\_\_\_\_\_.

A. **REFERRAL TO GENERAL/SPECIAL MAGISTRATE.** Pursuant to Rule 12.490 and 12.492 of the Florida Family Law Rules of Procedure your case may be referred to a General or Special Magistrate for Case Management. The General/Special 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. **YOUR CASE IS HEREBY REFERRED TO SPECIAL MAGISTRATE \_\_\_\_\_.**

**A REFERRAL TO A GENERAL/SPECIAL 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/SPECIAL 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 CONSENT TO THE REFERRAL. REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL/SPECIAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 12.490(F), FLORIDA FAMILY LAW RULES OR PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT THE EXCEPTIONS.**

**YOU ARE ADVISED THAT IN THIS CIRCUIT ELECTRONIC RECORDING IS PROVIDED BY THE COURT. A party may provide a court reporter at that party's expense.**

**SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL/SPECIAL MAGISTRATE, YOU**

