

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

CASE NO:
DIVISION:

_____ /

ORDER OF REFERRAL TO GENERAL MAGISTRATE

This cause is referred to General Magistrate _____, pursuant to Florida Family Law Rule of Procedure 12.490 and current Administrative Orders of the Court.

1. **MATTERS REFERRED:**

This cause is referred to the General Magistrate on the following matter(s):

and any other matter related thereto.

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 a hearing before the Magistrate by coordinating a hearing date and time by e-mail with the Magistrate's assistant (albertm@clayclerk.com) and opposing counsel/party.

The party requesting the 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 BE IN SUBSTANTIAL CONFORMITY WITH FLORIDA FAMILY LAW RULE OF PROCEDURE FORM 12.920(b) AND (c) AND 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:

The General Magistrate shall assign a time and place for the proceedings upon request after this referral is made and shall give notice to each of the parties either directly or by directing counsel to file and serve a notice of hearing.

If any party fails to appear, the General Magistrate may proceed *ex parte* or may adjourn the proceeding to a future day, giving notice to the absent party of the adjournment.

The General Magistrate has the authority to examine under oath the parties and all witnesses upon all matters contained in this referral, to require production of all books, documents, writings, vouchers, and other documents applicable to it, and to examine on oath orally all witnesses produced by the parties.

The General Magistrate may take all actions concerning evidence that can be taken by the Circuit Court and in the same manner. The General Magistrate has the same powers as a Circuit Judge to utilize communications equipment as defined and regulated by Florida Rule of General Practice and Judicial Administration 2.530.

Counties within the State of Florida may have different rules. Please consult with Family Court Services and/or the Magistrate's Office relating to this procedure.

(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 FILED BEFORE COMMENCEMENT OF 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.

If either party files a timely objection, this matter shall be returned to the Circuit Judge to which the case is assigned.

(C) Review of Report and Recommendation:

REVIEW OF THE RECOMMENDED ORDER MADE BY THE GENERAL MAGISTRATE MUST BE BY A MOTION TO VACATE AS PROVIDED IN RULE 12.490(e), FLORIDA FAMILY LAW RULES OF PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT, IS REQUIRED TO SUPPORT THE MOTION TO VACATE, UNLESS WAIVED BY ORDER OF THE COURT PRIOR TO ANY HEARING ON THE MOTION TO VACATE.

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.

SHOULD YOU WISH TO SEEK REVIEW OF THE RECOMMENDED ORDER MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE A MOTION TO VACATE IN ACCORDANCE WITH RULE 12.490(e), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR MOTION TO VACATE, OR YOUR MOTION WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS UNLESS WAIVED BY ORDER OF THE COURT PRIOR TO ANY HEARING ON THE MOTION TO VACATE. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED FOR THE COURT'S REVIEW.

AFTER CONCLUSION OF THE PROCEEDINGS, IF A MOTION TO VACATE THE RECOMMENDED ORDER IS FILED, A COPY OF SAME SHALL BE CONTEMPORANEOUSLY SUBMITTED TO THE OFFICE OF THE GENERAL MAGISTRATE AND THE OFFICE OF THE CIRCUIT JUDGE ENTERING THE ORDER.

The party seeking review of the recommended order shall seek to schedule a hearing date at the same time that the motion to vacate is filed by contacting the Judicial Assistant of the Circuit Judge by e-mail. E-mail addresses are located on the Clerk of Court's website. **FAILURE TO SEEK A HEARING DATE IN CONFORMITY HEREWITH MAY RESULT IN A DENIAL OF THE MOTION TO VACATE.**

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 motion to vacate.

DONE AND ORDERED in Chambers at Green Cove Springs, Clay County, Florida on this _____ day of _____, 202 .

Circuit Judge

Copies to:
