

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 1.04

GENERAL MAGISTRATE

WHEREAS, the following rules and statutes provide for the appointment of General Magistrates from among the members of The Florida Bar:

- A. § 56.071, Fla. Stat. (2006), executions on equities of redemption;
- B. § 393.11, Fla. Stat. (2006), involuntary placement for developmentally disabled persons;
- C. § 394.467, Fla. Stat. (2006), Baker Act proceedings;
- D. § 397.681, Fla. Stat. (2006), Marchman Act proceedings;
- E. § 744.369, Fla. Stat. (2006), review of guardianship reports;
- F. § 916.107, Fla. Stat. (2006), proceedings regarding treatment for forensic clients;
- G. § 945.43, Fla. Stat. (2006), transfers of inmates for mental health treatment;
- H. Fla. R. Civ. P. 1.490 (2007), appointment of general magistrates;
- I. Fla. Prob. R. 5.697 (2007), review of guardianship accountings and plans;
- J. Fla. R. Juv. P. 8.257 (2007), dependency proceedings;
- K. Fla. R. Juv. P. 8.625 (2007), children in need of services and families in need of services;
- L. Fla. Fam. Law R.P. 12.015(14), (15), (16) (2007), family law forms regarding general magistrates; and
- M. Fla. Fam. Law R.P. 12.490 (2007), family law proceedings, and

WHEREAS, the interests of the public and of the litigants require a flexible and speedy resolution of these matters; It is therefore

ORDERED that:

I. GENERAL PROVISIONS

A General Magistrate, selected from members of The Florida Bar and appointed by separate order, is authorized to hear and make recommendations on the following matters as permitted by statute and rule:

- A. family law, including trials;
- B. mental health;
- C. medical treatment;
- D. guardianship accountings and plans; and
- E. valuations in executions on judgments of money.

II. SCOPE OF SERVICES

The Chief Judge shall determine the assignments of the General Magistrates. For administrative purposes, the General Magistrates shall report to the Administrative Judge of the Family Division.

Within his or her assignment, the General Magistrate shall perform any and all duties as directed by a circuit judge in an appropriate order of referral including but not limited to drafting, reviewing, signing, and distributing reports and recommendations.

III. REFERRALS

Cases shall be referred to the General Magistrate by order of the judge presiding over the division to which the case is assigned. Consent, either express or implied, of all the parties is required. Once given, consent may not be withdrawn absent good cause shown before a hearing is held on the merits of the matter referred.

IV. OBJECTIONS

A written objection to the referral of a matter to a General Magistrate must be filed within ten days of the service of the order of referral. The objection must be served on all

parties and a copy provided to the General Magistrate and the judge presiding over the division to which the case is assigned. If the time set for the hearing is less than ten days after service of the order of referral, the objection must be filed before commencement of the hearing and served by hand-delivery or facsimile. Failure to file a written objection within the applicable time period is deemed to be consent to the order of referral.

V. EXCEPTIONS

Parties may file exceptions to the report and recommendation of a General Magistrate within ten days from the time the report is served on them. Exceptions shall be heard by the trial court on reasonable notice by either party. Review of the exceptions shall be based on the record of the hearing before the General Magistrate and shall not be hearings de novo.

VI. LOCATION

All hearings presided over by the General Magistrate shall be heard in the courthouse of the county in which the action is pending with the exception of mental health related cases which may take place at the facility at which the respondent resides.

VII. RECORDING

All proceedings shall be electronically recorded and maintained according to standards approved by the official court reporter. Statutes and rules may have more specific recording requirements.

When a General Magistrate's report and recommendation is ratified and ordered by the court, the court shall provide notice that any evidence taken by electronic means is available to all parties through the office of the official court reporter.

VIII. ABSENCE OF GENERAL MAGISTRATE

The General Magistrate shall not schedule cases to be heard during anticipated absences. In the case of unexpected absences or when cases must be heard before the General

Magistrate returns from a planned absence, another General Magistrate or a circuit judge shall preside over the cases.

IX. CONFLICT OF INTEREST

The General Magistrate shall avoid practices or occupations that would be a conflict of interest or give the appearance of impropriety. The General Magistrate is prohibited from representing litigants in any county or circuit court in the Eighth Judicial Circuit. See Florida Supreme Court Ethics Advisory Committee Opinions 92-48; 95-8; 95-23; 97-23; 98-12; 98-22; 98-23; 00-32; 00-36; 02-03; and 02-06, among others, as well as any subsequent updates.

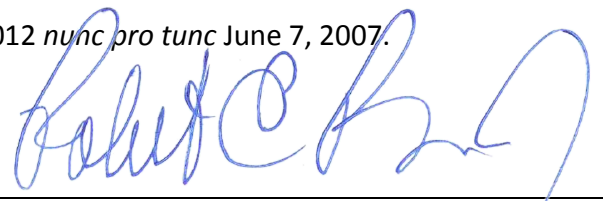
X. CODE OF JUDICIAL CONDUCT

The General Magistrate shall, while performing judicial functions, conform with Canons 1, 2A, and 3, and such other provisions of the Code of Judicial Conduct that might reasonably be applicable depending on the nature of the judicial function being performed.

This order replaces Administrative Order No. 1.700 (A) entitled "General Magistrate," dated May 10, 2006.

This order renumbers and reformats prior Administrative Order No. 1.700 (B) entitled "General Magistrate."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* June 7, 2007.



Robert E. Roundtree, Jr., Chief Judge