

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER NO.:
18-44
SUPERSEDES 15-47

**IN RE: MAGISTRATES - APPOINTMENT AND DUTIES OF GENERAL MAGISTRATES AND
SUPPORT ENFORCEMENT HEARING OFFICERS IN THE EIGHTEENTH JUDICIAL
CIRCUIT**

WHEREAS, family court proceedings include, but are not limited to, cases involving paternity, parenting plans, equitable distribution, alimony, child support, spousal support, dissolution of marriage, child dependency, delinquency and truancy, Baker Act and Marchman Act matters; and

WHEREAS, the interests of the public and of the litigants require a flexible and speedy resolution of such matters in the time and resources of the court are limited; and

WHEREAS the law of Florida makes the court responsible for the determination of such actions within time frames that cannot be met if all such cases are heard directly by the court; and

WHEREAS Florida Family Law Rules of Procedure 12.490 and 12.491 have been invoked in the Eighteenth Judicial Circuit by Administrative Order of the Chief Justice of the Florida Supreme Court, dated February 27, 1998; it is thereupon ORDERED AS FOLLOWS;

I. OFFICE OF THE GENERAL MAGISTRATE

The office of General Magistrate of the Eighteenth Judicial Circuit is hereby established for the express purpose of assisting the court in all authorized matters. The General Magistrate shall hear matters referred pursuant to Florida Rule of Civil Procedure 1.490, Florida Rule of Criminal Procedure 3.852(1)(3), Florida Probate Rules 5.095 and 5.697, Florida Rules of Juvenile Procedure 8.257 and 8.625, Truancy pursuant to Florida Statutes Chapter 984, Florida Family Law Rule 12.490, Florida Statutes Chapters 393, 394 (Baker Act), 397 (Marchman Act) 744, 751, 984, name changes, annulments and any other matter upon which a rule or statutory provision authorizes the appointment of a General Magistrate.

Each General Magistrate in the circuit is appointed and authorized to function within all of the types of proceedings enumerated above, pursuant to a valid order of referral and with the express, or implied, consent of the parties.

II. OFFICE OF SUPPORT ENFORCEMENT HEARING OFFICER

The office of Support Enforcement Hearing Officer of the Eighteenth Judicial Circuit is hereby established for the express purpose of assisting the court in all authorized matters. The Support Enforcement Hearing Officer shall hear proceedings for the establishment, enforcement, or modification of child support, when the party seeking support is receiving services pursuant to Title IV-D of the Social Security Act (42 U.S.C. §§ 651 et seq.), as well as proceedings not brought under Title IV-D, including uncontested paternity matters. The Support Enforcement Hearing Officer is additionally granted all other powers and duties specified in Florida Family Law Rule of Procedure 12.491(e).

III. OTHER PROVISIONS

The following provisions shall apply to both General Magistrates and Support Enforcement Hearing Officers:

Each such individual shall be appointed by the Chief Administrative Judge of the circuit and shall serve at the pleasure of the Chief Administrative Judge and a majority of the circuit judges of the circuit. They shall discharge their duties and obligations at the direction of the Chief Administrative Judge of the circuit for whom they serve.

Separate orders of appointment shall be entered for each General Magistrate and Support Enforcement Hearing Officer upon his or her appointment by the circuit. The individuals shall take the oath required of officers by the Constitution and the oath shall be recorded in the official records of the Clerk of the Circuit Court for Brevard County, Florida. These individuals shall serve without the requirement of bond.

These individuals shall perform the duties required in accordance with the above cited rules and statutes and any other rule or statutory provision authorizing the appointment of a General Magistrate or Child Support Hearing Officer and in accordance with the Code of Judicial Conduct. They shall be members in good standing of The Florida Bar.

Consistent with the applicable rules and statutes, all proceedings before the General Magistrate and Support Enforcement Hearing Officer shall be electronically recorded. At the conclusion of all proceedings the General Magistrate or Support Enforcement Hearing Officer shall prepare reports and recommendations as required.

This is an Administrative Order authorized by Florida Rules of Judicial Administration 2.120(c) and is not a local court rule as defined in Florida Rules of Judicial Administration 2.120(b).

DONE AND ORDERED this 7th day of November, 2018.

TONYA RAINWATER
TONYA RAINWATER
CHIEF JUDGE

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