

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE ORDER NO. 11-01

APPOINTMENT OF GENERAL MAGISTRATE

WHEREAS, many matters involving probate, guardianship, mental health, trusts, substance abuse and adult protective services are brought before the Probate, Guardianship and Trust Division of this court; and

WHEREAS, Unified Family Court proceedings include, but are not limited to, cases involving support, alimony, custody, time-sharing, juvenile dependency, attorneys' fees, and substance abuse; and

WHEREAS, matters involving residential foreclosure of real property are brought before the Civil Division of this court; and

WHEREAS, the cases set forth above comprise a substantial portion of this Circuit Court's workload, both as to the number of cases and the amount of judicial time connected with disposition of same; and

WHEREAS, the interests of the public and of the litigants require flexible and speedy resolution of such matters; and

WHEREAS, Florida Statutes section 29.004 (2009) provides, for the purpose of implementing section 14, Article V, of the Florida Constitution, the appointment of "general magistrates, special magistrates and hearing officers"; and

WHEREAS, Florida Rules of Civil Procedure, Rule 1.490; Florida Rules of Probate Procedure, Rule 5.095 and Rule 5.697; and Florida Rules of Family Procedure Rule 12.490 and Rule 12.491; authorize the Chief Circuit Judge to appoint General Magistrates to preside over a myriad of pre-judgment, post-judgment, non-child support matters and child support establishment, enforcement and modification matters;

By the power vested in me under Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

A. APPOINTMENT OF MAGISTRATE

1. Deborah A. DeNike is hereby appointed as general magistrate to assist the Judges in their above-described workload. The General Magistrate is appointed and authorized to function within all of the types of proceedings enumerated above as may be referred by the Chief Judge or any Circuit Judge and to assist the circuit judge regularly assigned to the Probate, Guardianship and Trust Division in the review of guardianship inventories, accountings and plans. This appointment also includes procedural hearings for matters such as dismissals for lack of prosecution. The General Magistrate shall serve without bond.
2. Deborah A. DeNike is also appointed and authorized to function as a Child Support Hearing Officer consistent with the Florida Family Law Rules of Procedure, Rule 12.491, as well as a General Magistrate pursuant to a valid Order of Referral in accordance with Rule 12.490..

3. Deborah A. DeNike shall discharge her duties and obligations at the direction of the Chief Administrative Judge of the Circuit, the Administrative Judge of the Unified Family Court and the Circuit Court Judges for whom she serves.
4. Upon filing of any matter in family court which may be referred to the General Magistrate, litigants and/or attorneys may submit Florida Supreme Court approved forms 12.920(a) and 12.920(b), for consideration by the regularly assigned judge.
5. Deborah A. DeNike shall be invested with all powers and authority under Florida law and the appropriate Florida Family Rules of Procedure, Florida Civil Rules of Procedure and Florida Probate and Guardianship Rules of Procedure.
6. Any objection to a referral shall be made in writing and filed within ten (10) days of the date of service of the Order of Referral. If an objection is filed, the matter will remain to be heard by the presiding judge.

B. EMERGENT MATTERS.

1. Due to the time limitations procedurally inherent in the General Magistrate system, emergent matters, styled as such, shall be referred to the Circuit Judges directly by the Clerk of the Circuit Court for review, not to the General Magistrate.
2. If the Circuit Judge determines by order that the matter is non-emergent, then, it may be referred to the General Magistrate for disposition.

C. RECORD OF PROCEEDINGS

1. Consistent with the Florida Civil Rules of Procedure, Florida Family Rules of Procedure and the Florida Probate and Guardianship Rules of Procedure, all proceedings before the General Magistrate shall be electronically recorded with equipment provided by this Circuit's Office of Court Administration.
2. Copies of the recordings or transcripts of the proceedings may be obtained in accordance with Administrative Order 2009.004.

D. ORDER OF REFERRAL TO GENERAL MAGISTRATE

1. To the extent that a motion or petition is referred to the General Magistrate for disposition, then all matters connected therewith such as discovery, continuances, etc. are to be heard solely by the General Magistrate.
2. The following matters are not appropriate for and should not be referred to the General Magistrate:
 - a. Motion to Vacate Recommended Order (Child Support) per Rule 12.491;
 - b. Exceptions to Report per Rule 12.490;
 - c. Domestic Violence Proceedings (except child support enforcement) per Rule 12.490;

- d. Bifurcation of attorney's fees hearing after Judge has ruled on underlying action or motion;
- e. Bifurcation of initial action for dissolution of marriage after Judge grants dissolution of marriage and refers everything else;
- f. Motion For Rehearing of Order on action or motion heard and issued by Judge;
- g. Motion For Clarification of Order on an action or motion heard and issued by the Judge;
- h. Emergencies of any type;
- i. Contempt proceedings arising from a contempt order which was heard and issued by the Judge;
- j. First Appearance Hearings on Commitment Order arrests;
- k. Paternity Establishment (if contested);
- l. Paternity Disestablishment (if contested);
- m. Adoptions; and
- n. Domestic Violence Injunctions.

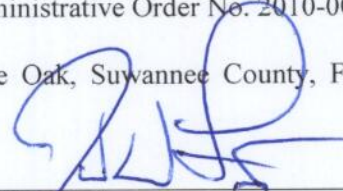
E. REPORTS

1. The General Magistrate will proceed with the hearings and the preparation and filing of reports in the manner set out in Florida Rule of Civil Procedure 1.490; Florida Rule of Probate Procedure 5.095 and Florida Family Law Rule of Procedure 12.490. The General Magistrate shall retain authority to correct any errors or omissions or both in the original report by filing a corrected or amended general magistrate intends to correct or amend a report, the General Magistrate will notify the parties or the attorneys within fifteen (15) days of receipt of exceptions filed. Such reservation of authority by the General Magistrate does not restrict the jurisdiction of the circuit court to proceed on the previously filed exceptions, nor does the reservation of authority by the General Magistrate prevent a party from filing exceptions to the corrected or amended report.
2. The General Magistrate shall file any report dealing with modification within ten (10) days from the date of the hearing. Any finding of contempt should be done within three (3) days of the date of the hearing so an appropriate order may be entered by the Circuit Judge. If a recommendation of incarceration is made, the matter shall be brought *instanter* to the appropriate Circuit Judge.

F. PREVIOUS ADMINISTRATIVE ORDER SUPERSEDED

This administrative order supersedes Administrative Order No. 2010-004.

18th **DONE AND ORDERED** in Chambers at Live Oak, Suwannee County, Florida this
day of March, 2011.



 DAVID W. FINA
 Chief Circuit Court Judge

OATH OF GENERAL MAGISTRATE

STATE OF FLORIDA
COUNTY OF COLUMBIA

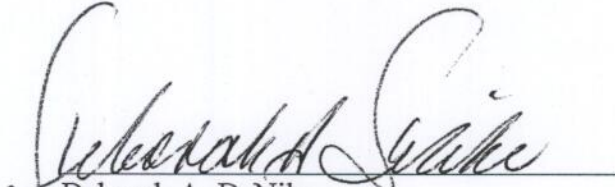
I do solemnly swear (or affirm)

That I will support, protect and defend the Constitution and the Government of the United States and of the State of Florida;

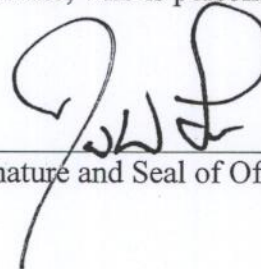
That I am duly qualified to hold officer under the Constitution of the State; and

That I will well and faithfully perform the duties of General Magistrate on which I am now about to enter.

So help me God.


Deborah A. DeNike

The foregoing instrument was sworn and subscribed before me this 19th day of February, 2010, by Deborah A. DeNike, who is personally known to me and who did take and oath.


Signature and Seal of Official Administrating Oath

David W. Fina
Name of Official – Typed, Printed or Stamped

Chief Circuit Judge, Third Judicial Circuit
Title