

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER 5.104-7/2022*

IN RE: APPOINTMENT OF MAGISTRATES
UNIFIED FAMILY COURT CASES

The Florida Family Law Rules of Procedure, specifically Rule 12.490 and Rule 12.491 authorize the Chief Circuit Judge to appoint General Magistrates to preside over a myriad of family court matters. Likewise, the Rules of Juvenile and Civil Procedure as well as various Florida statutes allow General Magistrates to preside over juvenile dependency (Florida Rule of Juvenile Procedure Rule 8.257); families and children in need of services (Florida Rule of Juvenile Procedure Rule 8.625), Baker Act (Chapter 394), and Marchman Act (Chapter 397) proceedings. These types of cases comprise a substantial portion of this Circuit's Unified Family Court workload both as to the number of cases and the amount of judicial time connected with disposition. The interests of the public and of the litigants require a flexible, speedy and final resolution of these cases which is better served by the utilization of a General Magistrate system.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

A. OFFICE OF GENERAL MAGISTRATE

1. The Office of General Magistrate of the Fifteenth Judicial Circuit is hereby established for the express purpose of assisting the Circuit Judges in their above-described Unified Family Court workload.
2. Each General Magistrate in this Circuit is appointed and authorized to function within all of the types of proceedings enumerated in this Administrative Order.
3. Each General Magistrate in this Circuit 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.
4. General Magistrates shall be appointed by the Chief Judge of the Circuit and shall serve at the pleasure of the Chief Judge of the Circuit and a majority of the Circuit Judges of this Circuit.
5. Separate orders of appointment shall be entered for each General Magistrate upon his or her appointment by the Circuit.
6. General Magistrates are vested with all powers and authority under Florida law and the

appropriate Florida Family Law Rules of Procedure, Florida Juvenile Rules of Procedure, and Florida Rules of Civil Procedure, and as authorized by Chapter 394 (Baker Act), and Chapter 397 (Marchman Act) proceedings.

7. General Magistrates shall discharge their duties and obligations at the direction of the Chief Judge of the Circuit, the Administrative Judge of the Unified Family Court, and the Unified Family Court Judges for whom they serve.

B. EMERGENCY MATTERS

1. Because of the time limitations procedurally inherent in the General Magistrate system, emergency matters, as set forth in Administrative Order 5.203, shall be forwarded to the Circuit Judges directly by the Clerk of the Circuit Court and not to the General Magistrates.
2. If the Circuit Judge determines by order that the matter is not an emergency, then it may be referred and/or assigned to the General Magistrate for disposition.

C. RECORD OF PROCEEDINGS

1. Consistent with the Florida Family Law Rules of Procedure, the Florida Juvenile Rules of Procedure, the Florida Rules of Civil Procedure, and Florida Statutes Chapters 394 and 397, all proceedings before General Magistrates shall be electronically reported with equipment provided by this Circuit's Office of Court Administration.
2. Copies of the recordings or a transcript of the proceedings may be obtained in accordance with Administrative Order 2.503.

D. REFERRALS TO GENERAL MAGISTRATE FOR MENTAL HEALTH MATTERS

1. Pursuant to sections 394.4655(7), 394.467(6), and 397.681, Florida Statutes, and Administrative Order 6.304, Baker Act and Marchman Act proceedings are hereby referred to the General Magistrates. Referrals and General Magistrate assignments will be as set forth below and in conjunction with related Administrative Orders.

E. ASSIGNMENTS TO GENERAL MAGISTRATE FOR CHILD SUPPORT AND MATTERS IN THE NATURE OF SUPPORT PURSUANT TO FLORIDA FAMILY LAW RULE OF PROCEDURE 12.491

1. Pursuant to Florida Family Law Rule of Procedure 12.491, all child support matters (except as outlined in *paragraph H.1.e* below), regardless of whether titled "child support", are hereby assigned to the General Magistrates and Child Support Hearing Officers. When pleadings and motions relating to child support are filed, except those including a request for attorney's fees, no additional referral to the General Magistrate or Child Support Hearing Officer is required.

F. REFERRALS TO GENERAL MAGISTRATE PURSUANT TO FLORIDA FAMILY LAW RULE OF PROCEDURE 12.490

1. Post-Judgment Matters. Pursuant to Florida Rule of Family Procedure 12.490, General Magistrates may preside over all post-judgment matters or petitions which are referred without objection to the General Magistrate.

G. ORDERS OF REFERRAL TO GENERAL MAGISTRATE PURSUANT TO FLORIDA FAMILY LAW RULE OF PROCEDURE 12.490

1. Each order of referral to a General Magistrate will state with specificity the matter being referred and the name of the specific General Magistrate to whom referral is being made.
2. Post-Judgment Matters.
 - a. *Filings by Self-Represented Litigants.* Upon a self-represented party filing for post-judgment relief in a motion or pleading, the Clerk of the Court will forward the motion or pleading to the appropriate family case management email inboxes for review and processing. Upon receipt and review, a family court case manager shall immediately prepare the appropriate Order of Referral to General Magistrate and forward to the General Magistrate for review and approval. If the Magistrate determines the Order of Referral to General Magistrate is appropriate, the family case manager will forward the Order of Referral to the presiding Judge for execution and distribution to the parties.
 - b. *Filings by Attorneys.* If the filing party is represented by counsel, and the matter involves issues other than solely child support, the filing party shall submit an order of referral contemporaneous with the initial filing to the assigned general magistrate for review and approval. All proposed orders of referral shall be submitted to the Magistrate via the Fifteenth Circuit's Online Scheduling System (www.15thCircuit.com) for review before submission to the Circuit Judge. If the Magistrate determines the Order of Referral to General Magistrate is appropriate, the Magistrate will forward the Order of Referral to the presiding Judge for execution and distribution to the parties, unless notice of a preemptory objection has been filed.
 - c. *One Matter Per Referral.* In order to effectively administer the affairs of the court, there is to be only one matter per Proposed Order of Referral to General Magistrate. Any Proposed Order of Referral to the General Magistrate which contains reference to multiple, legally unrelated motions or pleadings will not be considered.
 - d. *Proposed Orders of Referral.* The Proposed Order of Referral to the General Magistrate must include the following:
 - i. The specific title of the pleading or motion being referred, and whether the referral includes all related or ancillary motions arising from the primary pleading or motion. Ancillary or related motions include but are not limited to, discovery, dismissal motions, continuances, motions for temporary relief, motion for child testimony, motion to appoint guardians ad litem, parenting coordinators, or social investigators, motions to appear telephonically, and motions to withdraw;
 - ii. When pleadings and motions relating to an already referred matter are filed, no

additional Order of Referral is permitted;

iii. The name of the party filing the motion or pleading;

iv. The date the motion or pleading was filed;

v. The assigned Magistrate's hearing room number listed immediately above the style of the case.

e. *Amended Orders of Referral*. If an amended motion or pleading is filed raising new substantive non-child support matters, an Amended Order of Referral is required.

3. Objections to Referral. Any objection to an Order of Referral to a General Magistrate will identify the date of the Order of Referral which is the subject of the objection. The party filing the objection will provide a copy of the objection to the General Magistrate to whom the referral was made, or, in the event of a preemptory objection, to the General Magistrate to whom the referral would have been made. No order of referral will be forwarded to the presiding judge if a preemptory objection has been filed. The General Magistrate will prepare a proposed order on the objection for the Circuit Judge who will rule upon the objection in writing.

H. MATTERS WHICH CANNOT BE REFERRED TO GENERAL MAGISTRATES

1. The following matters are not appropriate for and will not be referred or assigned to this Circuit's General Magistrates:
- a. Motions to Vacate Recommended Order (Child Support) per Rule 12.491;
 - b. Motions to Vacate Recommended Order 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 or petition for paternity after Judge grants dissolution of marriage or grants paternity and refers everything else;
 - f. Motion for Rehearing of Order on an action or motion heard and issued by the Judge;
 - g. Motion for Clarification of Order on an action or motion heard and issued by the Judge;
 - h. Emergencies of any type;
 - i. Criminal Contempt/Criminal Rule to Show Cause per Rule 3.840;
 - j. Commitment Proceedings arising from a contempt order which was heard and issued by a Judge;

- k. First Appearance Hearings on Commitment Order arrests;
- l. Paternity Establishment (contested);
- m. Paternity Disestablishment (contested);
- n. Ex Parte Injunction;
- o. Reversal and remand from appellate court of trial court proceedings heard and ruled upon by Judge.
- p. Writs re: Habeas Corpus & Ne Exeat and all other original Writs

I. ASSIGNMENT OF APPOINTED GENERAL MAGISTRATES

<u>Division</u>	<u>Magistrate</u>	<u>Divisional Email Address</u>
All authorized matters in FA and Odd Case Numbers in FC	Magistrate Maxine A.M. Williams	CAD-MJCL-Z@pbcgov.org
All authorized matters in FD and Even Case Numbers in FC	Magistrate Ilana Marcus	CAD-MJCA-K@pbcgov.org
All authorized matters in FH, IA, and Odd Case Numbers in FJ	Magistrate Judette Fanelli	CAD-NCHRoom1418@pbcgov.org
All authorized matters in FI, IA, and Even Case Numbers in FJ	Magistrate Jennifer Klee	CAD-NCHRoom2706@pbcgov.org
All authorized matters in FY, IZ, and Odd Case Numbers in FZ	Magistrate Peter Bassaline	CAD-SCHRoomC@pbcgov.org
All authorized matters in FX, IZ, and Even Case Numbers in FZ	Magistrate Diane Kirigin	CAD-SCHRoomD@pbcgov.org

All authorized matters in FW	Magistrate Peter Bassaline	CAD-SCHRoomC@pbcgov.org
Judicial Reviews in Divisions JL, JO, JK, JM	Magistrate James Williams	CAD-jrscheduling@pbcgov.org

ASSIGNMENT OF DEPARTMENT OF REVENUE GENERAL MAGISTRATE

<u>Division</u>	<u>Magistrate</u>	<u>Divisional Email Address</u>
All DOR Cases in all Family Divisions	Magistrate Thomas R. Baker	CAD-DORA-K@pbcgov.org

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida, this 11^h day of July, 2022.



Glenn D. Kelley
Chief Judge

*supersedes admin. order 5.104-06/2022