

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
09-20-S
SUPERSEDES 08-34-S

**IN RE: MAGISTRATE - HEARING OFFICER - APPOINTMENT and DUTIES OF
DEPENDENCY GENERAL MAGISTRATE IN SEMINOLE COUNTY**

WHEREAS, Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court., provides for the appointment of General Magistrates from among the members of the Florida Bar; and

WHEREAS, the use of a General Magistrate for dependency hearings has been deemed necessary in Seminole County in the Eighteenth Judicial Circuit to expeditiously perform hearings in dependency cases, and

WHEREAS, it is an efficient use of judicial resources to refer pending dependency matters to a General Magistrate; and

WHEREAS, Rule 2.535(g)(3) Florida Rule of Judicial Administration., requires that any matter heard before a General Magistrate must be recorded by a court reporter or by electronic means;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Eighteenth Judicial Circuit of Florida and pursuant to Rules 2.050(b)(2) and 2.070(g)(3), Fla. R. Jud. Admin., and Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court, it is

ORDERED AS FOLLOWS:

1. The Office of the Dependency General Magistrate is established for Seminole County in the Eighteenth Judicial Circuit.

2. **Griffith Joel Winthrop**, a member of the Florida Bar, is hereby appointed to serve as the Dependency General Magistrate for the Eighteenth Judicial Circuit, Seminole County, Florida. The Dependency General Magistrate shall take the oath required of officers by the Constitution. The Dependency General Magistrate shall serve without requirement of bond. The Dependency General Magistrate shall hear such matters as are assigned by the Chief Judge of the Eighteenth Judicial Circuit or by the Dependency Court Judge of the Eighteenth Judicial Circuit, for Seminole County, Florida.
3. Such dependency matters shall be referred to the General Magistrate by an Order of Referral to General Magistrate in substantially the same form as Attachment "A" hereto, except that all dependency cases pending in the Eighteenth Judicial Circuit as of May 1, 2002, are hereby referred to the Dependency General Magistrate for the purpose of holding Judicial Review hearings pursuant to §39.701, Fla. Stat. (2000) and other hearings as assigned by the judge having jurisdiction over the case. Upon conclusion of the hearing the Dependency General Magistrate shall evaluate the evidence and promptly submit a report and recommended order to the court, setting forth appropriate findings of fact.
4. The Dependency General Magistrate shall perform all duties and have all authority granted under Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court.
5. As required by Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court, all proceedings conducted by the Dependency General Magistrate shall be reported by electronic means, pursuant to the provisions of Fla. R. Jud. Admin. 2.535(g)(3), or by a court reporter.
6. This Order shall be effective as of March 1, 2009.
DONE AND ORDERED this 9TH day of March, 2009.

CLAYTON D. SIMMONS

CLAYTON D. SIMMONS
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Seminole County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Seminole County)
State Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)
Dependency General Master (Seminole County)

ATTACHMENT "A"

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY,
FLORIDA

IN THE INTEREST OF:

JUVENILE DIVISION
CASE NO.:

Minor Child(ren)

_____ /

ORDER OF REFERRAL TO GENERAL MAGISTRATE

THIS CASE IS REFERRED TO THE GENERAL MAGISTRATE on the following issues:

- [] Arraignment
- [] Disposition
- [] Status Conferences
- [] Judicial Review Hearings
- [] _____

AND ANY OTHER MATTER RELATED THERETO.

IT IS FURTHER ORDERED that the above issues are referred to General Magistrate Griffith Joel Winthrop for further proceedings, under Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court.

The General Magistrate is authorized to administer oaths, conduct hearings, which may include taking of evidence, and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any.

Unless already set for hearing, the General Magistrate shall assign a time for the proceedings as soon as reasonably possible after this referral is made and shall give notice to each of the parties either directly or by directing counsel or a party to file and serve a notice of hearing.

A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY 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 SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE 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 either party files a timely objection, this matter shall be returned to the undersigned judge with a notice stating the amount of time needed for the hearing.

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 8.257 FLORIDA RULES OF JUVENILE PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT EXCEPTIONS.

YOU ARE ADVISED THAT IN THIS CIRCUIT A COURT REPORTER IS PROVIDED BY THE COURT.

SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 8.257 FLORIDA RULES OF JUVENILE PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.

DONE AND ORDERED in Sanford, Seminole County, Florida, the _____ day of _____, 2009.

CIRCUIT COURT JUDGE