

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

ADMINISTRATIVE ORDER NO.:
16-21-B

IN RE: MAGISTRATES - ASSIGNMENT OF CASES TO MAGISTRATES AND HEARING OFFICERS IN BREVARD COUNTY

WHEREAS there are three General Magistrates able to hear Family Law and other types of cases upon appropriate Orders of Referral, and it is necessary for the proper administration of justice to update the procedures regarding assignment of general magistrates and hearing officers in the Family Division of Brevard County,

By the power vested in the chief judge under article V, section 2(d), Florida constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore ORDERED EFFECTIVE JULY 5, 2016:

- 1. Divisions:** There are currently four Circuit Judges assigned to hear the majority of Family Law cases in Brevard County. There are three General Magistrates/Hearing Officers who hear family law cases, either by appropriate referral or by Family Law Rule, in Brevard County. In order to equally divide new or reopened family cases which may be referred to a general magistrate, commencing July 5, 2016, the clerk of the court shall set up an assignment table to randomly assign these cases among the three General Magistrates/Hearing Officers so that they are each “assigned” an equal number of cases from each Judicial Division. This assignment shall identify the General Magistrate/Hearing Officer to whom the case will be referred by the assigned judge, when a referral is deemed appropriate by the assigned judge. If the case is one involving only the establishment, enforcement, or modification of child support, the case may be set and heard before the “assigned” General Magistrate/Hearing Officer, pursuant to Rule 12.491, Florida Family Law Rule of Procedure. In order for the “assigned” General Magistrate/Hearing Officer to hear any other case, an Order of Referral shall be entered by a circuit judge, in accordance with Florida Family Law Rules of Procedure 12.490(b).
- 2. Case types:** The clerk shall assign a Judge/Magistrate division in each of the following case types:

Dissolution of Marriage
Paternity/Disestablishment of Paternity
Name Change

Other Family Court
Support – Non IV-D
UIFSA – Non IV-D

3. **Cases retained by Judge:** The following case types shall continue to be randomly assigned among the Family Division Judges, and shall NOT be assigned a Judge/Magistrate designation:
 - Adoption
 - Domestic Violence (with or without children)
 - Waiver of Parental Notice
4. **IV-D cases:** The following case types shall continue to be randomly assigned among the Family Division Judges, but will be heard by the IV-D Child Support Hearing Officer pursuant to existing Administrative Orders:
 - Support – DOR case
 - UIFSA – IV-D
 - UIFSA – IV-D Out of State Establishment
5. **Other DR Injunction case types:** The non-domestic violence DR Injunction cases currently remain assigned to the Circuit Court, but are primarily reviewed and heard by county judges at this time. A separate Administrative Order will be entered regarding assignment of these cases. These case types include:
 - Repeat Violence
 - Stalking Violence
 - Dating Violence
 - Sexual Violence
6. **Simplified Dissolution of Marriage cases:** These cases are currently assigned to County Judges. The General Magistrates are authorized to hear these cases upon request, pursuant to the Florida Family Law Rules of Procedure, and as they have hearing time available. These cases will not be included in the Judge/Magistrate assignment table.
7. **Objections, Recusals, and Disqualifications (in cases with a Judge/Magistrate designation):** In a case where there has been an objection by a party to an Order of Referral to the General Magistrate, the case will remain with the assigned judge. The General Magistrate assignment may remain in place, as child support matters may be heard by the Magistrate/Hearing Officer without a referral. If a judge enters an order of recusal or disqualification, and the case is reassigned to another judge, the case shall remain with the originally assigned Magistrate. If a Magistrate is recused from a case, the assigned judge will determine if the case will remain with the judge or if a new Order of Referral will be entered to assign a different Magistrate/Hearing Officer to the case.

DONE AND ORDERED this 24th day of June, 2016.

JOHN D. GALLUZZO
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CHIEF JUDGE

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