

Circuit Court
First Judicial Circuit of Florida



*Santa Rosa County Courthouse
6865 Caroline Street, Box K
Milton, Florida 32570*

John L. Miller
General Magistrate

Ann Gambrell
Administrative Secretary

Division "E"

(850)981-5599
(850)981-5531 Fax

Division "E" in Santa Rosa County is a special division which handles family law and county civil cases that are referred to the General Magistrate by Order of the Circuit Judge or County Judge.

**GUIDELINES FOR ATTORNEYS/PARTIES APPEARING
BEFORE A GENERAL MAGISTRATE**

1. Florida Rule of Civil Procedure 1.490 governs proceedings before a General Magistrates in civil cases. Florida Family Law Rule of Procedure 12.490 governs proceedings before a General Magistrate in family law cases.
2. It is essential that all hearings in family law cases before a General Magistrate be properly noticed in accordance with Florida Family Rule of Procedure 12.490. The Notice or Order should be in substantial conformity with Florida Family Rule of Procedure form 12.920(c). The Notice must (1) advise the parties of the right to file exceptions to the Report and Recommendations in accordance with rule 12.490, and (2) state whether electronic recording or a court recorder is provided by the court. If the court provides electronic recording, the Notice or Order must state that any party may provide a court reporter at that party's expense.
3. All civil contempt notices must contain the following language as required by Florida Family Law Rule of Procedure 12.615(b);

“FAILURE TO APPREAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO

48 HOURS BEFORE A HEARING IS HELD.”

If the above language is not included in the notice of hearing, incarceration is not an option for the court. *Dileo v Dileo*, 939 So.2d 181 (Fla. 5th DCA. 2006).

4. If a matter is before a General Magistrate for final hearing on a Petition for Dissolution of Marriage or a Supplemental Petition for Modification of Dissolution of Marriage, an “Order Setting Non-Jury Trial” or “Order Setting Final Hearing” should be entered. The matter should be set for final hearing in conformity with Florida Family Law Rule of Procedure 12.440. Failure to do so may constitute reversal error. *Masiello v Masiello*, 850 So.2d 650 (Fla. 2nd DCA 2003); *Merrigan v Merrigan*, 947 So.2d 668 (Fla. 2nd DCA 2007).
5. If a matter is before the General Magistrate for a proceeding other than a final hearing (such as a temporary hearing or a motion for contempt), a “Notice of Hearing” should be used similar to the one found in Florida Family Law Rule of Procedure form 12.920(c).
6. The Report of a General Magistrate should include findings of fact, conclusions of law, together with recommendations. If a court reporter was present at the hearing, the Report must contain the name and address of the court reporter.
7. When requested to prepare an Order, counsel should submit both a proposed Report of General Magistrate and a proposed Final Judgment/Order.
8. The General Magistrate will file the Report and Recommendations and serve copies on all parties (by mail). Please submit 2 sets of stamped, addressed envelopes for return of the Report and Order to all parties.
9. The parties may serve exceptions to the Report within ten (10) days from the time it is served on them. Any party may file cross exceptions within five (5) days from the service of the exceptions. If exceptions are filed, the party seeking review must provide a transcript of the proceedings. The cost of the original and all copies of the transcript shall be borne initially by the party seeking review, subject to appropriate assessment of suit monies.
10. The ten (10) day time period in which to file exceptions may be waived by the parties, in which case the Report and Final Judgment/Order will be immediately forwarded to the Circuit Judge for execution. The parties may either submit a written stipulation for waiver of the ten (10) day time period, or may announce such waiver on the record at the hearing.