





INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORMS
12.920(a), MOTION FOR REFERRAL TO GENERAL MAGISTRATE,
12.920(b), ORDER OF REFERRAL TO GENERAL MAGISTRATE, and
12.920(c), NOTICE OF HEARING BEFORE GENERAL MAGISTRATE

When should these forms be used?



A **general magistrate** is an attorney appointed by a **judge** to take testimony and recommend decisions on certain matters connected with a divorce. These recommendations are then reviewed by the judge and are generally approved unless contrary to the law or the facts of the case. The primary purposes of having general magistrates hear family law matters are to reduce the costs of litigation and to speed up cases. Either **party** may request that their case, or portions of their case, be heard by a general magistrate by filing **Motion for Referral to General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(a). You must also prepare an **Order of Referral to General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(b), to submit to the judge assigned to your case.


Many times, the court, either on its own motion or under current administrative orders of the court, may refer your case to a general magistrate. Even in those instances, you may be required to prepare and submit an **Order of Referral to General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(b), to the judge.

Once a general magistrate has been appointed to your case, the general magistrate will assign a time and place for a **hearing** as soon as reasonably possible after the referral is made. The general magistrate will give notice of that hearing to each of the parties directly or will direct a party or attorney in the case to file and serve a notice of hearing on the other party. If you are asked to send the notice of hearing, you will need to use the form entitled **Notice of Hearing Before General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(c). Regardless of who prepares the notice of hearing, the moving party (the one who requested referral to the general magistrate) is required to have the notice properly served on the other party.

These forms should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

What should I do next?

If you are filing a **Motion for Referral to General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(a), you need to send or deliver your motion directly to the judge assigned to your case, along with an **Order of Referral to General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(b), and an addressed, stamped envelope for each party in the case. The judge will then either grant or deny the motion, usually without a hearing.

If you are required to submit a **Order of Referral to General Magistrate**,  Florida Family Law Rules of Procedure Form 12.920(b), to the judge assigned to your case, you will need to send or deliver the order directly to the judge, along with addressed, stamped envelopes for each party in the case.


The party who prepares any of these forms must file the original with the clerk of the circuit court. A copy of the motion must be mailed **or** hand delivered to any other party in your case.

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. For further information, see rule 12.490, Florida Family Law Rules of Procedure.

Special notes...

IMPORTANT: After the judge refers your case to a general magistrate, either party (including the party who was required to prepare and submit the Order of Referral) may object to the referral within 10 days of the date that the referral is made (if the Order of Referral is served by mail, the parties have an additional 5 days within which to object to the referral). Every litigant is entitled to have his or her case heard by a judge. However, before you decide to object to an Order of Referral to General Magistrate, you should consider the potential extra costs and time delays that may result from having a judge hear your case instead of a general magistrate. You may want to speak with an attorney in your area who can assist you in making a more informed decision regarding whether you should file an objection to an Order of Referral to General Magistrate.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**,  Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA



Case No.: _____

Division: _____

Petitioner,

and

Respondent.

MOTION FOR REFERRAL TO GENERAL MAGISTRATE

I, *{full legal name}* _____, request that the Court enter an order referring this case to a general magistrate. The case should be referred to a general magistrate on the following issues: *{identify the relevant pleadings}*

I certify that a copy of this document was [**one** only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on *{date}* _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

Dated: _____

Signature of Party

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE
BLANKS BELOW:** [✎ fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the [**one** only] petitioner **or** respondent, fill out this form.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
FAMILY LAW DIVISION

Petitioner,
and Respondent.

Case No:
Division:

ORDER OF REFERRAL TO THE GENERAL MAGISTRATE

IT IS ORDERED that this case is referred to General Magistrate
(phone: _____), for further proceedings on the issues raised in the following pleadings:

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

Florida Family Law Rule of Procedure 12.490(b)(4) provides that any party or the general magistrate may set the action for hearing. PLEASE NOTE that in the Thirteenth Judicial Circuit, the general magistrate will set a hearing only after being requested to do so by one or both parties. The request may be made by phone at the number provided above.

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 TEN DAYS AFTER SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN TEN DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST TWENTY 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. REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN FLORIDA FAMILY LAW RULE OF PROCEDURE RULE 12.490(f). A RECORD, WHICH INCLUDES A TRANSCRIPT OF PROCEEDINGS, MAY BE REQUIRED TO SUPPORT EXCEPTIONS.

If either party files a timely objection, this matter shall be returned to the undersigned judge, and the objecting party must schedule a hearing or case management conference before the judge within ten days of filing the objection.

SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH FLORIDA FAMILY LAW RULE OF PROCEDURE 12.490(f). 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.

You are advised that in the Thirteenth Judicial Circuit, electronic recording is provided by the Court. A party may provide a court reporter at his or her own expense.

PLEASE NOTE: Any case or part thereof constituting a CHILD SUPPORT ENFORCEMENT issue proceeds pursuant to current Administrative Orders of the Court, as well as Florida Family Law Rule of Procedure 12.491 (Child Support Enforcement) and 12.615 (Civil Contempt in Support Matters), if applicable. The language above in bold capital letters does not apply to child support enforcement issues.

DONE AND ORDERED on _____, _____.

CIRCUIT COURT JUDGE

Copies Furnished To:

In accordance with the American with Disabilities Act of 1990, persons who need a special accommodation to participate in either in-court or out-of-court proceedings should phone (813) 272-7040, no later than seven days prior to the court date in order to make arrangements. Hearing impaired individuals who require assistance should contact Florida Relay Service at 1-800-955-8771.

[Revised form date 11-3-08]

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent.

NOTICE OF HEARING BEFORE GENERAL MAGISTRATE

[✎ fill in **all** blanks]

TO: _____

There will be a hearing before General Magistrate *{name of general magistrate}* _____,
on *{date}* _____, at *{time}* _____ m., in Room _____ of the _____
Courthouse, on the issues raised by the following pleadings:

_____ hour(s)/ _____ minutes have been reserved for this hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

**If the matter before the General Magistrate is a Motion for Civil Contempt/Enforcement,
FAILURE TO APPEAR 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.**

PLEASE GOVERN YOURSELF ACCORDINGLY.

**This part to be filled out by the court or filled in with information you have obtained from the
court:**

If you are a person with a disability who needs any accommodation in order to participate in this proceeding,
you are entitled, at no cost to you, to the provision of certain assistance. Please contact
{name} _____,
{address} _____, *{telephone}* _____,
within 2 working days of your receipt of this Notice of Hearing. If you are hearing or voice impaired,
call TDD 1-800-955-8771.

**SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION
MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN
ACCORDANCE WITH RULE 12.490(f), FLORIDA FAMILY LAW RULES OF 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.

YOU ARE HEREBY ADVISED THAT IN THIS CIRCUIT:

Electronic recording is provided by the court. A party may provide a court reporter at that party's expense.

If you are represented by an attorney or plan to retain an attorney for this matter you should notify the attorney of this hearing.

If this matter is resolved, the moving party shall contact the General Magistrate's Office to cancel this hearing.

I certify that a copy of this document was [**one** only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on *{date}* _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

Dated: _____

Signature of Party

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____, who is the [**one** only]
petitioner **or** respondent, fill out this form.