

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2020-016
(Supersedes Administrative Order S-2018-034)**

**GENERAL MAGISTRATES AND CHILD SUPPORT
ENFORCEMENT HEARING OFFICERS
IN THE FAMILY LAW DIVISION**

Many post-judgment matters are brought before the judges in the Family Law Division. The interests of the public and of the litigants require a flexible and speedy resolution of these matters. Florida Family Law Rule of Procedure 12.490 provides for the appointment of general magistrates. Florida Family Law Rule of Procedure 12.491 provides for the usage of child support enforcement hearing officers in non-Title IV-D cases upon administrative order of the chief justice. By administrative order dated February 27, 1998, the chief justice of the Florida Supreme Court ordered that hearing officers may be utilized in this circuit to consider proceedings for the establishment, enforcement and modification of support in non-Title IV-D cases.

Based on the retirement of a general magistrate and the employment of a new general magistrate, it is necessary for the proper and efficient administration of justice to update the provisions governing assignment of cases to the general magistrates and hearing officers in the Family Law Division.

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 ORDERED:

1. Appointments

Jon Johnson, Joan Montagno, Vicki Reeves, Jennifer Sarmiento, and Philip Wartenberg are appointed as general magistrates and as child support enforcement hearing officers in the Family Law Division and East Circuit Divisions “R” and “T” (Plant City).

2. General Magistrate / Hearing Officer Divisions

Divisions “GM-1,” “GM-2,” “GM-3,” “GM-4,” and “GM-5” are established as General Magistrate / Hearing Officer Divisions in the Family Law Division and East Circuit Divisions “R” and “T” (Plant City). The general magistrates / hearing

officers are assigned to the general magistrate / hearing officer divisions as follows:

<u>General Magistrate / Hearing Officer Division</u>	<u>General Magistrate / Hearing Officer</u>
“GM – 1”	Philip Wartenberg
“GM – 2”	Jon Johnson
“GM – 3”	Joan Montagno
“GM – 4”	Jennifer Sarmiento
“GM – 5”	Vicki Reeves

3. Case Assignments

Any post-judgment family law matter referred by the court to the general magistrates or hearing officers will be assigned via the Judicial Automated Workflow System (JAWS) to either General Magistrate / Hearing Officer Division “GM-1,” “GM-2,” “GM-3,” “GM-4,” or “GM-5.” The assignment of a referred matter will be determined by the last two digits of the case number according to the following table:

GM-1 PHILIP WARTENBERG	GM-2 JON JOHNSON	GM-3 JOAN MONTAGNO	GM-4 JENNIFER SARMIENTO	GM-5 VICKI REEVES
00	01	02	03	50
04	05	06	07	54
08	09	10	11	58
12	13	14	15	62
16	17	18	19	66
20	21	22	23	70
24	25	26	27	74
28	29	30	31	78
32	33	34	35	82
36	37	38	39	86
40	41	42	43	90
44	45	46	47	94
48	49		51	98
52	53		55	

56	57	59
60	61	63
64	65	67
68	69	71
72	73	75
76	77	79
80	81	83
84	85	87
88	89	91
92	93	95
96	97	99

4. General Magistrate Powers

General magistrates may hear and make recommendations on post-judgment family law matters, excluding Title IV-D cases.

5. Referral to General Magistrate

A. General Procedures

All post-judgment family law matters, excluding Title IV-D child support issues, will be referred by the court to a general magistrate. Contemporaneous with the filing of any post-judgment family law matter, the party filing the matter must file and serve on all parties either (1) a Motion for Referral to General Magistrate, or (2) an Objection to Referral to General Magistrate.

No pre-judgment matters will be referred to the general magistrates.

When motions concerning discovery, continuances, or withdrawal of counsel relate to a matter referred to and pending before the general magistrate, such motions must be set before and heard by the general magistrate without further order of referral by the court. A separate order of referral is required for all contempt matters. See *Young v. Young*, 816 So. 2d 1267 (Fla. 3d DCA 2002).

B. Referral Orders

i. JAWS – All Parties Represented by Counsel

In the absence of an Objection to Referral to General Magistrate, if all parties are represented by attorneys, none of whom has been excused from e-mail

service under Florida Rule of Judicial Administration 2.516, the judge will enter an appropriate order of referral generated by using the JAWS.

11. Hard Copies and Envelopes – Self-Represented Party or Party’s Attorney Excused from E-Service

In the absence of an Objection to Referral to General Magistrate, if any party is self-represented or represented by an attorney who has been excused from e-mail service by the court under Rule 2.516, the self-represented party or attorney who filed the post-judgment family law matter must submit to the presiding judge stamped, addressed envelopes for conformed copies of an order of referral to be mailed.

C. Objection to Referral

Any objection to a referral, in accordance with Florida Family Law Rule of Procedure 12.490(b), must be in writing and filed within 10 days of the date of service of the order of referral. In accordance with section 5A of this administrative order, a party filing a post-judgment matter may file an objection to referral contemporaneous with the filing of the post-judgment matter which obviates the need for an order of referral being entered. If an objection is filed, the matter will remain to be heard by the presiding judge in the respective division, except that, when the magistrate is acting as a child support enforcement hearing officer under section 8 of this administrative order, the court will not entertain any objection to the referral of post-judgment child support matters. When a case is referred to a general magistrate, and there is no objection to the referral, the action must be set for hearing before the assigned magistrate in the manner prescribed in the referral order. The general magistrate will proceed with the hearings and the preparation and filing of reports in the manner set forth in Florida Family Law Rule of Procedure 12.490.

D. Exceptions

If exceptions are filed pursuant to Rule 12.490(f), the general magistrate will retain authority to correct any errors or omissions or both in the original report by filing a corrected or amended report at any time prior to the court’s ruling on the exceptions. If the general magistrate intends to correct or amend the report, the general magistrate will notify the parties or their attorneys within 15 days of receipt of a copy of any exceptions filed. Such reservation of authority by the general magistrate does not restrict the jurisdiction of the circuit court to proceed on the exceptions previously filed, nor does the reservation of authority by the

general magistrate prevent a party from filing exceptions to the corrected or amended report. If no exceptions are filed, the general magistrate has authority to correct any errors or omissions in the original report at any time before the court enters judgment on the report. If a corrected or amended report is filed, a new 10-day exceptions period will begin.

6. Mandatory Mediation Required

In accordance with Administrative Order S-2009-107 (*Mediation of Family Law Cases*), a prerequisite to schedule a post-judgment hearing before a judge or general magistrate is the submission of the issues to mediation. The general magistrate may decline to schedule a hearing unless a mediation appointment is scheduled, but may not defer setting the hearing until after the mediation actually occurs. The magistrate is authorized to determine if one party is obstructing the scheduling of mediation, and upon such finding may set a hearing in the absence of a scheduled mediation. If the parties appear for a hearing and had scheduled but failed to complete the mediation, the magistrate may continue the hearing until the mediation is completed, or may proceed with the hearing if the party who is not responsible for the failure to complete the mediation so requests.

7. Child Support Enforcement Hearing Officer Powers

The persons appointed as general magistrates by this administrative order are also appointed as child support enforcement hearing officers, under Florida Family Law Rule of Procedure 12.491, solely for conducting proceedings involving the enforcement and modification of non-Title IV-D child support issues. When acting as child support enforcement hearing officers under this administrative order, the hearing officers will have all the powers and duties as provided in Rule 12.491. Unlike referral of matters to a general magistrate which requires the consent of all parties, referral of matters to the child support enforcement hearing officers under Rule 12.491 does not require the consent of any party and therefore a party may not lodge any objection to the referral.

8. Automatic Referral to Child Support Enforcement Hearing Officer

Upon the filing of any post-judgment action where the sole issue is the enforcement or modification of non-Title IV-D child support, the action is automatically referred to a child support enforcement hearing officer without order of court being required. The child support enforcement hearing officer will proceed with the hearing and the preparation and filing of a recommended order as

provided in Florida Family Law Rule of Procedure 12.491. No objections to a referral to a child support enforcement hearing officer under this section will be entertained by the court. Either party may set the action for hearing before the assigned child support enforcement hearing officer.

9. Contempt Hearings

In all contempt hearings in which the general magistrate or hearing officer recommends immediate incarceration, a recommendation and order will be promptly prepared and then reviewed by the judge assigned to the division in which the matter is pending. If the assigned judge is absent from the courthouse, the contempt matter will be reviewed by the family law judge present in the courthouse whose division next follows in alphabetical sequence the division in which the case is pending. Recognizing the need for expediency, if the court is attending to other judicial matters the court must recess as soon as is practicable and immediately review the magistrate's or hearing officer's recommendation. If the court ratifies the magistrate's or hearing officer's recommendation, the general magistrate or hearing officer will recall the case and the bailiff will take the contemnor into. If the court determines that a hearing before the court is necessary, the matter will be scheduled on an emergency basis and must be heard immediately.

10. Time Standards

General magistrates will file and serve copies of the report and recommendations on all parties within 60 days from the date of the hearing. Child support enforcement hearing officers will submit a recommended order to the assigned judge within 60 days from the date of the hearing. Each general magistrate and child support hearing officer will maintain a log of cases under advisement and must submit a bi-monthly memorandum to the associate administrative judge of the Family Law Division detailing any and all cases that have been held under advisement for more than 60 days. General magistrates and child support enforcement hearing officers must not maintain a case under advisement for more than 90 days from the date of the hearing.

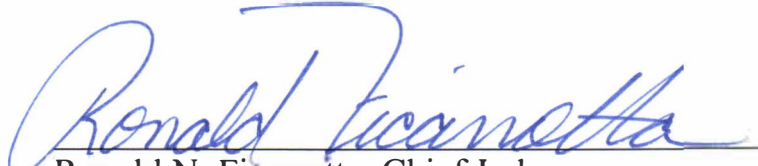
11. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2018-034 (*General Magistrates and Child Support Enforcement Hearing Officers in the Family Law Division*).

12. Effective Date

This administrative order is effective March 2, 2020.

ENTERED in Tampa, Hillsborough County, Florida, on March 2, 2020.


Ronald N. Ficarrotta, Chief Judge

Attachments: Oaths of General Magistrates

Original to: Pat Frank, Clerk of the Circuit Court

Copies to: All Family Law Division Judges

All Family Law General Magistrates and Hearing Officers

OATH OF GENERAL MASTER

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

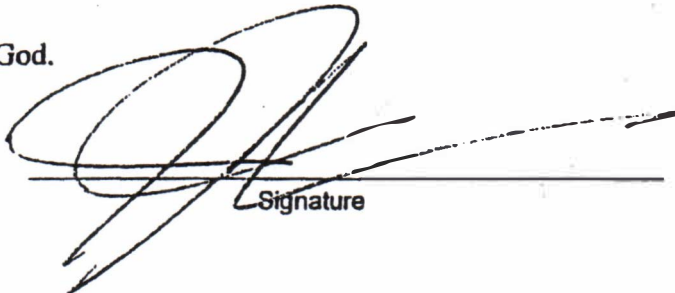
I do solemnly swear (or affirm):

I will support, protect and defend the Constitution and Government of the United States and of the State of Florida.

I am duly qualified to hold office under the Constitution of the state.

I will well and faithfully perform the duties of General Master on which I am now about to enter.

So help me God.


Signature

The foregoing instrument was sworn and subscribed before me this 23rd day of October, 2001, by Jon Johnson who is personally known to me or who has
Name of General Master
produced _____ as identification and who did take an oath.
Type of Identification


Signature and Seal of Official Administering Oath

Manuel Menendez, Jr.
Name of Official Typed, Printed or Stamped

Chief Judge
Title

OATH OF GENERAL MASTER

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I do solemnly swear (or affirm):

I will support, protect and defend the Constitution and Government of the United States and of the State of Florida.

I am duly qualified to hold office under the Constitution of the state.

I will well and faithfully perform the duties of General Master on which I am now about to enter.

So help me God.

Vicki L. Reeves
Signature

The foregoing instrument was sworn and subscribed before me this 30th day of January
2004, by Vicki L. Reeves who is personally known to me and who did
Name of General Master

take an oath.

Manuel Menendez, Jr.
Signature and Seal of Official Administering Oath

Manuel Menendez, Jr.
Name of Official Typed, Printed or Stamped

Chief Judge - 13th Circuit
Title

OATH OF JENNIFER ANN-GILL SARMIENTO - GENERAL MAGISTRATE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

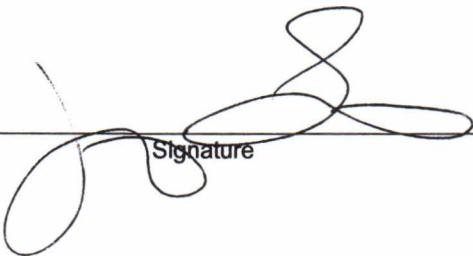
I do solemnly swear (or affirm):

That I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida;

That I am duly qualified to hold office under the Constitution of the state; and

That I will well and faithfully perform the duties of General Magistrate on which I am now about to enter.

So help me God.



Signature

The foregoing instrument was sworn to and subscribed before me this 18
day of June, 2018, by Jennifer Ann-Gill Sarmiento who is personally known to me and
who did take an oath.



Signature and Seal of Official Administering Oath

Ronald N. Ficarrotta
Name of Official Typed, Printed or Stamped

Chief Judge of the Thirteenth Judicial Circuit
Title

OATH OF PHILIP S. WARTENBERG - GENERAL MAGISTRATE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

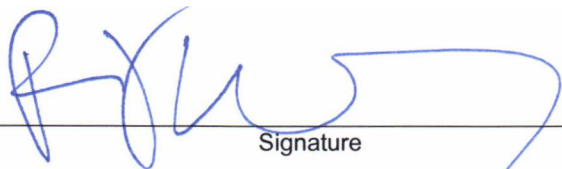
I do solemnly swear (or affirm):

That I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida;

That I am duly qualified to hold office under the Constitution of the state; and

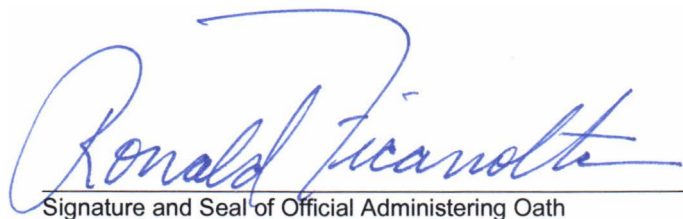
That I will well and faithfully perform the duties of General Magistrate on which I am now about to enter.

So help me God.



Signature

The foregoing instrument was sworn to and subscribed before me this second day of March, 2020, by Philip S. Wartenberg who is personally known to me and who did take an oath.



Signature and Seal of Official Administering Oath

Ronald N. Ficarrota
Name of Official Typed, Printed or Stamped

Chief Judge of the Thirteenth Judicial Circuit
Title