

**FAMILY LAW RULES COMMITTEE  
OUT-OF-CYCLE AMENDMENTS**

The Family Law Rules Committee invites comments on the proposed rule amendments anticipated to be included in the Committee’s out-of-cycle report. The full text of the proposals can be found on The Florida Bar’s website at [www.FloridaBar.org](http://www.FloridaBar.org).

Interested persons have until July 1, 2019, to submit any comments, electronically, to Mary Lou Cuellar-Stilo, incoming Chair of the Family Law Procedure Rules Committee, at [stiloml@fljud13.org](mailto:stiloml@fljud13.org), and to the Bar staff liaison, Mikalla Davis, at [mdavis@floridabar.org](mailto:mdavis@floridabar.org).

Rule 12.490.	22-0-0	<p>Changes to Rule 12.490 (Magistrates) are made throughout to make the rule consistent with the requirements for hearings before a hearing officer (Rule 12.491).</p> <p>In the first sentence of subdivision (b)(2), “shall” is changed to “must” twice for greater clarity for the reader.</p> <p>In the second paragraph of the indented language in subdivision (b)(2), deletes “report and recommendations” and replaces it with “recommended order.” Also, in that paragraph, deletes “shall” and replaces it with “must” for greater clarity for the reader and deletes “exceptions” and replaces it with “a motion to vacate” twice in the paragraph (once in the middle of the sentence and once at the end of the sentence) for consistency with Rule 12.491. In addition, deletes “f” and replace it with “e” to correctly cite to 12.490(e). Last, in this paragraph, deletes “may be” and replaces with “is” as</p>
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	<p>transcription of the hearing is necessary for hearing in front of the general magistrate.</p> <p>In subdivision (c), replaces “shall” with “must” for greater clarity for the reader.</p> <p>In the first indented paragraph of subdivision (d), deletes “recommendation” and replaces it with “recommended order” for consistency with Rule 12.491. Also, in this paragraph, deletes “exceptions” and replaces it with “a motion to vacate” for consistency with Rule 12.491. In this paragraph, deletes “exceptions or your exceptions” and replaces it with “motion to vacate or your motion.” Last, in the paragraph, deletes “if necessary” as a record is necessary for the court’s review.</p> <p>Deletes existing subdivisions (e) and (f) as it is recommended that general magistrates complete recommended orders consistent with hearings with hearing officers in Rule 12.491.</p> <p>Adds a new subdivision (e) regarding the requirements of the magistrate’s recommended orders.</p> <p>Renumbers the previous subdivision (g) as subdivision (f) to accommodate the deletions of two subdivisions and addition of a subdivision.</p> <p>In the new subdivision (f), deletes “exceptions” and replaces it with “a motion to vacate” for consistency with Rule 12.491.</p>
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		<p>Also, in the subdivision, deletes “if necessary” as a record is necessary for the court’s review.</p> <p>In the new subdivision (f)(2), deletes “exceptions” and replaces it with “a motion to vacate” throughout the subdivisions. Also in the second sentence of the subdivision, deletes “excepting” and replaces it with “moving.”</p>
<p>Forms 12.920 (a), (b), and (c).</p>	<p>19-0-0</p>	<p>In the first paragraph of the instructions, deletes “decisions” and replaces it with “orders” and deletes “recommendations” and replaces it with “recommended orders” to make the form instructions consistent with the proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer.</p> <p>Also, in the first paragraph of the instruction, adds “and entered” and deletes “and are generally approved” for grammar.</p> <p>In the fourth paragraph of the instruction, deletes “the original” and replaces it with “these documents” for clarity when parties file electronically.</p> <p>Adds a new section to the instructions regarding e-filing and e-service elections.</p> <p>In the third paragraph of the “What should I do next?” section, deletes “the original” and</p>

		<p>replaces it with “this document” for clarity when parties file electronically.</p> <p>In the Form 12.920(b) after “IT IS FURTHER ORDERED,” deletes “report and recommendations” and replaces it with “recommended order” to make consistent with the proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer.</p> <p>In the second paragraph of boldface print, deletes “report and recommendations” and replaces it with “recommended order” consistent with the proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer.</p> <p>Also, in the second paragraph of boldface print, replaces “f” with “e,” replaces “may be” with “is,” and replaces “exceptions” with “the motion to vacate ”and “a motion to vacate” to make consistent with the proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer.</p> <p>In the last paragraph of boldface print, deletes “report and recommendations” and replaces it with “recommended order and deletes “exceptions” and replaces it with “motion to vacate” and “a motion to vacate” in the paragraph to make consistent with the</p>
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		<p>proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer. Also, in that paragraph, replaces “f” with “e” and deletes “if necessary” to make consistent with the proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer.</p> <p>Also in Form 12.920(c), under “YOU ARE HEREBY ADVISED THAT IN THIS CIRCUIT” adds an option c to be consistent with Form 12.961.</p> <p>In Form 12.920(c), in boldface type, adds language required by <u>Turner V. Rogers</u>,<sup>564</sup> U.S. 431 (2011), regarding the parties’ ability to pay in contempt hearings.</p> <p>Also in Form 12.920(c), after the ADA required language, deletes “report and recommendations” and replaces it with “recommended order” and deletes “exceptions” and replaces it with “motion to vacate” and “a motion to vacate” in the paragraph to make consistent with the proposed amendments to Rule 12.490, making hearings in front of magistrates consistent with hearings in front of a hearing officer. Also, in that paragraph, replaces “f” with “e” and deletes “if necessary” to make consistent with the proposed amendments to Rule 12.490, making hearings in front of</p>
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