

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

ADMINISTRATIVE ORDER NO.:
21-36-B

**IN RE: MAGISTRATES – APPOINTMENT AND DUTIES OF DEPENDENCY GENERAL
MAGISTRATE IN BREVARD COUNTY**

WHEREAS, Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court, provides for the appointment of General Magistrates from among the members of the Florida Bar; and

WHEREAS, the use of a General Magistrate for dependency proceedings has been deemed necessary in Brevard County in the Eighteenth Judicial Circuit to expeditiously perform hearings in dependency cases, and

WHEREAS, it is an efficient use of judicial resources to refer pending dependency matters to a General Magistrate; and

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Eighteenth Judicial Circuit of Florida and pursuant to Rule 2.215(b)(2) and (e)(3), Fla. R. Gen. Prac. & Jud. Admin. and Rule 8.257 of the Fla. R. Juv. P. and current administrative orders of the Court, it is

ORDERED AS FOLLOWS:

1. The office of Dependency General Magistrate is established for Brevard County in the Eighteenth Judicial Circuit.
2. **Daniel J. Freyberg**, a member of the Florida Bar, is hereby appointed to serve as the Dependency General Magistrate for the Eighteenth Judicial Circuit, Brevard County, Florida. The Dependency General Magistrate shall take the oath required of officers by the Constitution. The Dependency General Magistrate shall serve without requirement of bond. The Dependency General Magistrate shall hear such matters as are assigned by the Chief Judge of the Eighteenth Judicial Circuit or by the Dependency Judge of the Eighteenth Judicial Circuit, for Brevard County, Florida.
3. Such dependency matters shall be referred to the Dependency General Magistrate by an Order of Referral to Dependency General Magistrate in substantially the same form as

Attachment "A" hereto, except that all dependency cases pending in the Eighteenth Judicial Circuit as of December 1, 2021, are hereby referred to the Dependency General Magistrate for the purpose of holding Judicial Review hearings pursuant to §39.701, Fla. Stat. (2020) and other hearings such as arraignments, advisory hearings, status hearings and/or hearings as assigned by the judge having jurisdiction over the case. Upon conclusion of the hearing the Dependency General Magistrate shall evaluate the evidence and promptly submit a report and recommended order to the court, setting forth appropriate findings of fact.

4. The Dependency General Magistrate shall perform all duties and have all authority granted under Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court.
5. As required by Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court, all proceedings conducted by the Dependency General Magistrate shall be recorded by electronic means, pursuant to the provisions of Fla. R. Gen. Prac. & Jud. Admin. 2.535(h)(4), or by a court reporter.
6. This Order shall be effective as of December 1, 2021.
DONE AND ORDERED this 30 day of November, 2021.



JESSICA J. RECKSEIDLER
CHIEF JUDGE

Distribution:

Distribution:

- All Circuit and County Judges (Brevard County)
- Court Administration (Brevard and Seminole Counties)
- Clerk of Court (Brevard County)
- Public Defender (Brevard County)
- State Attorney (Brevard County)
- Sheriff (Brevard County)
- Bar Association (Brevard County)
- Law Library (Brevard County)
- County Attorney (Brevard County)

ATTACHMENT "A"

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

IN THE INTEREST OF:

JUVENILE DIVISION
CASE NO.: _____

Minor Child(ren)
_____ /

ORDER OF REFERRAL TO DEPENDENCY GENERAL MAGISTRATE

THIS CASE IS REFERRED TO THE DEPENDENCY GENERAL MAGISTRATE on the following issues:

- Arraignment
- Disposition
- Advisory Hearing
- Status Hearings
- Judicial Review Hearings
- _____

AND ANY OTHER MATTER RELATED THERETO.

IT IS FURTHER ORDERED that the above issues are referred to the Dependency General Magistrate **Daniel F. Freyberg** for further proceedings, under Rule 8.257 of the Florida Rules of Juvenile Procedure and current administrative orders of the Court.

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

Unless already set for hearing, the Dependency General Magistrate shall assign a time for the proceedings as soon as reasonably possible after this referral is made and shall give notice to each of the parties either directly or by directing counsel or a party to file and serve a notice of hearing.

A REFERRAL TO A DEPENDENCY 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 DEPENDENCY GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. 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 DEPENDENCY GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 8.257, FLORIDA RULES OF JUVENILE PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT OF THE PROCEEDINGS, OR STIPULATION BY THE PARTIES OF THE

EVIDENCE CONSIDERED BY THE DEPENDENCY GENERAL MAGISTRATE AT THE PROCEEDINGS, WILL BE REQUIRED TO SUPPORT THE EXCEPTIONS.

YOU ARE ADVISED THAT IN THIS CIRCUIT ELECTRONIC RECORDING IS PROVIDED BY THE COURT.

DONE AND ORDERED in Brevard County, Florida, the ____ day of _____, 20__.

CIRCUIT JUDGE