

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Edwin E. Cortes v. Silvia L. Cortes

No. 3D26-0231 · No. No. 3D26-0231 · Decided March 31, 2026

SUMMARY

The Florida Third District Court of Appeal reversed a post-decretal order granting civil contempt sanctions for failure to pay child support arrearages. The court held, on confession of error, that the general magistrate lacked authority to hear the Department of Revenue’s motions because the husband had timely objected to the referral and the parties had not consented as required by Florida Family Law Rule of Procedure 12.490(b)(1).

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	SCALES, C.J.; EMAS, J.; LOGUE, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	March 31, 2026
DOCKET	No. 3D26-0231
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a post-decretal contempt order approving a general magistrate's recommended order concerning child-support arrearages; the appeal was treated as such after the appellant initially filed a petition for writ of certiorari.
STANDARD OF REVIEW	The court did not expressly state a standard of review; it reviewed the legal authority of the general magistrate to hear the matter based on the undisputed procedural record.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Edwin E. Cortes v. Silvia L. Cortes

TOPICS

- family law procedure
- child support
- contempt
- appellate procedure
- writ of certiorari

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether a general magistrate may hear motions for civil contempt and related relief when a party timely objects to the referral and does not consent.

HOLDINGS

1. A general magistrate may not hear a matter when a party has timely objected to the referral and the parties have not consented, because Florida Family Law Rule of Procedure 12.490(b)(1) requires the parties' consent.
2. A petition for writ of certiorari challenging the contempt order should be treated as an appeal when the contempt order is an appealable post-decretal final order.

KEY QUOTATIONS

“pursuant to Florida Family Law Rule of Procedure 12.490(b)(1), no matter may be heard by a general magistrate without consent of the parties.”

“We, therefore, reverse the trial court’s January 12, 2026 order and remand for proceedings not inconsistent with this opinion.”

FACTUAL BACKGROUND

The Florida Department of Revenue intervened and sought civil contempt and related relief against Edwin Cortes for failure to pay a child-support arrearage. The trial court referred the Department's motions to a general magistrate, despite Cortes's timely objection to that referral. The general magistrate conducted a hearing and issued a recommended order that the trial court approved on January 12, 2026.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a January 12, 2026 post-decretal order approving a general magistrate's recommended order granting the Florida Department of Revenue's motions for civil contempt and related relief based on Edwin Cortes's failure to pay child-support arrearages. Cortes timely objected to referral of the matter to the general magistrate. The Department of Revenue confessed error, and the Third District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for proceedings not inconsistent with the opinion.

CASES CITED

- Phanord v. Phanord, 411 So. 3d 568, 568 (Fla. 3d DCA 2025)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed March 31, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D26-0231 Lower Tribunal No. 14-14667-FC-04 _____ Edwin E. Cortes, Appellant, vs. Silvia L. Cortes, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Diana Vizcaino, Judge.

Edwin E. Cortes, in proper person. Silvia L. Cortes, in proper person. James Uthmeier, Attorney General, and Sarah C. Prieto, Assistant Attorney General (Fort Lauderdale), for the Florida Department of Revenue. Before SCALES, C.J., and EMAS and LOGUE, JJ. On Confession of Error PER CURIAM. Edwin E. Cortes (“Husband”) appeals¹ a January 12, 2026 trial court post-decretal order approving a recommended order of the general magistrate granting intervenor Florida Department of Revenue’s (“the Department”) motion for civil contempt (and associated motions) for Husband’s failure to pay a child support arrearage.

Husband argues that, because Husband timely objected to the trial court’s order referring the matter to the general magistrate, the general magistrate lacked the authority to conduct the hearing on the Department’s motions.

The Department commendably concedes that we should reverse the challenged order because (i) Husband timely objected to the appointment of a general magistrate to hear its motions, and (ii) pursuant to Florida Family Law Rule of Procedure 12.490(b)(1), no matter may be heard by a general magistrate without consent of the parties.

We, therefore, reverse the trial court’s January 12, 2026 order and remand for proceedings not inconsistent with this opinion. ¹ Husband challenged the subject contempt order via a petition for writ of certiorari. Pursuant to Florida Rule of Appellate Procedure 9.040(c), we treat Husband’s petition as an appeal of the challenged order because the trial court’s contempt order is an appealable, post-decretal final order.

See *Phanord v. Phanord*, 411 So. 3d 568, 568 (Fla. 3d DCA 2025). ² Reversed and remanded. ³