

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

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