

FLORIDA THIRD DISTRICT COURT OF APPEAL

Dayami Rodriguez Rodriguez v. George Gonzalez

No. 3D25-0551 (Fla. 3d DCA July 9, 2025) · No. No. 3D25-0551; Lower Tribunal No. 21-9357-FC-04 ·
Decided July 9, 2025

SUMMARY

The Florida Third District Court of Appeal reviewed a trial court’s reconsideration order concerning objections to a general magistrate’s report and recommendation in a parenting-plan modification proceeding. The court reversed and remanded because the trial court may have applied an overly deferential standard when evaluating the magistrate’s factual findings and legal conclusions.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Bokor, J.; Logue, J.; Lindsey, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 9, 2025
DOCKET	No. 3D25-0551; Lower Tribunal No. 21-9357-FC-04
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mother appealed an order reconsidering and vacating the trial court's prior order that had vacated a general magistrate's report and recommendation concerning the Father's petition to modify a parenting plan.
STANDARD OF REVIEW	When exceptions to a general magistrate's report are filed, the trial court reviews the record to determine whether the magistrate's factual findings and conclusions are supported by competent substantial evidence and whether the magistrate's legal conclusions are clearly erroneous or misconceive the legal effect of the evidence. The trial court's review in that circumstance is similar to appellate review of a trial court's actions.
PRECEDENTIAL VALUE	published
PARTIES	Dayami Rodriguez Rodriguez v. George Gonzalez

TOPICS

family law procedure

child custody

standard of review

appellate procedure

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the trial court applied the correct standard when reviewing the Mother's exceptions and motion to vacate the general magistrate's report and recommendation.

HOLDINGS

1. When exceptions to a general magistrate's report are filed, the trial court must review the record for competent substantial evidence supporting the magistrate's factual findings and conclusions and determine whether the magistrate's legal conclusions are clearly erroneous or misconceive the legal effect of the evidence. The trial court's reconsideration order suggested that it applied an overly deferential standard.

KEY QUOTATIONS

“if “exceptions to the magistrate’s report have been filed, a trial court reviews the record to determine whether the magistrate’s factual findings and conclusions are supported by competent substantial evidence, and whether the magistrate’s legal conclusions are clearly erroneous or whether the magistrate misconceived the legal effect of the evidence.”” (at 2)

“In such instances, a trial court reviewing a magistrate’s findings and recommendations takes on a role similar to that of an appellate court reviewing a trial court’s actions.” (at 2)

FACTUAL BACKGROUND

Following an evidentiary hearing on the Father's petition to modify a parenting plan, a general magistrate issued a report and recommendation. The trial court initially vacated the report after finding that certain factual findings lacked competent substantial evidence and that incorrect legal standards had been applied. On reconsideration, the trial court vacated its prior order but expressly reaffirmed the rationale underlying that order.

PROCEDURAL HISTORY

After an evidentiary hearing, a general magistrate issued a report and recommendation on the Father's petition to modify a parenting plan. The Mother timely moved to vacate the report and recommendation, and the trial court initially granted that motion based on a lack of competent substantial evidence and incorrect legal standards. On the Father's motion for reconsideration, the trial court vacated its prior order while reaffirming its original rationale. The Third District Court of Appeal reversed and remanded for application of the correct standard.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must reconsider the motion to vacate the general magistrate's report and recommendation under the correct standard applicable when exceptions have been filed. The appellate court expressed no position on the ultimate outcome.

CASES CITED

- Mata v. Mata, 185 So. 3d 1271, 1272 (Fla. 3d DCA 2016)
- Rodriguez v. Reyes, 112 So. 3d 671, 673 (Fla. 3d DCA 2013)

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