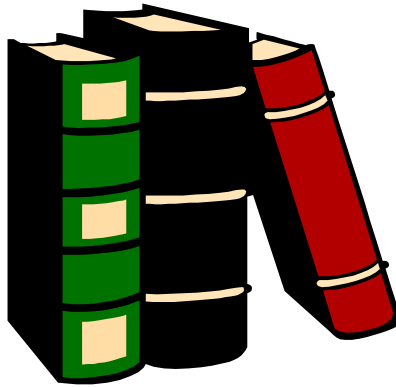


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
CIVIL DOMESTIC DIVISION**



PRACTICES AND PROCEDURES

GENERAL MAGISTRATES

**MARY A. NARDI
STANLEY M. SILVER**

April 2022

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I. PROCEDURES FOR REMOTE VIDEO HEARINGS

HEARINGS CONDUCTED BY THE GENERAL MAGISTRATES HELD THROUGH MICROSOFT TEAMS.

At the discretion of the General Magistrates or mutual consent of the parties, hearings may be conducted by video conference via Microsoft Teams. You will need a laptop or smart phone with a camera and a microphone and an internet connection to participate. If you are using a smartphone or tablet, you must download the Microsoft Teams application prior to your scheduled hearing.

We have implemented a new way for participants to appear for hearings before Magistrate Stanley M. Silver and Magistrate Mary A. Nardi. We will now have one link to access each courtroom for any hearings before the Magistrates and will no longer be sending individual emails to all parties for each hearing.

The party scheduling the hearing shall be responsible for including the Virtual Hearing Instructions in the Notice of Hearing which will include a link and a QR code for the parties to access the virtual courtroom.

The Virtual Courtroom Links and Instructions for the Magistrates can be found in Section VII.

II. GENERAL PROCEDURES FOR THE GENERAL MAGISTRATE'S DIVISION

A. REFERRAL TO THE GENERAL MAGISTRATE

A General Magistrate will solely preside over all matters related to any motion or petition which is specifically referred to the General Magistrate, without objection, pursuant to Florida Rule of Family Procedure 12.490. All hearings conducted by the General Magistrate are recorded by Digital Court Reporting.

Either party may request that their case, or portions of their case, be heard by a General Magistrate. To request an Order of Referral, you must contact the Judicial Assistant to the assigned Judge *or* contact the Assistant to the General Magistrate. Each Order of Referral to a General Magistrate must state with specificity the matter being referred and the name of the General Magistrate to whom a referral is being made.

Note: General Magistrate Stanley M. Silver is assigned odd numbered cases and General Magistrate Mary A. Nardi is assigned even numbered cases.

B. OBJECTIONS TO A REFERRAL TO THE GENERAL MAGISTRATE

After the judge refers your case to a General Magistrate, either party may object to the referral within 10 days of the date that the referral is made (if the Order of Referral is served by mail, the parties have an additional 5 days within which to object to the referral). A copy of the Objection

to the Order of Referral to General Magistrate should be sent to the Magistrate's Assistant to request cancellation of a hearing if one has already been scheduled.

C. AMENDMENTS TO FLORIDA FAMILY LAW RULES OF PROCEDURE 12.490

Previously, under rule 12.490, parties could seek review of the report and recommendations of a general magistrate by filing exceptions. However, pursuant to Amendments to Florida Family Law Rules of Procedure 12.490 and 12.491, the parties seek review of the decision of a General Magistrate by filing a Motion to Vacate.

The parties have 10 (ten) days from the time the General Magistrate's Recommended Order is served on them to file a Motion to Vacate as provided in Rule 12.490(e).

The party seeking review shall seek to schedule a hearing date at the same time that the motion to vacate is filed with the court. Failure to seek a hearing date in conformity with the rule may result in denial of the motion to vacate.

A motion to vacate the order must be heard within thirty (30) days from the date the motion is filed unless the period is extended by court order.

A party filing a motion to vacate must also provide the court with a record to review. The record must consist of the substantial parts of the court file, including all depositions and other evidence presented to the general magistrate. The record must also include a transcript of the relevant proceedings held before the general magistrate. See 12.490(f).

A timely filed motion to vacate stays enforcement of the order/judgment rendered by the court until after the court has conducted a hearing on the motion to vacate and issue an order granting or denying the motion to vacate.

A sample template of the Recommended Order can be found in Section VIII.

The court does not provide written transcripts of any proceedings. For information regarding Digital Court Reporting, please contact the Seminole Digital Court Reporting Department at 407-665-6012 or by email at SeminoleDCR@flcourts18.org. To order a copy of the recording, please follow the link below which explains the procedure, and the cost.
<https://flcourts18.org/court-programs/seminole-digital-court-recordings/>

D. COMMUNICATION WITH THE COURT

Ex parte communication (any communication to the General Magistrate without the other party's presence or knowledge) is strictly prohibited. You must copy the opposing party or attorney when sending email messages or correspondence to the Magistrate's Assistant.

III. HEARINGS

A. SCHEDULING

To schedule hearings/trials on matters that have been specifically referred to the General Magistrates, you must email the General Magistrate's Assistant (Paola.Fuentes@flcourts18.org) for available hearing dates and times. You must also include the case style and title of the motion in your email. *Prior to requesting any hearing time before the General Magistrate, you must ensure that the matter has been specifically referred by an Order of Referral from the Circuit Judge.* All parties are required to give a good faith estimate of the time needed for the hearing.

B. COORDINATING

Reasonable attempts need to be made to clear a date with opposing counsel before confirming a hearing date/time. Several attempts on the same day is insufficient. Do not contact the Magistrate's Assistant to determine what a reasonable attempt is or how much time is reasonable. This must be determined by the attorney.

Self-Represented Litigants (pro se parties) Only: If the opposing party is a *self-represented litigant* and a telephone number or email address is listed on any of their pleadings, you must make attempts on two different days to coordinate the hearing. A message must be left by email or phone on both days requesting a response by the end of that business day to coordinate the hearing. If at the end of the second business day you do not receive a call back, then you may request to set a hearing unilaterally giving at least ten (10) days-notice of the hearing to the self-represented litigant. If no phone number or email address is listed in the Court file, you may request to set a hearing unilaterally giving at least fifteen (15) days-notice of the hearing to the self-represented litigant.

C. CONTINUANCES ON CASES SET BEFORE THE GENERAL MAGISTRATE

No continuance will be granted unless a Motion For Continuance is filed. Please ensure that the motion contains the opposing party's position on the continuance. Please contact the General Magistrate's Assistant (Paola.Fuentes@flcourts18.org) to coordinate a time for your Motion to be heard.

If all parties agree to the continuance, the moving party must obtain new dates, and re-coordinate with the opposing party. An Amended Notice of Hearing must be prepared and e-filed in the Court file.

D. CANCELLING

Only the party who scheduled the hearing may cancel the hearing. Please send a copy of the Notice of Cancellation to the Magistrate's Assistant (paola.fuentes@flcourts18.org). If a hearing is continued or cancelled, it is the responsibility of the scheduling attorney/party to immediately advise the Magistrate's Assistant that the scheduled hearing is continued or cancelled so that it is removed from the court's docket. Should a hearing be cancelled less than 24 hours prior to the hearing, the scheduling party and/or attorney's office must email and/or call the Magistrate's Assistant to advise the court of the cancellation.

E. CROSS-NOTICING

If you wish to add a motion to a previously set hearing and you do not need more time, you must contact the party who scheduled the hearing and obtain permission to share their time. If you need additional time, you may either obtain new dates by emailing the Magistrate's Assistant or have the party who set the original hearing cancel theirs and reschedule for a timeslot with enough time for both hearings. Please make sure that Amended Notices and/or Cross-Notice of Hearings are filed with the Clerk. NOTE: YOU MAY NOT CROSS-NOTICE ANY MATTER THAT HAS NOT BEEN SPECIFICALLY REFERRED TO THE GENERAL MAGISTRATE.

F. NOTICE OF HEARING

A Notice of Hearing must specifically state the matter(s) to be heard. A Notice of Hearing that states "All Pending Motions" is a nullity. Any party scheduling a hearing MUST provide notice to the other parties, even if defaulted by the Court. If a Guardian *ad Litem* appointed in the case is not given notice of a hearing, the hearing may be subject to cancellation by the Court pending proper notice to the Guardian *ad Litem*. You must e-file the Notice of Hearing in the court file and provide a courtesy copy by email to the Magistrate's Assistant.

The party scheduling the hearing shall be responsible for including in the Virtual Hearing Instructions in the Notice of Hearing which will include a link and a QR code for the parties to access the virtual courtroom.

The Virtual Hearing Links and Instructions for the Magistrates can be found in Section VII.

G. SELF-REPRESENTED (pro se) LITIGANTS – FAMILY CASES

If both parties are *pro se*, they must submit an online "Request for Hearing or Other Action" found at <https://selfhelp.flcourts18.org/>. The Family Court Case Management Department will review your case and notify you if additional documents are needed or if your case is ready for final hearing.

IV. RECOMMENDED ORDERS OF THE GENERAL MAGISTRATES

When directed by the General Magistrate to prepare a Recommended Order at the conclusion of your hearing or trial, submit the proposed Recommended Order via email to the Magistrate's Assistant (paola.fuentes@flcourts18.org) in Word format for electronic signature. You must attach a separate cover letter stating whether the opposing party has reviewed the proposed Recommended Order and has no objection to the form. The proposed Recommended Order shall be forwarded to the General Magistrate's office as directed with copies provided to the opposing party.

V. TRIALS BEFORE THE GENERAL MAGISTRATES

A. PRE-TRIAL CONFERENCE

All cases referred to the General Magistrates for a final trial are required to attend a Pre-Trial Conference prior to the scheduling of *any final trial requiring at least 1 hour*. The General Magistrate will determine the status of the case, determine whether it would be appropriate for the parties to attend mediation, set deadlines for completion of discovery, filing of exhibit and witness lists, and exchange of documents intended to be admitted into evidence, and otherwise ensure the parties meet full compliance with Florida Statutes and Florida Family Law Rules of Procedure prior to trial. To schedule a Pre-Trial Conference after the case has been referred, you must email the Magistrate's assistant and request hearing time for a Pre-Trial Conference.

B. CASE MANAGEMENT CONFERENCE – SELF REPRESENTED LITIGANTS

A Case Management Conference will be scheduled by the General Magistrate's office if both parties are self-represented *and* the case is not ready to proceed to a final trial. The General Magistrate will determine the status of the case, determine whether it would be appropriate for the parties to attend mediation, and ensure the parties meet full compliance with Florida Statutes and Florida Family Law Rules of Procedure.

C. TRIAL

Trial dockets for General Magistrate Mary A. Nardi (even numbered cases) are on Mondays and Tuesdays. Trial dockets for Stanley M. Silver (odd numbered cases) are on Wednesdays and Thursdays.

For trials less than 1 hour, please contact the Magistrate's Assistant (paola.fuentes@flcourts18.org) for available trial dates and times. Reasonable attempts need to be made to clear a date with opposing counsel before confirming a hearing date/time. Several attempts on the same day is insufficient. DO NOT contact the Magistrate's Assistant to determine what a reasonable attempt is or how much time is reasonable. This must be determined by the attorney.

Self-Represented Litigants (pro se parties) Only: If the opposing party is a *self-represented litigant* and a telephone number or email address is listed on any of their pleadings, you must make attempts on two different days to coordinate the hearing. A message must be left by email or phone on both days requesting a response by the end of that business day to coordinate the hearing. If at the end of the second business day you do not receive a call back, then you may request to set a hearing unilaterally giving at least ten (10) days-notice of the hearing to the self-represented litigant. If no phone number or email address is listed in the Court file, you may request to set a hearing unilaterally giving at least fifteen (15) days-notice of the hearing to the self-represented litigant.

For trials requiring more than 1 hour in length, please refer to paragraph I above.

D. PROCEDURES FOR SUBMITTING EXHIBITS FOR EVIDENTIARY HEARINGS AND TRIALS BEFORE THE GENERAL MAGISTRATE

If the hearing/trial exhibits you intend on offering into evidence exceeds more than 50 pages in length, a hard copy of all exhibits must be hand delivered *or* mailed to the General Magistrates' Chambers at the Seminole County Civil Courthouse 301 N Park Ave, Sanford, FL 32771. *Please note that all exhibits must be personally delivered and/or received at least 48 business hours prior to the hearing.*

IN ADDITION TO THE ABOVE: The parties are required to furnish electronic copies of all intended Exhibits to the General Magistrates Assistant at Paola.fuentes@flcourts18.org no later than 48-business hours prior to the trial via e-mail. All parties associated with the case shall be copied on the e-mail. **DO NOT COPY THE MAGISTRATE ON THE E-MAIL.** The Subject of the E-mail shall include the Case Number, Case Name and Date of Hearing/Trial. *All E-mails shall have the exhibits clearly marked and attached in PDF format.*

EXAMPLE: Case Number, Case Style, Hearing Date, Part 1 of ____ e-mails.

Marking of Exhibits for Identification:

All exhibits/evidence shall be clearly marked for identification (A, B, C, etc....) or, have a title page at the beginning of their evidence indicating "Exhibit A, etc." and the name of the document. Below is the preferred format:

<input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT <input type="checkbox"/> JOINT EXHIBIT
CASE NO.:
DATE:
IDENTIFICATION:
EXHIBIT #:

IMPORTANT: If Exhibits are not timely received, properly marked or separated, they will not be acceptable for use at the trial or hearing

VI. SELF-REPRESENTED LITIGANTS (Pro Se)

Florida Self-Represented Litigants (Pro Se)

For general information on representing yourself in Seminole County, please visit our website at <https://selfhelp.flcourts18.org/>.

If you are self-represented you should register and file documents in your case through the Florida E-filing Portal <https://www.myflcourtagency.com/>. This will ensure you get timely

notice of documents filed in your case and that your documents are delivered to the opposing party registered with the portal.

VII. VIRTUAL COURTROOMS – LANGUAGE TO BE INCLUDED IN NOTICE OF HEARING

MAGISTRATE STANLEY M. SILVER’S VIRTUAL COURTROOM:

On the appointed day and time the parties (and attorneys) shall contact the Court by typing in the Court’s dedicated link at: <https://fl18.org/9> into Microsoft Edge or Google Chrome web browser^[1] or by scanning the QR Code below^[2]:



^[1] Note that Safari will not work with MS Teams, and if you are connecting through apple products you will need to download the free app.

^[2] For emergency purposes only, if you cannot connect, the backup telephone line is [+1 386-310-1754](tel:+13863101754) United States, Daytona Beach (Toll) Conference ID: 810 943 829#
Be advised your hearing may need to be continued if you call in.

MAGISTRATE MARY A. NARDI’S VIRTUAL COURTROOM:

On the appointed day and time the parties (and attorneys) shall contact the Court by typing in the Court’s dedicated link at: <https://fl18.org/8> into Microsoft Edge or Google Chrome web browser^[1] or by scanning the QR Code below^[2]:



^[1] Note that Safari will not work with MS Teams, and if you are connecting through apple products you will need to download the free app.

^[2] For emergency purposes only, if you cannot connect, the backup telephone line is [+1 386-310-1754](tel:+13863101754) United States, Daytona Beach (Toll) Conference ID: 132 377 884#
Be advised your hearing may need to be continued if you call in.

VIII. RECOMMENDED ORDER – SAMPLE TEMPLATE

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

XXXXX,
Petitioner/XXX,
and

CASE NO.: XXX

XXXXX,
Respondent/XXX.

_____ /

**ORDER ON RECOMMENDATION OF THE GENERAL
MAGISTRATE
XXXXXXXXXXXXXX**

THIS CAUSE came before the undersigned General Magistrate on DATE pursuant to an order of referral to the General Magistrate in accordance with Florida Law Family Law Rule of Procedure 12.490 and with the consent of the parties. Present for the proceedings were INSERT. INSERT did not appear. The Magistrate reviewed the court file and all related cases, considered the evidence and testimony of the available parties and (if applicable) their witnesses, and has otherwise been fully advised in the premises.

FINDINGS OF FACT and CONCLUSIONS of LAW

- A. The undersigned has jurisdiction over the parties, the subject matter and the child(ren).
- B. INSERT MOTION
- C. The *Motion* filed XXX is **GRANTED/DENIED**.

THEREFORE, IT IS RECOMMENDED AND ORDERED AS FOLLOWS:

- 1.
- 2.
- 3.

RECOMMENDED AND ORDERED at Sanford, Seminole County Florida this RRRR.

GGGG

ORDER

THIS COURT having reviewed the above Recommended Order of the General Magistrate it is hereby:

ORDERED AND ADJUDGED that the above Recommended Order is hereby approved, confirmed, and adopted as the Order of this Court and all parties shall be governed thereby and shall comply with the same in each and every one of its particulars.

DONE AND ORDERED at Sanford, Seminole County, Florida on this DDDD.

JJJJ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal to the following this MMMM.

CCCC

AAAA

Notice of Rule 12.490(e)

The General Magistrate has submitted an Order/Final Judgment to the court that includes findings of fact and conclusions of law.

Upon receipt of this Order/Final Judgment, the court must review it and promptly enter the order unless the court finds the recommended order/judgment is facially or legally deficient.

Any party affected by the Order/Final Judgment may move to vacate the Order/Final Judgment by filing a motion to vacate within ten (10) days of the date of entry. Any party may file a cross-motion to vacate within 5 days of service of a motion to vacate.

The party seeking review shall seek to schedule a hearing date at the same time that the motion to vacate is filed with the court. Failure to seek a hearing date in conformity with the rule may result in denial of the motion to vacate.

A motion to vacate the order must be heard within thirty (30) days from the date of the motion is filed, unless the period is extended by court order.

A party filing a motion to vacate must also provide the court with a record to review. The record must consist of the substantial parts of the court file, including all depositions and other evidence presented to the general magistrate. The record must also include a transcript of the relevant proceedings held before the general magistrate. See 12.490(f).

The judge must enter an order rendering a ruling on the motion to vacate no later than thirty (30) days after the hearing. Requests for status of that ruling should be forwarded to the trial judge, rather than the general magistrate.

A timely filed motion to vacate stays enforcement of the order/judgment rendered by the court until after the court has conducted a hearing on the motion to vacate and issue an order granting or denying the motion to vacate.