Magistrate Rachel Licona

General Magistrate, St. Pete (South Pinellas) Family Divisions

Sixth Judicial Circuit of Florida

545 1st Ave N, RM 202 • St. Petersburg, FL 33701

(352) 518-4058 • stpetegmcircuit6@jud6.org (scheduling) and GMsouth@jud6.org (evidence)

PRACTICE PREFERENCES

1. Scope of Referral

General Magistrate Licona hears all family law matters upon referral.

Pursuant to Florida Family Law Rule of Procedure 12.490, all matters scheduled before the General Magistrate must be subject to an Order of Referral specifying the name of the magistrate and the specific matter to be heard. The parties have ten (10) days from the date of service of the referral to file a written objection. If the matter is set for hearing within the ten-day objection period, any objection must be filed prior to the commencement of the hearing. Failure to file a timely written objection is deemed consent and will not be set aside.

Referral to the General Magistrate does not divest the circuit judge of jurisdiction. See *Posso v. Sierra*, 363 So. 3d 211 (Fla. 4th DCA 2023).

2. Communications With This Office

2.1 Preferred Method

Email is preferred. Direct all communications to stpetegmcircuit6@jud6.org. Telephone inquiries may be directed to (727) 582.7559 if they are related to a hearing taking place the same day.

Every communication must include:

- Cc' ALL INVOLVED PARTIES including the GAL
- Complete case style and case number
- Names of parties
- Type of motion or matter
- Length of hearing requested
- Which party you represent
- If a hearing or trial is currently scheduled, the date and time

2.2 No Ex Parte Communication

Do not contact this office to provide background information, your side of the story, or any other substantive information about a pending case. Do not ask or permit a third party to do so on your behalf. The Court will hear relevant testimony and receive relevant evidence in open court in the presence of all parties.

All correspondence directed to the General Magistrate or her Assistant must copy every party (or their counsel). Materials submitted ex parte will be discarded or returned to the sender.

The Assistant to the General Magistrate is bound by the same prohibition against ex parte communication as the General Magistrate, cannot answer legal questions, and will not relay information to the General Magistrate.

2.3 Pro Se Parties

Self-represented parties are held to the same procedural standards as counsel. The Assistant to the General Magistrate cannot give legal advice. The Clerk of Court's Self-Help Center, the Florida Courts website at flcourts.gov, and the Florida Bar Lawyer Referral Service are available resources.

Please review the following if applicable to your case:

- Best interests of children factors
- Equitable Distribution factors
- Alimony factors
- Child Support

***** ALL FAMILY LAW FORMS CAN BE FOUND AT HTTPS://WWW.FLCOURTS.GOV/RESOURCES-SERVICES/OFFICE-OF-FAMILY-COURTS/FAMILY-COURT-IN-FLORIDA/FAMILY-LAW-FORMS *****

Please pay close attention to the instructions of any form for procedural requirements.

Helpful links to find legal help

Legal Self-Help Page – Pinellas Clerk of Court: https://www.mypinellasclerk.gov/Self-Help

Sixth Judicial Circuit Court: https://www.jud6.org

Community Law Program: http://www.lawprogram.org/

St Pete Bar Referral Page: https://www.stpetebar.com/general/custom.asp?page=FindanAttorney

The Florida Bar Lawyer Referral Service offers a 30-minute consultation with an attorney for a fee of $25.00. The Referral Service can be reached at 1-800-342-8011, or you may visit their website at http://www.floridabar.org/lawyerreferral.

3. Standards of Conduct and Professionalism

All parties and counsel are expected to comply with Administrative Order No. 2013-075 PA/PI-CIR, *Standards of Professional Courtesy for the Sixth Judicial Circuit*.

Attorneys are expected to read and follow the Florida Bar Family Law Section's *Bounds of Advocacy*, available at familylawfla.org, as well as the Rules Regulating the Florida Bar, particularly Chapter 3 (Rules of Discipline) and Chapter 4 (Rules of Professional Conduct).

Punctuality is expected. Hearings begin at the time noticed. The General Magistrate keeps to a strict schedule, and other matters are typically calendared throughout the day so hearings will not be permitted to run over the scheduled time.

4. Setting Hearings

After a matter has been referred to the General Magistrate or, if self-represented upon filing, a party may contact the Family Law Division, Courts Information & Resource Center at 727-582-7200 to schedule a hearing on any pending motion, provided the motion has been filed with the Clerk of Court and served on the opposing party with a Certificate of Service.

If represented by counsel, all hearings must be coordinated with opposing counsel. The most efficient method is to email the Assistant to the General Magistrate with a request for hearing and copy the opposing side, so proposed hearing times may be agreed upon and docketed promptly.

Please request sufficient time on the calendar. Wait for confirmation before preparing a Notice of Hearing. Time will not be held for pending matters indefinitely; if the requesting party does not coordinate and confirm within a reasonable period, the hold will be released.

If self-represented, the Magistrate office will send Notice of Hearing to all parties with a scheduled date/time and zoom link if applicable. You might first receive a JAWS notification with the date/time. A Notice of Hearing will be forthcoming and received shortly after to your designated email and/or address on file with the clerk. You must keep your address current.

Please fill out an Email Designation form if you have not previously done so. Form available at: https://flcourts-media.flcourts.gov/content/download/685859/7661591?version=4

NOTICE REQUIREMENT

Both parties must notify, in writing, the Pinellas County Clerk of Court if he/she changes his/her residential address or employment. A NOTICE OF CHANGE OF MAILING ADDRESS OR DESIGNATED E-MAIL ADDRESS [FORM 2.603] can be found at: https://www.mypinellasclerk.gov/Portals/0/Forms/2022/508_CHANGEOFADDRESSEMAIL.pdf

5. Case Management Conferences

After a referral is received and ten days have elapsed without objection, the case will be referred to mediation or a Case Management Conference (CMC) will be set unless the matter is uncontested, in which case a Final Hearing will be scheduled, likely after first having a CMC.

All Case Management Conferences are dually noticed. If the parties reach a full agreement before the conference, the matter may be finalized at the CMC by agreement.

In family law matters, parties are generally expected to:

- File Financial Affidavits or a specific waiver of same;
- If children are involved, complete a Parenting Course and submit a proposed or agreed Parenting Plan;
- If marital assets or liabilities exist, file a comprehensive list with values as of the date of filing;
- If uncontested, file a fully executed Marital Settlement Agreement.

Although not required, both parties are strongly encouraged to attend all hearings to avoid delays.

6. Mediation

All family law matters must go to mediation, except as prohibited by rule or statute. A referral will be made at or prior to the Case Management Conference, but the parties may arrange private mediation or negotiate directly at any time.

Financial Affidavits **must** be filed to use the court's mediation program without hearing. The Magistrate may take testimony as to income and refer the parties to mediation; however, this will delay the process.

7. Pretrial Deadlines and Final Hearing Preparation

7.1 Witness Lists, Disclosures, and Discovery

Witness lists, exhibit lists, expert disclosures, and the discovery cutoff are typically set at the pretrial conference. In the absence of an order setting different deadlines, these are due **no later than one (1) week prior to the trial or contested final hearing**.

7.2 Exhibits

Binders or other voluminous documentary evidence may be brought to the hearing. For remote hearings, voluminous materials must be delivered to the office no later than 24 hours before the hearing or emailed to the General Magistrate at gmsouth@jud6.org with copies to opposing party no later than 48 hours before the hearing.

7.3 Continuances

Motions for continuance must be in writing, copies provided to the opposing party and filed with the Court, and made as far in advance as possible. Email the office at gmsouth@jud6.org so the request may be considered before the hearing or trial date. Counsel and parties should nevertheless be prepared to appear and argue the motion if necessary.

7.4 Stipulations, Settlements, Cancellations, and Conversions

If a matter settles, is cancelled, or is converted from contested to uncontested, notify the office by email as soon as possible. Where appropriate, the Court may be able to expedite an uncontested final hearing using the previously reserved time.

7.5 Appearance at Final Hearing

Even when a matter has fully settled, the parties must appear for the Final Hearing. A Final Judgment will not be entered on the pleadings alone. Both parties (or, where appropriate, the petitioner and a witness) must appear to provide jurisdictional and corroborating testimony.

8. Proposed Orders

Do not submit proposed orders unless requested. The General Magistrate will give verbal instructions on the record if proposed orders are requested and will specify the deadline.

If a proposed order is requested, email it in Microsoft Word format to gmsouth@jud6.org, with a copy to all parties.

9. Remote Hearings (Zoom)

The Court conducts most uncontested and non-evidentiary hearings including case management conferences by Zoom. The Zoom invitation issued by this office contains the connection information and instructions for joining by voice call through Zoom, which is acceptable when bandwidth or connection issues prevent video.

Long evidentiary final hearings by Zoom are discouraged. Where credibility, multiple exhibits, or extensive testimony are at issue, in-person attendance is required. Smaller evidentiary hearings such as contempt/enforcement and other matters may still be held on Zoom.

9.1 Logging In

- Log in using your **actual name** — not a device name, phone number, or initials.
- Be on time. There is no need to log in early.
- Participants are automatically muted on entry. Please take yourself off mute so we can ensure everyone can hear one another.

9.2 Decorum

- Treat the Zoom hearing as a court hearing, because it is one.
- Dress as you would for in-person court.
- Do not appear from a moving vehicle, a public place, or any location where you cannot maintain privacy. Pull over and park before logging in.
- No third parties or children may be present during the hearing.
- Backgrounds may be plain or virtual. The Court does not require a particular background, but anything sexually suggestive, profane, or otherwise inappropriate for a courtroom is not acceptable.

9.3 Recording

The Court makes the official recording of the proceeding. No party, attorney, witness, or observer is permitted to record a Zoom hearing by any means. Recording a court proceeding without authorization may violate Florida law. If you wish to have your own transcript, hire a court reporter to appear at the hearing at your expense.

9.4 Technology Failures

If a participant loses connection or experiences a technology failure during a hearing, **immediately email or call the office at (727) 582-7559**. The Zoom invitation also includes instructions for joining by voice call through Zoom, which may resolve bandwidth-related problems.

10. Constructive Service

If a respondent cannot be located in order to perfect personal service, Chapter 49, Florida Statutes, allows for constructive service in certain matters. The requirements are specific and exacting.

An Affidavit of Diligent Search **must** contain the last known address of the respondent and document at least one attempt to serve at that address, along with supporting documentation of

every step taken to locate the respondent. Matters with deficient affidavits will not be set for hearing.

The Court has only limited jurisdiction in constructive service cases and **cannot** award financial relief if the respondent is not personally served. If children are involved, parties are strongly encouraged to exhaust personal service options before resorting to constructive service.

11. Filing in Your Court Case

To file documents in your court case, you may use the Florida Courts E-Filing Portal at https://www.myflcourtaccess.com/ for **electronic filing or file in person** at one of the courthouse locations. See https://www.mypinellasclerk.gov/Home/Contact-Us for more information.

11.1 Becoming a Registered User

To view court documents online, you must first become a **Registered User** with the Pinellas County Clerk of the Circuit Court and Comptroller.

1. Visit the Clerk's online records portal and select the option to register as a new user. Pinellas County Court Records Search & Registration
2. Complete the registration process and verify your email address, if required.
3. Once your account is activated, log in to search for your case and view available court documents. Some documents may be confidential or otherwise unavailable for online viewing.

11.2 Obtaining an Electronic Certified Copy (eCertify)

If you need a certified electronic copy of a court document:

1. Locate the document in the online court records system.
2. Select the **eCertify** option (if available) and follow the prompts to purchase the certified copy.
3. After payment is processed, you will receive an email with a secure link to download the electronically certified document. Electronic certified documents are digitally signed and can be independently verified for authenticity. Clerk eCertify

These Practice Preferences are intended to inform the bar and self-represented parties of procedures generally followed in this division. They do not modify the Florida Family Law Rules of Procedure, the Florida Rules of General Practice and Judicial Administration, the Florida Statutes, or any administrative order of the Sixth Judicial Circuit.