

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2018-031
(Supersedes Administrative Order S-2017-011)**

TRUST ADMINISTRATION

It is necessary for the proper and efficient administration of justice in this circuit to update the trust administration provisions for the Probate, Guardianship, Mental Health and Trust Division. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is ORDERED:

1. Assignment of Cases

All proceedings filed under chapter 736, Florida Statutes (the Florida Trust Code) are assigned to Probate, Guardianship, Mental Health and Trust Division “A,” unless the trustee’s usual place of business or, if the trustee has no place of business, the trustee’s residence is in the East Division boundaries. If the trustee’s usual place of business or, if the trustee has no place of business, the trustee’s residence is in the East Division boundaries, all proceedings filed under chapter 736, Florida Statutes, are assigned to East Circuit Division “U” or East Circuit Division “W” based on a random equitable distribution system. See Administrative Order S-2013-033 or any successor administrative order for the East Division boundaries.

All actions filed by or against a trustee that do not arise under chapter 736, Florida Statutes, are assigned to the Circuit Civil Division.

2. Transfer of Case

If it becomes apparent to either the administrative judge of the Probate, Guardianship & Trust Division or the administrative judge of the General Civil Division, or both, that a case has been erroneously filed in either of the two divisions, the administrative judges will consult with each other and determine the appropriate division for the case. Either administrative judge may enter an order transferring a case from one subject matter division to another with the consent of the other administrative judge. If the administrative judges do not agree on the appropriate subject matter division for a case, the chief judge will make the decision.

3. Consolidation of Case

Consolidation of a trust administration case pending in the Probate, Guardianship, Mental Health and Trust Division with an independent, but related,

action that is appropriately filed in the Circuit Civil Division is disfavored unless the right to jury trial, if any, has been waived by all parties in the action pending in the Circuit Civil Division.

4. Reassignment of Case upon Judge’s Disqualification

If the judge assigned to Probate, Guardianship, Mental Health and Trust Division “A” enters an order of disqualification in a trust administration case, the case will be reassigned in a random and equitable fashion by the Clerk of the Circuit Court (clerk) to one of the standard Tampa Circuit Civil Divisions. If either of the judges presiding in East Circuit Division “U” or “W” enters an order of disqualification, the clerk will reassign the case to the other division. If both judges assigned to the East Circuit Divisions “U” and “W” enter orders of disqualification, the clerk will reassign the case to Tampa Probate, Guardianship, Mental Health and Trust Division “A.”

5. Emergencies

Application for emergency relief in a trust administration case will be made to the judge of the division to which the case is assigned for disposition. If the judge assigned to Probate, Guardianship, Mental Health and Trust Division “A” is for any reason absent from the courthouse, any emergency application in a trust administration case will be made to the administrative judge of the Circuit Civil Division. If the administrative judge of the Circuit Civil Division is absent from the courthouse, any emergency application will be made to the duty judge (*See www.fljud13.org for duty judge assignment*).

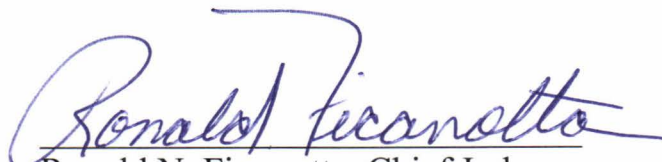
6. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2017-011 (*Trust Administration*).

7. Effective Date

This administrative order is effective August 1, 2018.

ENTERED in Tampa, Hillsborough County, Florida on July 27, 2018.


Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Probate, Guardianship, Mental Health and Trust Division Judges
All Circuit Civil Division Judges
Hillsborough County Bar Association