

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

**ADMINISTRATIVE ORDER S-2024-013
(Supersedes Administrative Orders S-2021-078)**

PROBATE PROCEEDINGS

In light of Administrative Order S-2023-056 (*East Division Reorganization*) which established East Circuit Division “O” as an additional circuit division to handle probate cases, it is necessary for the proper and efficient administration of justice to update the assignment provisions for probate proceedings. 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 General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Assignment of Cases

A. Probate Code Proceedings

i. Newly-Filed Cases

On and after the effective date of this administrative order, the Clerk of the Circuit Court (clerk) will assign all proceedings under the Florida Probate Code (chapters 731, 732, 733, 734 and 735, Florida Statutes) to Probate, Guardianship, Mental Health and Trust Divisions “A” and “B” based on a 5:3 ratio unless the decedent was domiciled in the East Division boundaries. If the decedent was domiciled in the East Division boundaries, the clerk will assign the probate proceedings to East Circuit Division “O,” East Circuit Division “U,” and East Circuit Division “W” based on a random equitable distribution. See Administrative Order S-2024-014 or any successor administrative order for the East Division boundaries.

ii. Transferred Cases

In order to initially populate East Circuit Division “O” with its proportionate share of probate cases, an equitable number of probate cases from East Circuit Division “U” and East Circuit Division “W” will be transferred to East Circuit Division “O.” The clerk will coordinate the transfer of cases with the administrative judge and the technology department of the Administrative Office of the Courts.

B. Independent Torts

Independent torts filed by or against a personal representative, a beneficiary, or an interested person are assigned to the Circuit Civil Division.

2. Transfer of Case

If it becomes apparent to either the administrative judge of the Probate, Guardianship, Mental Health and Trust Division or the administrative judge of the Circuit Civil Division, or both, that a proceeding 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 proceeding. Either administrative judge may enter an order transferring a proceeding 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 proceeding, the chief judge will make the decision.

3. Consolidation of Case

Consolidation of a 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. Description of Real and Personal Property

Each item of real or personal property identified in a petition, order or other document must be listed with a complete and correct description. To the extent possible, the description should include:

A. *Real property*: a complete legal description and mailing address.

B. *Corporate stocks*: the current name of the corporation, the number of shares, the class, and such other information as may be necessary to sufficiently identify the stock.

C. *Bonds, debentures, and other debt obligations*: the name of the issuer, the original principal amount, the interest rate, the series (if applicable), and the maturity date.

D. *Amounts receivable that are secured under mortgages or security agreements*: the date of the obligation, the identity of the obligor, the original principal balance, and the record book and page number or other filing or recording reference.

E. *Rights of action*: a brief description of the nature of the action, the style of the action, the name of the court in which the action is pending, and the court's case number.

F. *Accounts at banks*: the name and location of the savings and loan association, brokerage firm, or other financial institution; the type of account; the account number; the principal balance or value; and, in the case of a brokerage account, a description of the assets held.

G. *Vehicles and boats*: year, make, type, and serial number.

Each item of tangible personal property must be separately described if it is valued at more than \$500 or specifically devised.

Counsel must determine if it is appropriate to file a Notice of Confidential Information within Court Filing or a Motion to Determine Confidentiality of Court Records in accordance with Florida Rule of General Practice and Judicial Administration 2.420.

5. Substitution of Counsel and Resident Agent

Any stipulation for the substitution of counsel for a personal representative or other represented person must be signed by the attorneys involved and by the personal representative or other represented person. If the former attorney is the designated resident agent for the personal representative, then the former attorney should resign, and a new resident agent should be designated. This rule will not affect the right of a personal representative to change attorneys, so long as notice is given to the former attorney.

6. Reassignment of Case upon Judge's Disqualification

A. East Division

If a judge presiding in East Circuit Division "O," "U," or "W" enters an order of disqualification, the clerk will reassign the case randomly and equitably to one of the other two divisions. If all three

judges in East Divisions “O,” “U,” and “W” enter orders of disqualification, the clerk will reassign the case in a random and equitable fashion to Tampa Probate, Guardianship, Mental Health and Trust Division “A” or “B.”

B. Tampa Division

If either of the judges presiding in Probate, Guardianship, Mental Health and Trust Division “A” or “B” enters an order of disqualification, the clerk will reassign the case to the other division. If, after such reassignment, the successor judge in the Probate, Guardianship, Mental Health and Trust Division enters an order of disqualification, the clerk will reassign the case in a random and equitable fashion to one of the standard Circuit Civil Divisions.

7. Setting of Hearings

A. Obtaining Hearing Time

Attorneys may obtain available hearing times and schedule hearings on a judge’s calendar by accessing the Judicial Automated Workflow System (JAWS) or by e-mailing the judge’s judicial assistant at the appropriate divisional e-mail address:

- Probate, Guardianship, Mental Health and Trust Division “A” – probatedivisiona@fljud13.org.
- Probate, Guardianship, Mental Health and Trust Division “B” – probatedivisionb@fljud13.org.
- East Circuit Division “O” – eastcirdivo@fljud13.org.
- East Circuit Division “U” – eastcirdivu@fljud13.org.
- East Circuit Division “W” – eastcirdivw@fljud13.org.

Self-represented interested persons are encouraged to obtain hearing times and schedule hearings on a judge’s calendar by e-mailing the judge’s judicial assistant at the appropriate divisional e-mail address above.

B. Notice of Hearing

All notices of hearing must state the length of the time reserved on the judge’s calendar for the hearing and specify the matters to be heard. The party filing a notice of hearing must

provide a copy of the notice to the presiding judge's judicial assistant. A notice indicating that the hearing will be on "all pending motions" is not authorized. The matter to be heard must be set out with particularity. There will be no cross-noticing on hearing times unless the opposing counsel or opposing interested person contacts the judge's office and determines whether the docket will accommodate hearing additional matters at the same time and all parties agree to including the additional matters to be heard.

C. Cancellation or Rescheduling

If any hearing is cancelled or rescheduled, the attorney or self-represented interested person setting the hearing is responsible for notifying the judge's judicial assistant and the opposing counsel or opposing interested person as soon as possible of the cancellation. Attorneys must also cancel the hearing through JAWS if the hearing was scheduled on JAWS.

8. Court Reporters

The court does not provide court reporters for hearings. If an attorney or self-represented interested person wishes to have a court reporter present during any hearing, it is that attorney's or self-represented interested person's responsibility to contact the court reporter and arrange for the court reporter's attendance. See also Administrative Order S-2022-017 (*Court Reporting*).

9. Hearings

Any petition, pleading, motion, or other document that is the subject of a hearing or a conference set before the court must be filed with the clerk no later than five days before the hearing or conference. Consideration of any petition, pleading, motion, or other document not so filed may be postponed until another hearing is scheduled. Courtesy copies of any case law, statutes, or other authority relied upon for the hearing must be provided to the judge at the hearing.

10. Emergencies

A. General

Application for emergency relief in a probate case must be made to the presiding judge of the division in which the case is pending. Matters scheduled for hearing as an emergency may not

be heard with less than 48 hours' actual prior notice to an opposing interested person unless all interested persons agree. The term "absent from the courthouse" as used in the subsections below means being physically located outside of the respective court facility. The term does not include being in a hearing, jury trial, or non-jury trial.

B. East Division

If the presiding judge in East Circuit Division "O," "U," or "W" is absent from the courthouse, then emergency application in any probate case assigned to that judge's division will be presented to the judge whose probate division next follows in alphabetical sequence if that judge is present in the courthouse. If all three judges assigned to East Circuit Divisions "O," "U," and "W" are absent from the courthouse, then the emergency matter will be presented to the judge assigned to Probate, Guardianship, Mental Health and Trust Division "A" in Tampa. If the judge assigned to Probate, Guardianship, Mental Health and Trust Division "A" is absent from the courthouse, the clerk will follow the procedures in section 10.C. below.

C. Tampa Division

If the presiding judge is either of the judges presiding in Probate, Guardianship, Mental Health and Trust Division "A" or "B," and is for any reason absent from the courthouse, then emergency application in any probate case will be presented to the judge of the other probate division. If the judges presiding in Probate, Guardianship, Mental Health and Trust Division "A" and "B" are both absent from the courthouse, then emergency application in any probate case will be presented 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 presented to the duty judge. (See www.fljud13.org for duty judge assignment).

11. Orders

A. Consultation with Opposing Counsel or Interested Person

Unless the presiding judge directs otherwise, prior to counsel submitting a proposed order for the court's consideration, counsel

must consult with opposing counsel or the appropriate interested person within five days after the court's decision and make a genuine effort to agree on the language of the proposed order.

B. Timely Submission

All proposed orders must be submitted to the court by the attorney directed to prepare the order within 10 days after the court's decision.

C. Submission of Proposed Orders

i. Portal – All Parties Represented by Counsel
None of Whom are Excused from E-Service

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-mail service under Florida Rule of General Practice and Judicial Administration 2.516, an attorney who is requested to submit a proposed order must do so through the Florida Courts E-Filing Portal (Portal) in searchable PDF or PDF/A.

All proposed orders submitted to the presiding judge must include a cover letter certifying that one of the following statements is true: (i) all parties have agreed to the content of the proposed order or (ii) opposing counsel has not responded within five business days of being provided the proposed order. If, after consultation with opposing counsel or the appropriate interested person, the parties cannot agree on the language in the proposed order to be submitted to the court, then the attorney or interested person submitting the proposed order must document in a cover letter that the opposing counsel or opposing interested person has registered an objection and specifically state what the objection is. At the time the cover letter and proposed order is submitted to the court, a copy must simultaneously be sent to all parties and interested persons or their counsel. If an objection is registered, the court will determine if a hearing is necessary to resolve the dispute.

ii. Hard Copies and Envelopes – Self-Represented
Interested Person or Party's Attorney Excused
from E-Service

If any interested person is self-represented or if any party is represented by an attorney who has been excused from e-mail

service under Rule 2.516, the interested person or attorney who is requested to submit a proposed order must do so by submitting to the presiding judge sufficient hard copies of the proposed order along with stamped, addressed envelopes.

iii. Title

The title of every proposed order submitted must contain the subject matter of the pleading or motion upon which the ruling is made and must fairly apprise the reader of the action being ordered. Phrasing such as “order granting...” or “order denying...” is preferred over “order on....”

iv. Form

In all proposed orders, the page containing the court’s signature must also contain substantive language of the proposed order so that a proposed order does not contain a signature page consisting only of the court’s signature. Each page, except for the first page, must contain a page number.

12. Adversary Proceedings

In an adversary proceeding as defined by Florida Probate Rule 5.025, the following provisions apply:

A. Case Management Conference

A case management conference will be scheduled by the petitioner within 60 days of the commencement of an adversary proceeding as defined by Rule 5.025. All trials of adversary proceedings must be set by a uniform order setting pre-trial and nonjury trial. Uniform orders can be found at www.fljud13.org.

B. Military Service – Memorandum for Certificate of Military Service

If a petitioner does not know whether the respondent is on active duty in a branch of the military service of the United States, the petitioner must complete a memorandum for certificate of military service substantially similar to the memorandum designated as Florida Family Law Rule of Procedure Form 12.912(a). A uniform Memorandum for Certificate of Military Service can be found at www.fljud13.org.

C. Default Judgment – Affidavit of Military Service

If a petitioner seeks a default judgment and the respondent has been properly served and has not responded to the petition, the petitioner must complete and file an affidavit of military service substantially similar to the affidavit designated as Florida Family Law Rule of Procedure Form 12.912(b). A uniform Affidavit of Military Service can be found at www.fljud13.org.

D. Motions to Compel – Order Without Hearing

When a motion to compel that complies with the good faith certification in Florida Rule of Civil Procedure 1.380(a)(2) – motion “must include a certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action” – alleges the absence of a response or objection to discovery and there has been no request for an extension of time to respond, the court, without a hearing, may enter an order requiring compliance with the original discovery request within 10 days of the signing of the order, provided no written showing of good cause has been filed by the non-moving party.

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-mail service under Florida Rule of General Practice and Judicial Administration 2.516, the movant’s attorneys must submit to the court a proposed order through the Portal in searchable PDF or PDF/A format. If any interested person is self-represented or if any party is represented by an attorney who has been excused from e-mail service under Rule 2.516, the movant or movant’s attorney must submit to the presiding judge sufficient hard copies of the proposed order along with stamped, addressed envelopes.

E. Motions to Set Case for Trial - Certificate by Attorney

All motions to set a case for trial must contain a certificate by the attorney filing such motion that the attorney has discussed the subject matter of the motion with the opposing counsel or self-represented interested person and has been unable to reach agreement concerning the setting of the case for trial, or that

opposing counsel or self-represented interested person has failed to respond.

13. Order to Show Cause Docket

The clerk will prepare an order to show cause docket in accordance with the applicable Florida Probate Rules and the applicable Florida Rules of Civil Procedure.

14. Professional Conduct and Courtroom Decorum

Counsel must adhere to The Florida Bar's Guidelines for Professional Conduct,¹ The Florida Bar's Professionalism Expectations² and the Hillsborough County Bar Association's Standards of Professionalism.³ Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines, Expectations, or Standards, as that judge deems appropriate.

15. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-S-2021-078 (*Probate Procedures*).

16. Effective Date

This administrative order is effective March 1, 2024.

ENTERED on January 22nd, 2024.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Probate, Guardianship, Mental Health and Trust
Division Judges and General Magistrates
All Circuit Civil Division Judges
All East Division Judges
Hillsborough County Bar Association

¹ <https://www.floridabar.org/prof/regulating-professionalism/presources002/>

² <https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>

³ <https://www.hillsbar.com/page/Professionalism>