

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO. 79-1
(Court Administration)

IN RE: ADMINISTRATIVE ORDER
GOVERNING PROBATE DIVISION

ADMINISTRATIVE ORDER
NO. 79-41

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, the following procedures shall be adhered to in the Probate Division of the Circuit Court:

- I. Assignment of Cases by the Clerk of the Court.
 - A. All proceedings shall be assigned equally and randomly by the Clerk among the several sections of this Division except as otherwise provided by Order or Directive of the Chief Judge.
 - B. No file or pleading shall indicate the name of a judge. All assignments will be made by section in accordance with the blind filing system.
 - C. Proceedings will be filed at the Filing Desk in the Probate Division, located on the third floor of the Courthouse, in the same manner as heretofore filed in the County Judge's Court.
 - D. A list of all cases and assignments will be posted on the bulletin board in the clerk's Office each morning before 9:00 A.M. in order that attorneys may be advised of the section to which cases have been assigned from the prior day filings.
 - E. In the event of an emergency where a proceeding requires immediate attention, the Administrative Judge may assign the same to a section of the Division forthwith.
 - F. Estates and guardianships involving immediate members of the same family shall, upon request to the Clerk, be assigned to the same section or may later be transferred to the section having the earlier filed case.

II. Reassignment of Cases.

After the initial assignment of cases to the individual section by the Clerk by the blind filing system, there shall be no transfer of cases from one section to another, except as follows:

- A. When a Judge has recused himself or herself or has been disqualified from hearing a case; or whenever it appears to a Judge that a case should be transferred for this reason, such case should be brought to the attention of the Administrative Judge of the Probate Division as hereinafter set forth.
- B. The transferring Judge shall instruct the Clerk to place the case upon the calendar of the Administrative Judge for the following day for the following day for reassignment.
- C. If it appears in the best interest of justice that a speedy transfer be made, the transferring Judge shall immediately send the file to the Administrative Judge who shall take the proper action as soon as practicably possible.
- D. Cases may be reassigned by the Administrative Judge of the Division for cause after notice.

III. To prevent delays for continuances because of the absence, unavailability or overburdened calendar of any Judge; to promote the efficient operation of the Probate Division as a whole; or, for any other good cause:

- A. Any two or more Judges may hear any matters for each other; may hear each other's calendars; and may transfer cases from one to the other either temporarily or permanently. If a cause is transferred for trial, it should be transferred permanently for trial and final disposition.
- B. Any such assignment may be made with the concurrence of the two or more Judges affected. The Administrative Judge need not be consulted, but may set aside such reassignment or transfer for good cause.
- C. No transfer should be made under this section in lieu of recusal or disqualification, as any transfer for the latter reason must be referred to the Administrative Judge for reassignment.

IV. Removal of Court Files.

Removal of court files shall be only upon written permission of the Judge in whose Section the case is assigned. Any person entitled to remove a court file shall sign a card indicating the case number, their name, office address and telephone number. The Section Judge may grant permission for removal of the file on the same card. The Clerk's Office shall supply a uniform card for this purpose.

Except for good cause shown in writing, only the following categories of persons shall be privileged to remove such files:

- A. Attorneys of record.
- B. Title companies preparing abstracts of title may remove closed files for a period not to exceed 48 hours.
- C. Upon good cause shown by any member of the Florida Bar or any duly authorized investigator of a federal or state agency.
- D. Judicial staff members and personnel of the Administrative Office of the Court, who in the course of their official duties find it necessary to remove Probate Division Court files from the Clerk's Office.

V. Ex Parte Procedure.

A. Ex Parte hours will be held at such times and on such days of each week as may be designated by the Judges of the Sections or by the Administrative Judge of the Division. Attorneys will restrict their appearances before the Judges at Ex Parte time to those matters requiring some explanation to the Judge by the attorney. Under normal circumstances, conferences with a Judge at Ex Parte time should not exceed five minutes. Attorneys should never issue a notice of hearing returnable at Ex Parte time. Two or more attorneys should not appear together to have the Court determine even minor disputed matters.

B. Attorneys will use Ex Parte slips in all Ex Parte matters not personally presented to the Judge. These Ex Parte slips shall provide any explanation necessary to aid the Court and shall include the name of the attorney of record actually handling the case and his phone number. The Ex Parte slip will also advise the Clerk of the number of conformed or certified copies desired by the attorney. Attorneys shall attach to the Ex Parte slip self-addressed, stamped envelopes for the mailing of certified or conformed copies of pleadings to themselves and other counsel. If certified copies are required, the proper fee should also be submitted.

C. All agreed orders shall be referred to as such in the body of the order.

VI. Voluntary Guardianships.

When a petition is filed with the Court for the appointment of a voluntary guardian of the property pursuant to F.S. 744.341, the petition shall allege, in addition to the statutory requirements, the physical residence of the petitioner. The petition need not be accompanied by a certificate of a licensed physician. After filing and assignment to a particular division, the Judge thereof shall designate and appoint the physician to perform the mental examination required pursuant to the statute. The petitioner or the guardian of the property shall be responsible for payment of the examining physician's fee.

VII. Orders reflecting rulings upon contested matters shall be submitted not later than 48 hours after ruling to the Ex Parte Clerk of the Judge responsible for such orders. All orders and final judgments shall be on plain stationery.

VIII. Rescission of Administrative Order No. 79-7.

Administrative Order No. 79-7 heretofore entered on January 3, 1979 and the same is hereby rescinded and held for naught.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 19th day of June, 1979.

EDWARD D. COWART, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA