

PAMELA A.M. CAMPBELL
CIRCUIT COURT JUDGE
SECTION 4 – PROBATE DIVISION
545 First Avenue North, Room 300
St. Petersburg, Florida 33701
Email: tmccreary@jud6.org
Hearings: 3rd Floor, Room 300

As of: 1/7/19

PRACTICE PREFERENCES

BONDS ARE NOT WAIVED. EVERY FORMAL ESTATE IS REQUIRED TO POST A BOND ACCORDING TO THE BOND SCHEDULE WHICH IS SET FORTH ON PAGE 17 OF THIS DOCUMENT.

ALL PROPOSED ORDERS MUST HAVE A LIST OF THE PARTIES TO WHOM THE EXECUTED ORDER WILL BE DELIVERED. “All Parties,” or “attorneys of record,” is not acceptable. You may; however, note “Copies to: The Attached Service List,” which service list shall contain the eservice address to which the Order will be sent or the address if an eservice address is not available.

These preferences are divided into three parts. The first are the personal preferences of the Judge in setting hearings and communication (Page 2). The second refers with more specificity to certain types of Motions and the requirements of the Court, Florida Statute and Administrative Orders (Page 5). The last portion is also available on the Sixth Circuit’s Website and sets forth the answers to frequently asked questions regarding probate and guardianship procedure as it relates to the Court and to the Clerk of the Court (Page 11).

ORDER CHECKLISTS AND TO FILE REQUIRED DOCUMENTS

The number one delay in processing cases in probate is the failure of the filing attorney to file all required documents in a timely manner. There are detailed checklists available on the Clerk’s website that set forth EXACTLY what must be filed for each type of case. Delays may be avoided if you review these requirements and the Florida Statutes to ensure that you are complying with all the rules BEFORE submitting your Petition through the portal.

For example: A Verified Petition is required to open an estate and an ORIGINAL death certificate AND a bond for all formal administrations. The bond schedule is listed later in this document. Any exempt property may be excluded from the value of the estate and if it is unknown as to the value at the time of the filing of the Petition, a minimum bond of \$18,000.00 must be filed and it may be increased upon the filing of the Inventory.

Let’s try to alleviate some of the steps that should be unnecessary for the Clerk and the Judge’s office to address by filing the correct documentation in a timely manner. Do not wait to receive notification from the Court that the case must be discharged before filing a Petition to Extend Time for Discharge. You should be filing these ahead of time and uploading them along with a proposed Order through the portal. This is one of the types of Petitions and Orders that you may contact the JA to inform her that they have been uploaded so that we may address them immediately.

Make sure your office has reliable diary system to ensure that the inventory is filed in time or that your office files a Petition for Extension of Time to file the Inventory with a proposed Order through the portal. There are so many things that your respective offices can do to alleviate the issuance of Orders to File Required Documents and/or Orders to Show Cause which will in turn expedite the process for everyone.

I. JUDGE'S PREFERENCES

We prefer to communicate by email if at all possible. Your emails will be answered on the same date that they are received, unless otherwise indicated in an automatic reply. If the JA or Judge are going to be out, you will receive information regarding when they will be out and when they will be returning. If you have anything that needs to be addressed on an emergency basis or prior to our return, you **MUST FILE A PRIORITY REQUEST** as set forth later in this document.

For general information and Frequently Asked Questions about Probate and Guardianship, please see the attached document prepared by the Probate Division of the Clerk's Office.

1.1 **Contacting the Judge's Office:** Please remember that the Judicial Assistant (JA) cannot answer your legal questions or provide legal advice, or tell you how she thinks the Judge will rule. Judge Campbell's judicial preferences are addressed in this document. Other than as set out in this document, your opportunity to speak to the Judge happens in Court only, not through a message delivered by the JA.

1.2 **Professionalism:** It is expected that attorneys and their legal staff as well as self-represented parties will be polite and courteous in their contact with the JA and the Judge. It is also expected that all attorneys and self-represented parties will adhere to Sixth Judicial Circuit's "*Professionalism Expectations and Professionalism Implementation Procedures*," available at www.jud6.org (or we have them available here in our office).

1.3 **Scheduling Hearings and Case Status Inquiries (Section 4):** This office communicates primarily via email communication (tmccreary@jud6.org) for coordinating and scheduling of any hearings. Petitions must be e-filed with the Clerk of the Court and posted on the docket prior to requesting hearing time.

1.4 When requesting a hearing time, please send an email to tmccreary@jud6.org and ask for a copy of our hearing list. It is very helpful if you include the case number AND the case name along with the type of Petition you are trying to schedule. Many times a hearing may not be required on the type of Petition you are trying to set, so this will save a LOT of time.

Once you receive our schedule and coordinate a date and time with opposing counsel, if any, please then send the judicial assistant the information set forth below:

Case No.

Case Name:

Formal/Summary/Gdnship:

Date/Time Requested:

Amount of Time Requested:

Petition to Be Heard:

**Telephonic appearance
Requested?**

Name of PR/GDN:

Attorney for PR/GDN:

Firm Name:

Telephone:

E-Service Address:

E-Mail Address:

This same information is required for **each attorney/party to this action.**

If there are individuals who are NOT attending, please note.

Please also list any other **Interested Parties and their attorney information**, if any. If no attorney, please provide the IP's contact information.

If you are aware of **any family members or other parties not listed as parties** to the action, please let us know so that we may choose the correct location for the hearing (chambers or courtroom).

Do not send out the Notice of Hearing until the JA has provided your office with a confirmation email.

1.5 You must seek permission of the Judge's office to add a petition to a scheduled hearing time. If permitted, the additional petition will only be considered if time permits.

1.6 **EX PARTE HEARING TIME:** We do not have a walk-in ex parte calendar. All hearings must be cleared and scheduled. Therefore, you may schedule your ex parte hearing at any of the hearing times on the hearing list that will be provided to you upon request. We require that you schedule ex parte hearings in the same way and a regular hearing. We will confirm the hearing in the same manner that we confirm all other hearings.

1.7 **YOU MUST NOTIFY THE JA BY EMAIL OF ANY CANCELLATIONS OF HEARINGS.** You must also file a Notice of Cancellation through the eportal. The Court does not receive notifications if you file a Notice of Cancellation through the eportal. The ONLY way we know is if you contact us DIRECTLY by email.

1.8 **STATUS OF CASE/ORDERS:** Before contacting the Judge's office, if you are inquiring as to the status of the case/orders, you MUST first check the docket or call the Clerk's Probate Department at (727) 464-3321 to determine status. Only after that may you contact the Judge's office with any further questions, requests or concerns.

1.9 **IMPORTANT NOTE ON PENDING CASES/ORDERS:** The Clerk's office reviews ALL probate/guardianship documents when they are filed through the eportal. Only then are the documents forwarded to the Judge's queue. THE NUMBER ONE REASON THAT CASES ARE DELAYED IS DUE TO THE FAILURE OF THE ATTORNEY TO FILE ALL REQUIRED DOCUMENTS UPON THE FILING OF THE INITIAL ACTION AND/OR FAILURE TO FOLLOW UP ON THEIR CASES AND REQUEST EXTENSIONS FOR DISCHARGE OR RESPONSES BEFORE THE COURT HAS TO ISSUE AN ORDER TO FILE REQUIRED DOCUMENTS.

Once the Clerk sends a file/proposed Order to the Judge, please allow at least 5 (five) business days for (a) for entry of the Order; (b) for the Clerk to docket the Order; and (c) for the Clerk to notify counsel via e-mail (if applicable).

If an order cannot be signed at that time, the Judge will either forward the case to the JA for further action or return the case to the Clerk for preparation of an Order Checklist. Please call the Judge's office to inquire about the status of orders **only after** you have confirmed with the Clerk that the case has been sent to the Judge and **only after at least 5 days have passed** since the Clerk sent it to the Judge.

1.10 **SUBMISSION OF ORDERS AFTER A HEARING:** Unless otherwise directed to do so by the Judge, you should submit any proposed Orders from hearings through the eportal labeled "Proposed" order. Once the order is visible on the docket, you should email tmccreary@jud6.org and let her know that the proposed order from a hearing (give her the date) is on the docket and ready to be reviewed by the Judge. If applicable, the email should also include language that the order has been provided to opposing counsel and that there is no objection to the form or entry. If no other attorney is involved, then please also confirm that with the Judicial Assistant in the email. It will then be sent to the Judge for consideration.

If you do not let the JA know that it is on the docket, it will not be reviewed by the Court.

II. STATUTES, A.O.s, CLERK AND COURT REQUIREMENTS

2.1 **E-Filing:** Please review Administrative Order 2016-018-PI-CIR (“AO”). All pleadings including proposed Orders must be electronically submitted through the Florida Court’s E-Filing Portal. (Note: Paragraph 3 of the AO lists those **original** documents which must be filed with the Clerk of Court, i.e. bonds, death certificates, wills, codicils, and separate writings in estate cases.) In most cases, proposed Orders sent directly to the Judge’s office will be returned **UNSIGNED** to be properly e-filed. (See more details in Section III of these preferences.)

2.2 **Original Documents:** The Judge’s office cannot accept original documents for filing with the Pinellas County Clerk of the Circuit Court or checks for certified copies of orders. You must send documents directly to the Clerk of Court.

2.3 **IN ALL BUT THE MOST EXCEPTIONAL CIRCUMSTANCES, DOCUMENTS MUST BE** e-filed and posted on the docket before the Court will take any action. Notifications that e-filings are “accepted” are not the same as documents being processed, reviewed and posted on the docket by the Clerk’s office.

2.3 **COURT DOES NOT RECEIVE FILING NOTIFICATIONS:** Please also note that even though you have e-filed a pleading, it does not mean the pleading will be automatically forwarded to the Judge. There are several essential processes the Clerk’s office performs before documents are forwarded to the Judge.

2.4 **EXTENSIONS OF TIME:** The court reviews and rules on many Petitions for Extension of Time every day. Every Petition for Extension of Time must include the specific reason(s) the extension is being requested. Petitions which merely state “need more time” are not sufficient and will be denied.

2.5 **GUARDIANSHIP AND TRUST/GUARDIANSHIP FEE PETITIONS:** ALL fee petitions in guardianship cases are reviewed by the Magistrate’s office. Once the fee petition has been e-filed and processed by the Clerk’s office, it will be forwarded to the Magistrate’s office for review. If there are any questions or problems with the Petition, the Magistrate’s office will contact you. **PLEASE NOTE THAT FEE PETITIONS ARE PENDED FOR A 25 DAY OBJECTION PERIOD.** Fee petitions are not routinely set for hearing, unless there is an objection. When the Order is ready for signature, the Clerk will forward it to the Judge after the waiting period.

It is the policy of this Court to require that the guardianship fee petition process be followed in cases where the Court has established a trust within a guardianship (typically for Medicaid planning purposes) and guardianship assets have been transferred to that trust. In these cases, the fees of the trustee and the attorney for the trustee must be reviewed by the Magistrate’s office and approved by the Court in the same manner as guardianship fee petitions.

2.6 **“HOMESTEAD” or “EXEMPT” PROPERTY SALES PRIOR TO THE EXPIRATION OF CREDITOR’S PERIOD:** Creditors of the estate have the right to object to petitions that may result in a determination that property is exempt from their claims. Nevertheless, the Court recognizes that there may be an emergent need to conduct a sale prior to the end of the creditor period. Therefore, the Court will consider petitions to sell property which PR’s will eventually seek to determine to be “homestead” or “exempt” as long as the proceeds are held in escrow or trust until such time as the creditors have been ascertained and are noticed of the petitions to determine property to be protected from their claims. **The proposed orders authorizing any sales prior to the expiration of the creditor period must not contain any language stating that the Court finds the property to be exempt or to be the homestead of the decedent or otherwise protected from claims of creditors.**

2.7 **PETITIONS TO APPROVE SETTLEMENT FOR MINORS:** Petitions to Approve Settlement for Minors MUST be set for hearing and the parents/guardian are required to attend. Any child 10 years of age or older must also attend the hearing. See REQUIREMENTS FOR APPROVAL OF A MINOR’S SETTLEMENT (Last Page to preferences)

2.8 **JUDICIAL REVIEW OF MATTERS FORWARDED BY THE CLERK – GETTING YOUR ORDERS SIGNED QUICKLY:** The Judge normally receives 50-100 cases per day from the Clerk which require review. These cases must be addressed by the Judge in between hearings, trials and emergencies. Many matters can be handled quickly but some require extensive review of the Court file by the Judge. **In most circumstances, lengthy review by the Judge would not have been necessary had the attorney supplied the information needed either in the petition itself or by writing a letter to the Judge explaining why the order being sought to be entered is ready to be signed. Either the petition for the relief or the cover letter should act as a “roadmap” for the Judge which shows why the proposed order is ready to be entered. Information for which the Court typically has to conduct a time-consuming search includes whether the creditor period has passed, whether claims have been filed, and whether interested parties have been formally noticed or have consented to the Order being entered. Providing this information, as well as references to other important information in the Court file, either in the petition itself or by separate letter, will result in your proposed orders being signed quickly and is greatly appreciated by the Judge.**

2.9 **MOTIONS FOR REHEARING or MOTIONS FOR RECONSIDERATION:** These Motions are not set for hearing. The Judge will review the Motion and the response filed by opposing counsel and make a ruling without a hearing. If a hearing is necessary on the Motion itself, the Judicial Assistant will contact your office to schedule a hearing. If the Motion is denied, your office will receive a copy of the Order Denying the Motion. If the Motion is granted, your office will be contacted to schedule a rehearing or hearing to reconsider new evidence.

2.10 **ORDERS TO FILE REQUIRED DOCUMENTS/ORDER TO SHOW CAUSE:** **There should be no reason that the Clerk of the Court needs to send an Order to File Required Documents to an attorney.** The Rules and information set forth on the Clerk’s website and in these preferences specifically set forth each and every document that must be filed to

either Petition for a Guardianship or to file probate administration. There are no excuses. Typically, the Order to File Required Documents informs the attorney that they must file an Inventory or a Bond or even the original Will and/or Death Certificate. Attorneys practicing in probate should be very well aware that these documents must be filed and it is a waste of our very few judicial resources to have to remind attorneys of their responsibilities. If you must file the Petition first and follow with an original Will and/or Death Certificate, then provide the Clerk with a cover letter indicating that you are aware that these documents are missing and when you will be filing the originals and then adhere to the time line.

The Clerk will first send out an Order to File Required Documents with a deadline. If that deadline is not met, then an Order to Show Cause is not only issued but also served by process by the Sheriff upon not only your office, but directly to your client. You can avoid these awkward and embarrassing moments by carefully, and professionally monitoring your cases and following procedure.

If you have a matter that may take an extensive amount of time to process and/or you are aware of special assets, foreign assets or other things that may require more time than a standard probate matter, please take the time to schedule a status hearing on our ex parte calendar so that the Judge can be informed of the issues and we can prevent constant issuances of Orders to File Required Documents and/or Orders to Show Cause. If you do not do so and you do not file a Petition for Extension of Time with specificity, the Judge may proceed with an Order to Show Cause.

2.11 TYPES OF PETITIONS: Contents of petitions seeking the court to authorize or approve actions of PRs or guardians should be as thorough and **specific** as possible. It is difficult for the Judge to take the time to search through the Court file to find information which should have been included in the Petition. Examples are set forth below:

A. Sale of Real Property: In guardianship cases, sufficient evidence of the market value of real property is required. In most circumstances, mere reference to records of the Pinellas County Property Appraiser are insufficient. An appraisal or a market analysis by a real estate professional is necessary unless there are exceptional circumstances. In estate cases, if all interested parties consent to the sale of the property at a particular price, typically the Court will not require evidence of value.

B. Sale of Vehicles: In guardianship cases, a petition to sell a vehicle should include reference to the market value of the vehicle by some generally recognized source such as Kelley Blue Book or Edmunds. If the vehicle is being sold by the guardian through a bidding process, the petition should include an explanation of how it was advertised for bid or how bidders were chosen. In addition, in most cases, either a bid or written statement declining to bid must be included from a generally recognized dealer such as CarMax.

C. Approval for Medicaid Planning: Petitions seeking authority to act related to Medicaid planning should contain as much information as possible including, but not limited to, the amount of the ward's assets and monthly income, whether or not any known beneficiaries of the ward's estate have been made aware of, and agree with, the plan, and the types of actions that will be taken in the process including whether a personal services contract is included and, if so, the general terms of the contract.

D. Payment of Certain Expenses in Minor Guardianships: *“Support Expenses:”* In many minor guardianship cases, authority is being sought to pay expense of the minor from guardianship funds. Parents have a legal obligation to support their minor children. Thus, in circumstances in which the expenses sought to be paid involve such things as clothing, tuition, medical, dental and orthodontic care, the petition must be supported by information demonstrating to the court why the expenses should be paid by the guardianship rather than the parent. In most of these cases, the parent(s) having the support obligation are also the guardian(s) seeking the expense payment. If the reason that guardianship funds are sought is that the parent(s) cannot afford the expense, detailed information must be provided demonstrating that allegation. Specifically, information regarding the income and expense of the parent(s) must be included by either affidavit or verified petition. One means of providing this information is for the parent(s) to complete and file a simplified family law financial affidavit.

E. Purchase of Vehicles for Minors: Authority is often sought to purchase vehicles for children. Unfortunately, many parent/guardians make the decision to purchase a vehicle in advance and then ask the Court to approve it after the fact. In some cases, these retroactive petitions are denied. In representing clients, it is important for attorneys to make it clear to guardians that automobile purchases, like most other expense, require advance approval. The court takes many factors into consideration in weighting the decision to approve purchase of a vehicle, but, of course, the cost of the vehicle in relationship to the total amount of assets is important. In addition, the Court considers whether the proposed vehicle appears to be a reasonable choice for the child. In some cases, the court is willing to consider authorizing maximum purchase price in advance and then allowing the guardian the discretion to select a vehicle that does not exceed that price.

F. Waiver of Educational Requirement in Guardianships: The Court will rarely consider waiving the educational requirements for guardians. If all funds are to be held in a designated depository throughout the existence of the guardianship, the Court may waive the requirement. However, if, at any point, the guardian seeks release of any of the depository funds during the course of the guardianship, the Court may withdraw the waiver of the educational requirement. When seeking a waiver of the educational requirement, the guardian should submit an affidavit which sets out his or her understanding of basic guardianship principles relating to inventory, accountings and court approval of expenditures of funds.

3. NOTICE (DUE PROCESS REQUIREMENTS): Attorneys should be familiar with applicable notice requirements including, but not limited to, Fla. Prob. R. 5.040 and 5.041. Generally, interested persons are required to receive appropriate notice of relief sought. Thus, **every petition or motion should contain a certificate of service stating who has been served and the date and manner of service. If there are no interested persons, it must be so stated in the Petition or Motion.**

In most cases, a hearing will be required when interested persons have been noticed. However, if formal notice is served on all interested persons in accordance with Fla. Prob. R. 5.040 and no objections have been filed, a hearing is typically not necessary. When hearings are necessary, if counsel does not believe anyone will appear, the matter may be set on the UMC Calendar.

4. PRE-TRIALS and NON-JURY TRIALS: If necessary, a Case Management Conference (CMC) will be scheduled for a minimum of 30 minutes. At the CMC, the Judge will schedule the Pretrial Conference and Non-jury Trial, if necessary. However, if the parties agree that a CMC is not necessary, the JA will provide you with dates for pretrial and non-jury trial. Please send an email to tmccreary@jud6.org to request a hearing time for a CMC or pretrial and non-jury trial dates/times.

5. PRIORITY REQUESTS: See Section III below for instructions on submitting Priority Requests.

6. SUBMISSION OF PROPOSED ORDERS: The majority of probate and guardianship is accomplished electronically. This means there is no paper file except for original documents such as a Will or a Death Certificate. Therefore, in order to receive proposed Orders in a fashion that is conducive to electronic process, it is necessary for you to submit any proposed Orders through the eportal when you file your Petition. For typical Petitions, this is not an issue as the proposed Order should contain fairly standard language.

The proposed Orders should be completed as much as possible. Leaving blanks only creates more time that the Judge has to change the document which is a time consuming process. For example, when requesting an extension of time, the attorney should upload the Petition for Extension of Time along with a proposed Order Granting Extension of Time with the proposed extension date filled in. Also filling in the bond amount according to the bond schedule on the proposed Order is very helpful.

The proposed Order should contain the words: ORDERED in Pinellas County, Florida and end there. There should be only one line drawn for the Judge's signature as the electronic signature will contain the date and the name of the Judge.

You should always include a "copies to:" section and list all of the parties to be copied with the Order. For attorneys you may use only eservice addresses; however, for any party not represented by counsel, you should include the name of the party and their complete address.

If the Court directs you to file an Order in another manner, the Court's direction takes precedence.

FREQUENTLY ASKED QUESTIONS ABOUT PROBATE

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PROBATE WORKFLOW SYSTEM

- Odyssey is our Case Management System. All cases are assigned a number and judge through Odyssey. It houses the docket, party, and financial information of the case. The public and attorney online access reads from it.
- Task Manager is a piece of Odyssey that acts as our current workflow system; it is how digital images move through clerk's queues to the court and back again.
- Work – such as a new case or a proposed order-- gets forwarded to the judge or magistrate as outlined on this [Letter from Judge Allan](#).
- When we do not have sufficient documentation, or time needs to lapse on a notice given, the task is sent to our Pend queue. It is set with a timer to come out of Pend for us finish processing at a certain date. If we receive new documentation (from an Order Checklist), that will create a new task. This prompts the clerk to pull the other task out of Pend and assures that the case gets back into the rotation.
- Our electronic tasks are marked as a Priority if the court approves the [priority request](#) (see below) or it is a Baker Act, Marchman Act, or Vulnerable Adult Injunction case.
- When we have accepted a document through the portal, it goes through redaction, spawns a task and goes to recording (if applicable) within moments. Once it appears in Odyssey, you may see it through your attorney access (see below). The same process occurs when an original document is scanned.

RECEIVING NEW CASES AND SUBSEQUENT PLEADINGS

- The clerk has 'read-only' access to the portal and it does not appear the same as for a filer. Essentially, we can only see the documents you have submitted to Pinellas.
- Intellidact Software is our interface between the portal and our Case Management System. This allows us to confirm that the image is legible, correct the docketing if necessary, and either accept the filing or send it to your correction (formerly pending) queue. See the [Efile Helpful Hints](#) below. The clerk tries not to send pleadings back, but since we are limited on what we can correct on our end, these hints are provided to help prevent the most common reasons submissions are returned.

PRIORITY REQUESTS

- There is a new process for priority requests, effective 5/15/16. Click on [this hyperlink for more information](#).
- When e-filing, you must mark the batch as an emergency in the portal (check box on the case information tab) **and** e-file the request. If you mark it as an emergency in the portal, it floats to the top of our list on our end, so that we can forward it to the court for approval. Otherwise, it will wait in our queue while we process them in the order they are received. If you mark it an emergency, but do not provide a Priority Request pleading, after being accepted, it will simply be processed in the order it was received.
- A Priority Request is good for only **one** trip to the judge. If the judge does not sign your proposed order for some reason, the matter is no longer a priority. If the judge does not sign your proposed order but gives you further instructions to have the order signed expeditiously, you will need to submit a **new** Priority Request with your new proposed order or whatever documents the court may require.

E-NOTIFY

Electronic notifications are now be generated from the Odyssey case management system. All attorneys who wish to receive electronic notification of Letters issued or Orders signed in their Probate cases are asked to e-file a Designation of Email Address(es), per Rule of Judicial Administration 2.516 (b)(1)(A). Adding the email addresses into the Odyssey system is a manual process for the Clerk. Going forward, any changes to the attorney's email addresses should be reflected in a new Designation of Email Address(es).

Clerk's Website Overview

- Please visit our website: MyPinellasClerk.org.
- You can navigate to the [Probate and Mental Health page](#) for basic information.
- Under the [Forms and Packets](#) page, you can find helpful documents, like our Order Checklists and Audit Work slips. This will show you what we are looking for when reviewing your cases. The new guardianship reporting forms are also found on the Get Forms page, under Guardianship.
- From the Find A Service tab, you can go to the [Attorney page](#). Here you can find helpful information like the E-file [AO 16-18](#) (combines Civil, Probate, and Criminal into a single AO). While you are there, you can sign up for [Clerk Alerts](#) to get emails of important news and information.
- Online viewing has a complicated security matrix due to a Florida Supreme Court AO. Most attorneys will want their cases, other court cases **and** Official Records. These are **THREE DIFFERENT USER ACCOUNTS**.
 1. To get Attorney Access to court records: [sign up here](#) – [log in here](#). If you have any issues with your attorney account, contact PublicView@mypinellasclerk.org. NOTE: This is NOT the same as the Case 360 notifications. This subscription only allows you to see cases on which you are the attorney of record. There is no cost for this subscription. You will be able to see un-redacted documents.
 2. To view cases other than your own, [register for a 'registered user' account](#). There is no fee for this subscription. You will only be able to see redacted documents with this account.
 3. To sign up for an Official Records subscriber account, [click here](#). There is [a fee](#) for the Official Records subscription.
 4. The Supreme Court AO prohibits even attorneys of record from viewing confidential (sealed) documents online.
- Please review the [Recordable Probate Documents link](#) to see which documents are sent to recording per statute. If you wish to have other documents recorded, you will need to pay the [recording fees](#). Please also review the information found [here](#).
- [Establish a deposit account \(escrow\) with the clerk](#) to pay for copy requests and recording fees that are not payable through the Efile portal.
- **Helpful Hint:** send Death Certificates to Recording **before** filing into an Estate. **Once it has a probate case number, it is not viewable online to the public.**
- Click [Clerk's E-Recording page](#) for more information about electronically submitting documents for recording.
- Pinellas no longer uses SPN numbers. Your cases are tied to your Florida Bar Number.

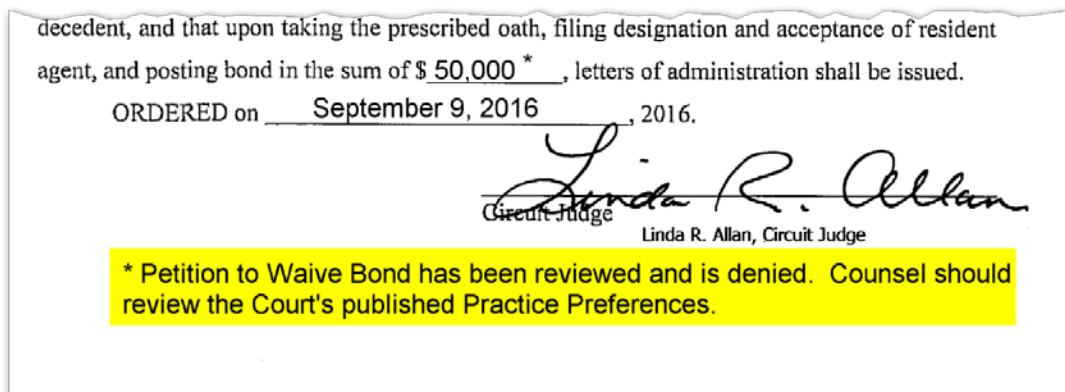
NOTICES OF CONFIDENTIAL INFORMATION

- Please review the [Civil Procedure Rule 2.420\(c\)](#) and/or [AO 13-24](#) to be sure that you are providing the Notice when appropriate and that you are completing the Notice as proscribed in the Rule or AO.
- The 'entire' death certificate is not confidential, **only the social security number and cause of death.**
- A date of birth may be truncated, but is not confidential. Only a birth certificate is confidential.
 - For Minor Guardianships, we will need the full DOB to know when the minor turns 18.
 - A minor can be listed by their initials only on settlement cases. Be aware that we must have the minor's full name in a Guardianship.
- Protected addresses, per FS 119, are **not confidential** per Civil Procedure Rule 2.240. You will need to motion the court (and provide a proposed order) to have this information redacted. Your motion and order must identify each document that has the information and where in the document it is located. **It is best if you do not use the client's address at all.** In any place where you would put the customer's address, you should use your firm's address as a 'care of', or write 'confidential' or 'protected per FS 119'. Parties with protected addresses should have a post office box address.

ESTATES:

- **Please review** the [Order Checklist](#) - Petition for Administration to verify you have all the documents you may need before filing.
- It is only necessary to put **the last 4 digits of the Social Security number in the petition.** Prior to 2012, it was required to have the entire number in the petition. Per [Probate Rule 5.200\(b\)](#) you need only the last 4 digits.
- **Required originals:** [Wills, bonds and death certificates](#) are still required to be filed in the original paper copy. You may also include them in the Efile new case, but it is not necessary. We recommend you Efile the new case and when you get the confirmation email that the clerk has assigned it a case number, put the case number on the original before sending it in or dropping it off. (Yes, you can **and should** write the case number on an original will, bond or death certificate. It is now a pleading, after all). The court does not need a death certificate with a cause of death. Whenever possible, file the 'short form' death certificate. Redacting the cause of death is a manual process for the clerk.
- **If petitioning to establish a lost or destroyed will AND administration,** do not attach the copy of the will to the petition. If filing two different petitions (one for administration and another to establish) then you may attach the copy of the will to the petition to establish only.
- **Notice of Civil Action:** If the estate is being opened to appoint a personal representative so that civil litigation can proceed, please e-file a Notice of Civil Action in the estate when the civil case has been opened, per [Probate Rule 5.065](#). Please indicate in the Notice the jurisdiction of the civil case and the case number. This allows the clerk to adjust the time standards for [discharge](#).

- **Commissions, Oath of Witness, and Certificate of Commissioner:** The E-file AO is not clear, but we have confirmed with Judge Allan that the court is only concerned with the original signatures of the witness to the will and the commissioner. To expedite matters for your cases, we recommend e-filing the commission packet. We will get a digital signature from the judge and send you a certified digital copy, which you can then email to the commissioner. The only mailing/express costs you will encounter will be to have the signed oath/certificate returned to our court.
- **Bonds:** Please see the [estate bond schedule](#). If you are petitioning for a bond to be waived, please review the [Judicial Preferences](#). Very few estate bonds are waived. Do not forget to include the POA as the second page of the bond. If you have to file a second bond or amended bond for the correct amount, don't forget to include the POA with that bond as well. It is not necessary to e-file the bond, as you must provide the original. However, you should **put the case number on the bond** before turning it in.



- **Estates and Official Records:** Probate documents, including Estates, are not viewable online to the public. They must have a user account to see court documents or Official Records. If you need to record a death certificate, as well as open an estate, we recommend you record the death certificate first, then file it into the case. Once it has the probate case number on it, it will not be viewable online. Petitions and Orders determining homestead should have the legal description **within** them so that they may be recorded as part of the document. Similarly, if you wish your distribution schedule to be recorded, you should include it **within** the petition for discharge. Filing a distribution or legal description as an exhibit (and thus as a separate document per AO 16-18), will mean it does not get recorded, unless you request it (and pay the recording fee). The Property Appraiser's office does have access to probate documents in Official Records. For title companies, please encourage them to get a [subscriber account](#) (there is a fee for this), so you do not have to order extra certified copies.

- **Petitions for Discharge:** Please review this [Order Checklist](#) – Petition for Discharge or this [Audit for Discharge](#) worksheet, which the auditors use to ensure you have all of the required documents. The court will be expecting a petition and proposed order for discharge within one year of Letters being issued. If it is a taxable estate, or a [Notice of Civil Action](#) has been e-filed, there is an automatic one-year extension (discharge will not be expected until two years after Letters). If you do not feel you can close the estate within this time frame, please e-file a petition and proposed order for an extension **prior to** the anniversary of Letters.
 - **Helpful Hint:** If your petition for discharge is e-filed before the anniversary and/or before the time to object to the final notice has passed, the clerk will review the petition but will not send an Order Checklist until that time has passed. However, ***you can view the discharge worksheet***, showing what items may be outstanding on the case with your [attorney online access account](#).
 - **Helpful Hint:** Allow yourself a cushion of time, if you believe the PR will need an additional 30 days to close the estate, ask for 60 days. Having to ask for another extension is only adding extra work for you, the court and the clerk.
- **Inventories:** If the assets of the estate include a pending lawsuit/settlement, please list the value as ‘unknown’ rather than a control value of \$1. When the suit is settled, please file an amended inventory with the actual value.
- **Authenticated Transcripts:** These are to be ***e-filed*** as well. Per Probate Rule 5.475, the transcript only needs to include the probated will and codicils, the order admitting them, letters or their equivalent, and the names of the beneficiaries. Please DO NOT include inventories, as they must be sealed, but the remainder of the transcript is not. We cannot seal part of a document. The transcript should be submitted as one document. Please rub a pencil over any raised seals so they will be visible when scanned.
- **Petitions to Establish Lost/Destroyed Will and appoint PR:** The copy of the will you are trying to establish should NOT be attached to the petition, but rather to the proposed order admitting.

GUARDIANSHIP:

- **Please visit** the [Sixth Circuit's website](#) for Guardianship information. Stay tuned! A new Guardianship AO is due out soon.
- **New cases:** Incapacity cases and Guardianship cases are to be e-filed at the same time per [AO 09-36](#). **They must be e-filed as two separate new cases.** They will each have an Efile reference number, require a fee, and get a case number. For Guardianships, please remember to put only the petition for appointment, [application](#) and [checklist](#) in the Guardianship (GD) batch. Any other pleadings, prior to Letters being issued, should be e-filed into the Incapacity (IN) batch. **All ETG filings belong in the IN case.** All petitions for fees belong in the GD case.
- **ETGs:** Before Efiling a Petition for Emergency Temporary Guardian (ETG), please call the Magistrate's office: (727) 582-7243. A magistrate will direct you further, schedule a hearing and email the clerk with the hearing date and time. **All ETG filings belong in the IN case.**
- **DCF Background Check Form:** Do NOT Efile this form. Please send the original to the address on the form. The \$27.50 investigation fee may be paid in the portal or by check to the Clerk. Please put the case number on the check.

DEPARTMENT OF CHILDREN AND FAMILIES
FLORIDA ABUSE HOTLINE INFORMATION SYSTEM BACKGROUND CHECK

Agency/Facility: **Administrative Office of the Courts** Phone: (727) 582-7243
Pinellas Circuit Court Fax: (727) 582-7406
501 1st Avenue North Room 637
St. Petersburg, Florida 33701

- Likewise, do not file a **credit report**. The magistrates will do a credit check of the proposed guardian. It does not belong in the case file and does NOT get sealed.
- In the event that the alleged dies before an Order Determining and Appointing is signed, **please file a Notice of Voluntary Dismissal into both the IN and GD cases.** The clerk cannot close the cases if only a death certificate is filed, or the Sheriff's return indicates the alleged is deceased. We must have a Notice of Dismissal or an Order.
- **Guardianship bonds** must still be filed in the original paper with the Clerk of Court. Please put the GD case number on the bond and send it in to the clerk with the \$8.50 approval fee. Do not forget to include the POA as the second page of the bond. **Riders to Bonds** may be e-filed.

- **Initial and annual report due dates:** [See chart at end.](#)
- **Initial and annual report forms:** Per [AO 09-36](#), guardians will file their reports on court approved forms. Newly updated forms have been created using Word and Excel by a committee of Pinellas clerks and auditors, Pasco clerks and auditors, Professional Guardians, attorneys and the court. Per a letter from Chief Judge Rondolino, guardians are to use these new forms starting 1/1/17. Currently, they are found [here](#) on the clerk's website and also on [jud6.org](#). Soon they will also be available on the Pasco Clerk's website. Detailed instructions on how to use the forms, how to get your report approved, and other helpful information for guardians is on the website as well. There is also a video [here](#).
- **Guardian Advocates:** There are no 'court approved' annual affidavits or Developmental Services plans. However, there is an annual affidavit form and a simplified plan form on the clerk's office that has been reviewed by the Magistrates. If the ward is not in a community program that provides plans, or the ward is on a waiting list to get one, the guardian advocate may use the Simplified Plan form.
- **Guardians of minors:** There are specific forms for the plan and physician's report for minors on [jud6.org](#).
- **Trust Accounting Audit fees:** Pursuant to [FS 744.3678\(4\)](#), an audit fee is charged for the annual accounting in a guardianship case. The fee is based on the net amount of the ward's assets and is paid through the portal at the time of filing. If a ward's assets include any trust of which the ward is a beneficiary and which is under the control or administration of the guardian, the trust assets must be included in the annual financial return. For example: Annual accounting submitted with net non-trust assets of \$25,000.00 as well as a trust with net assets of \$200,000 would require fees of \$85.00 for the initial inventory, and \$170.00 for subsequent annual audits.

Audit Fee - Initial Verified Inventory Property Value in Excess of \$25,000 (FS 744.365(6))	85.00
Audit Fee - Annual Accounting for Ward's Assets (FS 744.3678(4)) with value of:	
\$25,000 or less	20.00
From \$25,000.01 up to and including \$100,000	85.00
From \$100,000.01 up to and including \$500,000	170.00
In excess of \$500,000	250.00
Final Accounting	No charge


Often, the accounting for non-trust assets and trust assets are filed as two separate documents. Ideally, they should be filed at the same time, as they are due at the same time and reflect two parts of a single estate. However, it may not always be practicable to do so. Therefore, to ensure proper calculation of fees:

- ✚ When filing both accountings at the same time, the annual accounting should be submitted as an "annual accounting" and it should reflect the total amount of the ward's assets. The trust related accounting should be submitted as a "supplemental accounting." A supplemental accounting does not generate a fee in the portal.

- ✚ When filing annual accounting first and the trust related accounting at a later day, the annual accounting should be submitted as an "annual accounting" and it should reflect the total amount of the ward's assets. Additional correspondence should be attached indicating that the trust related accounting will be following later.
 - When the trust related accounting is submitted, it should be submitted as a "supplemental accounting" to avoid additional fees.
- ✚ When the annual financial return includes just an annual accounting for the trust, it should be submitted as an annual accounting.
- **Audit Action Alert Emails:** In an effort to streamline our process and reduce the amount of Orders Disapproving, Probate offers an Audit Email Alert subscription to Guardians and Guardianship Attorneys. Subscribers receive an email alert when **ONE** of the following items will result in an Order Disapproving an Annual Guardianship Report that would have otherwise been approved:
 - Missing fees: audit fee, professional guardian fee or initial investigation fee
 - Missing certificate of service
 - An updated Disaster plan is needed

If multiple items are missing, or if there are other discrepancies needing to be reported, the auditor will proceed with the recommendation to disapprove. To begin receiving our audit alerts, send an email with the guardian's or attorney's name to ProbateCert@pinellascounty.org. For guardians and attorneys with staff, please sign up under the guardian's or attorney's name. We can add up to 3 email addresses to a contact, but the contact name must be the guardian or attorney. To ensure our emails do not get delivered to your spam folder, please add ProbateAuditAlert@pinellascounty.org (a no-reply email address) to your address book.

E-file Helpful Hints

- The Florida Efile Portal has its own [You Tube channel](#) with helpful videos. You can subscribe to the channel and be notified when new videos are posted. Each page has a purple camera symbol  that you can click to view a video specific to that page.
- If you have signed up for [Clerk Alerts](#), you will receive an email when there are changes to the portal which may affect you.
- If you have not already done so, please review the Administrative Order on e-filing ([AO 16-18](#)).
- **Pinellas is not listed as a county you can file Proposed Orders in. Submit Probate proposed orders as 'Pleadings on an existing case.'**
 - **If you are submitting more than one proposed order for the same thing, please include a cover letter indicating which order you are asking to be signed.**
- The 'pending queue' has been renamed a 'correction queue' and the portal is trying to make correcting a submission easier for the filer. Items not corrected and resubmitted within 5 business days will be labeled 'abandoned filings' instead of 'filed for judicial review' for clarity. If you submitted the pleadings with a new reference number rather than correcting the original submission, you will receive an email stating that the original submission is now 'abandoned'.

- **Documents:** if there is an issue with the document(s), click on REPLACE to upload a new version of the document and keep your original filing date/time! If you remove and then add another document, the added document will get a new date/time filing stamp.

Document	Document Group/Type	Fee	Pages	File	Size(MB)
✖ Remove Replace	Correspondence Priority Request	\$0.00	1	View sample Priority Request 1 pg.docx	0.05
✖ Remove Replace	All Petition For Formal Administration			Sample Word 6 pgs.doc	0.03
Add					
Total				Documents	0.08

If you REPLACE a document, you will keep the original date/time filing stamp. If you click on REMOVE, then ADD a new document, you will get a new date/time filing stamp.

- Effective 5/5/18, you will no longer need to input the number of pages of your documents!
- Each **document** filed into an existing case should have the **correct case number** on it, or the batch will be sent to your correction queue.
- When the clerk sends a filing to your correction queue, it is the **entire** filing. The portal does not allow us to pick out the acceptable documents and just send the rest back. You will need to resubmit EVERYTHING in the batch.
- Confidential cases will always appear as 'Not Found' when trying to file subsequent pleadings. You can click 'OK' and continue to file. This will only be an issue if you are trying to file something with a fee attached. You may need to call the clerk in that case – 727-464-3321.
- Per [AO 16-18](#), there are to be no attachments to any document (including a Notice of Filing). The clerk tries not to pend back for this, but here is a quick list of do's and don'ts:
 - Please e-file annual guardianship plans, disaster plans and physician's reports as three separate documents. They can be in the same batch (filing), but need to be scanned and uploaded as separate documents.
 - Exhibits need to be uploaded separately **from each other and from the petition/motion**.
 - Copy and paste legal descriptions into petitions and proposed orders, rather than as exhibits (for recording purposes). You can copy and paste from the [property appraiser's website](#).
 - Do not attach sealed (confidential) items to non-sealed items. Do not include Inventories in an authenticated transcript, for this same reason.
 - Authenticated transcripts are e-filed as a single document. Please be sure to rub any raised seals with a pencil so they will appear when scanned. See [info](#) under Estates, as well.
 - Do not attach recordables to non-recordables. Please see the [list of recordable probate documents](#).
 - All documents in support of a guardianship inventory or accounting **can and should be e-filed** as part of the accounting or inventory.
 - A commission, oath of witness or proof of will, and the certificate of commissioner may be e-filed as one document. When it has the original signature of the witness and commissioner, **then** it must be filed as a hard copy. **The hard copy should always be one complete packet that has: Certified copy of Commission order, oath of witness with original signature, copy of the will, and the certificate of commissioner with original signature.**

- A power of attorney is part of a surety bond. Please always attach the POA. It is not necessary to e-file a surety bond as you must provide the original to the clerk.
 - If filing a Notice of Action or other document requiring proof of publication, it is not necessary to e-file the proof if the publisher provides the clerk with a hard copy.
- You cannot add a new party to an existing case, but you **must** select (click on their name to highlight it) ONE existing party when filing something with a fee attached. Choose the decedent or ward.
- Check that the case number generates the correct party name on subsequent filings:
 - More and more fees are being collected through the portal. If the case number is incorrect, the payment will not be applied properly. If we catch it, we will send it back to your 'correction queue'.
 - Do not e-file estate docs into a Deposit Will case number.
 - For new Incapacity Guardianships, please remember to put only the petition for appointment, application and checklist in the GD case number. Any other pleadings, prior to Letters being issued should be e-filed into the IN case number. All ETG filings belong in the IN case as well.
- The 'Emergency Filing' check box is on the review and submit screen. You must check the box AND e-file a [Priority Request](#) for the filing to be treated as an emergency/priority.
- Please wait for the confirmation email with your new case number before filing original documents. Please put the new case number on the original will, bond or death certificate before filing.
- Probate Rule 5.020 abolishes 'all technical forms of pleadings'. It is not necessary to create a cover sheet for your bonds, death certificates or wills so that they 'look like pleadings'. Simply write the case number in the top right of the document, or wherever there is sufficient space. If you add an additional page, it will cost you more to record it!
- Save yourself some time: it is not necessary to scan and upload wills, death certificates, completed commissions or bonds, as the originals must be filed in hard copy.
- Save yourself some time: e-filings do not require a cover sheet, unless you are requesting copies to be charged to your draw-down account. We can tell who submitted it and what it contains.
- If it appears you were charged twice for same batch, this may be the result of a credit card hold. When you submit a payment, a hold is placed on the account. You are not actually charged (the payment does not post) until the clerk **accepts** the filing.
 - **Helpful Hint:** When reconciling bank and credit card statements, check for the MFC order (receipt) number instead of the Efile reference number. Some firms have difficulty matching the charges to the cases because the order number is on the statement, not the e-file reference number.
- A **Notice of Trust** requires the \$41 fee, whether it is filed by itself or as part of an Estate. Despite what it may say on the form, you DO NOT need to e-file two copies of the Notice of Trust. If there is an estate, file the Notice as a pleading on the existing case.
- The portal 'reads' our case information from the state-wide Comprehensive Case Information System (CCIS). Pinellas is working to refresh this information in real-time, but until then there may be a 24-48 hr. delay after you e-file a new case where it appears as 'Not Found' when you e-file subsequent pleadings. Also, you may be connected to the case through CCIS, but if you did not e-file any pleadings on the case

through the portal, it may not appear in 'My Cases.' If the case you are wishing to e-file in does not appear in 'My Cases', you can still e-file through the map page. Sealed cases, such as Marchman Acts, will also appear as 'Not Found' due to security.

- Soon more Probate fees will be paid through the portal. Currently, claim, notice of appeal, Notice of Trust, Caveat, Counter/Cross/3rd Party petitions, additional filing fees (for converting a Summary to Formal, for example), and guardianship fees are all in the portal. **You must click on an existing party on the case.** If your party is not listed, select the ward or decedent and we will correct it on our end.
- Documents should be scanned in monochrome (black & white) or greyscale. This is a setting on **your** scanner. If you scan in color, it will be black and white on our end. Some colors are not visible when converted to black and white. Scan in monochrome and review before uploading to the portal.
- Per the E-portal, documents must be: MS Word, PDF, or WordPerfect. Per a portal error message, the file extension must be: .doc, .docx, .wpd, .pdf, and .rtf.
 - If you are not sure what the file extension is, attach the document to an email (even if you discard it and do not send it), both the file extension and the file size are displayed in the email.
- Effective 4/16/16, batch e-file size increased from 25MB to 50MB, and email attachment size from 5MB to 10MB. The Portal warns that some email providers do not allow a 10MB attachment. Please check with your email provider.
- Metadata must be removed. Metadata is an electronic tag on a digital document (such as who created it and when) that is not visible on the image, but is imbedded in it. [Video to Remove Metadata](#)
- Per [AO 16-18](#), an electronic signature is either a digital copy of a signature or in the format of '/s', '/s/', or '/s' AND will include the attorney's typed name, Florida Bar address, telephone number, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number. **Be aware that if it is submitted under your portal account, you are the attorney of record.**
- When you log in to the E-portal, any filings submitted are tied to you and your bar number. We have had attorneys e-file on behalf of friends/family that they are not representing...but your FBN **is** attached! See [AO 16-018](#) and [Rule of Judicial Admin 2.515\(2\)](#). A self-represented litigant can create their own account in a matter of a few minutes. **Whether or not you sign a Notice of Trust, you will be listed as the attorney because you e-filed it.**
- **Best submissions** (less likely to be pended, need correction or have an issue) are generated electronically and remain that way! If possible, create the document digitally, have the petitioner sign digitally, upload it to the portal and never print it out. Electronic signatures are not just for attorneys! Unless the document requires a notary, it may be digitally signed. You will also have an electronic email 'trail' that it was sent to the client and sent back to you for signature.
- Why was one batch pended, when another, similar batch was not? Unless we had the reference numbers for the two filings, and could compare them side by side, it is difficult to say. We try to be consistent with the items listed above.
- Do NOT use Civil e-filing email for Probate! Call us at 727-464-3321 or send to probate@pinellascounty.org.

MISCELLANEOUS:

- Pinellas County used to assign each attorney a Specific Person Number (SPN). These were created by our old Case Management System. Once all the court areas went live with our new Case Management System (Odyssey) these were no longer necessary. In Odyssey, you are identified by your Florida Bar number.
- Electronic Notifications of Orders being signed or Letters being issued can be sent to you from our new case management system. Each attorney wishing to receive these notifications should submit a Designation of Email Addresses per [Rule of Judicial Administration 2.516 \(b\)\(1\)\(A\)](#) into their active Probate cases. Please note: adding or updating the email addresses into the Odyssey system is a manual process for the Clerk. Going forward, any changes to the attorney's email addresses should be reflected in a new Designation of Email Address(es).
- Reference number/case number/UCN: Many cases have both a UCN and a Reference number. It is only necessary to put the case or Reference number on your pleadings. The 'long' number (UCN) is not necessary and often does not fit in the space provided.
- Trust cases—per Judge Allan: If seeking damages only, file in Civil. If to remove/appoint a Trustee, file in Probate. If the intent is to do both, file in Probate. If requesting a jury trial, regardless of relief sought, file in Civil.

Judicial practice requirements/preferences:

Attorneys are encouraged ([see illustration](#)) to review the Judicial Preferences found on www.jud6.org under 'Practice Requirements'

- [Judge Allan](#) updated 8/30/16.
- [Judge Campbell](#) – updated 4/18/18.

CONTACT US:

- You may call us at 727-464-3321 or
- Email us: probate@pinellascounty.org.

GUARDIANSHIP REPORTING PERIODS AND REPORT DUE DATES – EFFECTIVE 7/1/17

Per FS 744.367				
Month Letters of Guardianship were issued:	Annual Reporting period (fiscal year) begins:	Annual Reporting period (fiscal year) ends:	Annual Plan & Accounting due no later than:	Exam by Physician must be NO EARLIER than:
January	Feb. 1	Jan. 31	May 1	Nov. 1
February	Mar. 1	Feb. 28 (29)	June 1	Dec. 1
March	Apr. 1	Mar. 31	July 1	Jan. 1
April	May 1	Apr. 30	Aug. 1	Feb. 1
May	June 1	May 31	Sep. 1	Mar. 1
June	July 1	June 30	Oct. 1	Apr. 1
July	Aug. 1	July 31	Nov. 1	May 1
August	Sep. 1	Aug. 31	Dec. 1	June 1
September	Oct. 1	Sep. 30	Jan. 1	July 1
October	Nov. 1	Oct. 31	Feb. 1	Aug. 1
November	Dec. 1	Nov. 30	Mar. 1	Sep. 1
December	Jan. 1	Dec. 31	Apr. 1	Oct. 1

Initial Reports (inventory, plan, and disaster plan) are due no later than 60 days from the date Letters of Guardianship were issued, per FS 744.362. The physician’s exam should be no more than 90 days before the start of the plan period. For minors, the physician’s exam must be no more than 180 days before the reporting period.

Updated disaster plans are required when a new guardian is appointed or the ward’s residence is changed. They are to be filed when the initial or annual plan is due, per [Administrative Order 2009-036](#).

For the Sixth Circuit, the clerk is directed to send out a Guardianship Filing Schedule with due dates when Letters of Guardianship are issued, per Administrative Order 2009-036.

REQUIREMENTS FOR APPROVAL OF A MINOR'S SETTLEMENT

Multiple issues need to be addressed prior to the Court considering the potential approval of a proposed settlement. Florida law requires that the Court act as a “final check” before an attorney, guardian, or parent settles a claim and discharges a child’s rights. The claim and the distribution of the proceeds must be examined as well as what protections are afforded to the corpus of the funds.

REQUIREMENT OF COURT APPROVAL

Florida Statute 768.25 requires Court approval of any settlement of a minor or incompetent which an action is pending. This statute also requires the Court to approval “apportionment among the beneficiaries ... “. “The Court is also specifically charged with “provid(ing) protection for any amount awarded for the benefit of a minor child or incompetent ... ,” *See also, Fla. Stat. 744.387.*

APPOINTMENT AND REPORT OF GUARDIAN AD LITEM

In performing its duties with regard to evaluation of, and possible approval of, a settlement for a minor, the Court may appoint a Guardian ad litem before approving settlement if “ ... the gross settlement of the claim exceeds \$15,000. *Fla. Stat. 744.3025 (1)(a).* [Underlining supplied] However, “ ... before approving a settlement of the minor’s claim in any case in which the gross settlement involving a minor equals or exceeds \$50,000”, the Court must appoint a guardian ad litem. *Fla. Stat. 744.3025 (1) (b)* [Underlining supplied] A guardian ad litem need not be appointed if “the guardian has no potential adverse interest to the minor.” *Fla. Stat. 744.3025(e)*

ITEMS REQUIRED BY THE COURT

The Court requires the following information in most cases, in addition to if not specifically set forth in Rule 5.636, Florida Rules of Probate Procedure as to the Settlement of Minors’ Claims:

1. Amount of Settlement: The specific amount of gross settlement in this proposed offer and Motion for Approval.
2. Distribution of Net Proceeds: The itemized proposed distribution amongst the beneficiaries and/or survivors, the Estate, or other entities with claims and costs and attorney’s fees.

3. Guardian Ad Litem Report: The appointment of, and report from, a Guardian Ad Litem regarding the proposed settlement. The dollar amount, as noted above may require the appointment of a GAL. Special attention will be necessary where the Personal Representative is representing the entire Estate and all the survivors and appears to have “potential adverse interest(s) to the minor(s).” The GAL should present the position of the natural parent or guardian as to the settlement and distribution and whether it comports with the GAL’s recommendation or that it does not.
4. Closing Statement: A copy of a detailed closing statement showing the attorney’s fees and the recipients, costs expended or to be expended, anticipated distribution of funds and to whom, liens resolved and unresolved, outstanding balances owed, as require by The Rules Regulating the Florida Bar and specifically Rule 4-1.5, and unresolved claims against the Estate, as well as any other claims being compensated from these proceeds. *The closing statement should NOT be filed with the Court and should be submitted to the Court directly under seal or be brought to the hearing, if one is held.*
5. Protection of Minor’s Net Proceeds: The Court will need to know how the funds will be invested or protected and in what institution(s) or through which vehicle(s). This would include the rating or stability or the institution(s) or fund(s). A designated financial institution can be used under Florida Statute 69.031 to protect the assets of the minor until he or she reaches the age of majority. Disbursement of the funds deposited to the account can only occur with an Order from the Court.
6. Annuity: If an annuity is to be purchased, the Court will need a copy of the information setting forth the cost, present value, payment schedule, the name of the company that will be used, the name of the owner of the annuity and its relationship to those companies being released, as well as the rating of the company.
7. Medical Records: Copies of the initial medical records including the history and physical showing the present condition, if hospitalized the admission and discharge summary will be necessary. A final report from each primary treating physician with an indication of the need for, or the lack of need for, future care, and if possible, the approximate costs.

8. Scarring/Disfigurement: If the injury or treatment involves resulting scarring or disfigurement, photographs of the child after the incident and photographs of the present condition will be required. *The Court may require that the child appear at the hearing in order to allow the Court to observe the condition(s)*. The above mentioned medical reports should contain an estimate of the cost of an explanation of the treatment plan for these injuries.
9. Insurance: The existence of medical insurance, Medicaid, Medicare or other sources of payment, or lack thereof, for future treatment that has been projected.
10. Life Care Plan: In cases involving a catastrophic injury or chronic health care need for a minor, a projection of the anticipated medical, rehabilitative and/or vocational needs and associated expenses for the minor child. The Life Care Plan should be based upon published standards of practice, comprehensive assessment, data analysis and research, which provides an organized concise plan reflecting current and future needs with associated costs.

EFFECT OF RELEASE AND/OR SETTLEMENT AGREEMENT

11. Release: A copy of the release, and any settlement agreements to which the minor, or his guardian on behalf of the minor, will need to sign and assurances that it has been reviewed by counsel and that all parties agree, in writing, that it is only intended to release the settling party and their insurers as insurers of this particular settling party, and is not intended to release any other defendant or non-party.
12. Indemnification: If the release and/or settlement agreement contain a duty to defend, indemnify and hold harmless, is such agreement intended to bind and apply to the minor child or just the guardian. If it is intended to apply to the minor child, by what legal authority can the minor child be bound to defend, indemnify and hold harmless this party.
13. Confidentiality. If the release and/or settlement agreement require a confidentiality agreement, is the minor child meant to be bound by such agreement and by what authority? What is the anticipated consequence to the minor child for violation of this confidentiality agreement? Which party will take responsibility to seek, and obtain, the appropriate measure to seal the limited documentation in the Court file pursuant to *Florida Rules of Judicial Administration*, Rule 2.420(d)?