Honorable Cynthia Newton
Section 3 – Probate Division
545 First Avenue N., Room 402
St. Petersburg, FL 33701
727-582-7917
Email for Section 3 – Section3@jud6.org

Practice Preferences Updated: 07/07/2026

GENERAL OFFICE PROCEDURES

1. CONTACTING THE JUDGE'S OFFICE:

This Judge's office communicates via e-mail for scheduling purposes *only*. **Do not email the Judge directly.** Emails are only to be sent to Section3@jud6.org and must include the case number and case name in the subject line.

It is expected that attorneys and their legal staff as well as self-represented parties will be polite and courteous in their contact with each other as well as the JA and the Judge. It is also expected that all attorneys and self-represented parties adhere to ALL STANDARDS OF PROFESSIONAL COURTESY.

The Judicial Assistant (JA) cannot answer your legal questions or provide legal advice. Sometimes a legal assistant or attorney will ask the JA how she thinks the Judge will rule or what the Judge's "policy" is regarding certain legal issues. Judge Newton's judicial preferences are addressed in this document. **The only "policy" of the Judge is to follow the law. Other than as set out in this document, your opportunity to speak to the Judge happens in court only, not through a message delivered to the JA.**

2. E-FILING:

Please review **Administrative Order 2023-038 PI-CIR** ("A.O."). Pursuant to the A.O., all pleadings including proposed orders must be electronically submitted through the Florida Courts E-Filing Portal. (NOTE: Proposed Orders/Letters are to be submitted as: File Document(s) on Existing Case to Clerk). **Numbered paragraphs 2 and 11 of the A.O. lists those original documents which must be filed with the Clerk of Court.**

https://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/aos2023/2023-038.pdf

The Judge's office cannot accept any documents for filing with the Pinellas County Clerk of the Circuit Court or checks for certified copies of orders. You must send those documents directly to the Clerk of Court.

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.

Please also note that even though you have e-filed a pleading, it does not mean that the pleading will be automatically forwarded to the Judge or immediately viewable. There are several essential processes the Clerk's office performs before documents are forwarded to the Judge.

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, and proof of service is filed, 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 (see number 15 below).

4. JUDICIAL REVIEW OF MATTERS FORWARDED BY THE CLERK – GETTING YOUR ORDERS SIGNED QUICKLY:

The Judge normally receives 100+ cases per day requiring review. These cases must be addressed by the Judge in between hearings, trials and emergencies. Some matters require extensive review by the Judge. Either the petition for relief or a 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 references to other important information in the court file, will result in your proposed orders being signed more quickly where appropriate and is greatly appreciated by the Judge.

NOTE: **If you are inquiring as to the status of a case or the entry of an order**, first check the online docket of the Clerk of Court to make sure it has not already been entered. Next, contact the Clerk's office to determine the status. The clerk may not yet have reviewed the relevant documents or may have the case pended before it is sent to the Judge's office for review (usually because of missing documents). Once the case is sent to the Judge, the turn-around time is typically very quick, usually no more than a day. If the order(s) 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 do not contact the Judge's office to inquire about the status of orders unless you have confirmed with the Clerk that it has been more than 72 hours since the case has been sent to the Judge.

5. ORDERS TO FILE REQUIRED DOCUMENTS ("ORDER CHECKLISTS"), ORDERS TO SHOW CAUSE AND ORDERS DISAPPROVING (GUARDIANSHIP) REPORTS – WRITTEN RESPONSE REQUIRED:

Attorneys often have legitimate reasons to disagree with various orders setting out requirements or can demonstrate they have already complied with the requirements. In all of these circumstances, the attorney must electronically file a written **"Response to Order Checklist"** to the particular order stating why the attorney should be excused from, or has complied with, the requirement.

Neither the attorney nor any member of his or her staff should contact the Judge's office by telephone or email to separately "explain" the circumstances or ask the Judge for reconsideration. The Court will have the opportunity to consider any explanation or request for reconsideration in its review of the electronically *FILED WRITTEN RESPONSE*. The Clerk's office will forward the written response to the court for its consideration as well as any "Priority Request" that has been made.

Order Checklists are prepared following the probate statutes and rules. You must fully comply with the Order Checklist, either by filing the checklist documents and/or e-filing a response (as directed above). Once you have addressed each item listed on the checklist, the Clerk will forward the case to the judge for review. However, if all items on the Checklist have not been fully addressed (either by providing the documents and/or in your written response), the Clerk will continue to pend the case until the order checklist has been fully complied with by filing the documents **and/or** addressed in your response.

6. PROPOSED ORDERS AND PROPOSED AMENDED ORDERS:

PROPOSED ORDERS must be electronically submitted via the Florida Courts E-Filing Portal. SEE ALSO, Paragraph 2 E-Filing above.

PROPOSED ORDERS SHOULD BE SUBMITTED WITH EVERY MOTION/PLEADING. THE CLERK OF COURT SENDS ALL PROPOSED ORDERS TO THE COURT FOR REVIEW AND IF A HEARING IS NEEDED, YOU WILL BE NOTIFIED.

Proposed orders should also be filled out as completely as possible. Because of the electronic signing process, the filling in of blanks by the Judge is a very time-consuming process.

Only in exceptional circumstances should there be any blanks in the body of the order for the Judge to fill in. Attorneys should submit proposed orders containing the relief that is sought. If the Judge does not agree with the relief sought, the Judge may change the language of the order, ask that a new order be submitted, or deny the order.

With regard to the placement of the date and signature, the electronic signing system includes the full date as well as the Judge's name and status as a circuit court Judge. Thus, your proposed order should NOT contain multiple blanks for the date to be entered nor should it contain any reference to the name of the Judge. The following format should be used:

ORDERED

If you are submitting a proposed order from a hearing, please electronically submit the proposed order along with a cover letter to the Judge to advise the proposed order is from a hearing on "X" date and that the proposed order has been approved by opposing counsel, if any. If you need the order on an expedited basis, you must also e-file a priority request along with the proposed order. If opposing counsel does not agree to the proposed order, please also file a cover letter so indicating and stating that opposing counsel will file an alternative proposed order within five days if desired. Of course, your cover letter should also be sent to opposing counsel.

A. PROPOSED AMENDED ORDERS:

Proposed Amended Orders must normally be submitted with a properly filed Petition/Motion to Amend Order. However, in cases involving an amendment to correct a scrivener's or other technical error, a short letter of explanation for the need of an amended order is acceptable. **Proposed amended orders submitted without any written explanation in either motion or letter form will not be signed**.

7. 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 reason(s) the extension is needed. Petitions which simply state that "more time is needed" are insufficient. The Petitions must allege **why** more time is needed. Attorneys should submit proposed orders for extension of time containing no blanks; i.e., the proposed time of extension must be included in the proposed order. If the Judge does not agree with the relief sought, the Judge may change the language of the order, ask that a new order be submitted, or deny the order but the attorney must submit the order containing the proposed extension sought.

Petitions which seek a reasonable extension and provide a facially legitimate reason are granted without hearing. Because of this process, occasionally an objection is not docketed until after the order is entered. In these circumstances, the Judge may rescind the order of extension or may treat the objection as a motion for reconsideration. If the attorney is aware of an objection to an extension by an interested person the attorney should include this information in the petition.

Extensions should be sought before a deadline or prior extension has expired. The Court prefers the attorney monitor and calendar these deadlines without relying on orders from the Court.

8. MOTIONS FOR RECONSIDERATION OR MOTIONS FOR REHEARING:

Such motions are not set for hearing without review by the Judge. You must electronically file the motion with the Clerk. While the Clerk's Office should forward the motion to the Judge for review, a copy of the motion should also be sent to the JA via US Mail as well to ensure that it

comes to the Judge's attention. If the Judge determines a hearing is required, the JA will contact the moving party to schedule the hearing. As part of the review process the Court may issue a case management order setting a time period for a response to be filed where necessary, but counsel are permitted to file a response without such an order being entered.

9. PRE-TRIALS AND NON-JURY TRIALS:

A Case Management Conference (CMC) will be scheduled for a minimum of 30 minutes. At the CMC, the Judge will schedule the Pre-trial Conference and Non-Jury Trial, if necessary. Please send an email to Section3@jud6.org to request hearing time for a CMC (to set pre-trial and trial dates).

10. PRIORITY MATTERS:

When a Priority Request is e-filed, it will be forwarded to the Judge for review. If the Judge approves the request, the case will be reviewed by the Clerk on a priority basis. If the Judge does not approve the priority request, the case will be reviewed in the order of the filing of all cases.

The Priority Request is good for only one trip to the judge. If your request is granted but you still have to e-file additional documents for the order to be signed, you must e-file another Priority Request with those documents. That is the only way the Clerk's office is made aware that those documents are in response to a previously granted Priority Request. If a second Priority Request is not e-filed, the documents will be reviewed in the order of the filing of all cases.

Priority Requests shall include the following information:

CASE STYLE/NUMBER

TITLE: Title of document shall be "PRIORITY REQUEST"

CONTENTS:

The document shall contain a detailed and specific explanation of why the case should be given priority over all other cases accepted for filing. Brief statements such as "real estate closing" are insufficient and will not be approved. If the basis for the priority request involves the sale of real estate, the reason for any alleged urgency must be set out in detail. Delay on the part of a real estate agent, beneficiary or attorney in preparing documents is not a sufficient basis for a priority request. There must be circumstances that cannot be addressed by an extension of a sales contract.

If, for example, the request involves the need for documents to be signed because a proposed Personal Representative is traveling from out of state to Florida, explain why the trip must occur at a specific time and why documents could not have been prepared earlier thereby avoiding the need for a priority. Proposed Personal Representatives should be routinely advised by counsel at the earliest opportunity of the amount of time it takes for cases to be processed and their need to wait to plan a trip to Florida until the Order Appointing Personal Representative and Letters of Administration have been signed. There may be a valid priority for cases involving travel by a Personal Representative to tend to property which is perishable or rapidly deteriorating. If so, the nature of the property and the circumstances requiring urgency must be described in detail.

If a Priority Request is being made because the Judge is awaiting the documents, the specific date and manner of communication of this circumstance must be stated; e.g., "Judge told attorney during hearing on [state type and date of hearing] to file a Priority Request when these documents were filed." Or, e.g., "Judge's Judicial Assistant instructed me on [date] [in person at the court house or in a telephone conversation or by email, etc.] to file a priority request regarding [explain]."

11. SCHEDULING AND CANCELLING HEARINGS:

All scheduling is done via email. Petitions/Motions must be e-filed with the Clerk of the Court and posted on the docket ***prior*** to requesting hearing time.

Please note that when new cases are e-filed the thorough review and audit process performed by the Clerk's office can take several weeks. When documents are missing, the Clerk's office will prepare an Order to File Required Documents or Order Checklist. When said Orders have been fully complied with, the Clerk will forward the case to the judge. If a hearing is required, the JA will contact you via email to schedule a hearing.

To schedule a hearing, please send an email to Section3@jud6.org. The Subject Line of the email should include the Case Number and Case Name (ex: 15001234ES Smith). The body of the email should contain the following information:

- Exact name and date of filing of the motion(s) to be heard;
- Duration of hearing time sought;
- Name of your counsel, phone number, and who they represent;
- Name of other counsel and/or opposing counsel (if any), and who they represent; and
- Names of other known parties appearing.

Hearings will not be confirmed unless ALL this information is provided.

Dates are not held pending your response so once coordinated with everyone **please provide multiple dates back to the JA**. The JA will then reply with confirming email as to the date and time of the hearing.

Any evidence filed or case law, etc., that you wish for Judge Newton to review or have at the time of the hearing, must arrive no sooner than the week prior to the hearing and no later than the Thursday of the week prior to the scheduled hearing at our address listed below.

You must seek permission of the Judge's office to add a motion/petition to a scheduled hearing and the motion/petition must be cleared to add with any other counsel as well. Motions/petitions that are added and noticed *without* permission of the court will likely not be heard.

Please do not cancel a hearing without notification to the parties. A Notice of Cancellation must be e-filed with the Clerk of Court. Please notify the JA of the cancellation by sending an email to Section3@jud6.org with "CANCELLATION" in the subject line.

12. TELEPHONIC/ZOOM APPEARANCES AND TESTIMONY:

All non-evidentiary hearings will be by phone. Court's Conference Call info: Court's Conference Call Number- 727-582-2255 PIN 143060, for ALL telephonic hearings. If there are witnesses and/or evidence to be produced at the hearing, then the hearing will be by Zoom, so please advise when requesting hearing time.

13. SUBSTITUTION AND WITHDRAWAL OF COUNSEL:

Fla. R. Jud. Admin. 2.505(e)(2) requires that the client agree **in writing** to substitution of counsel. Proposed Orders Approving Stipulations for Substitution of Counsel submitted *without* the written consent of the client will not be signed by the Judge. The court will consider proposed orders for withdrawal of counsel if accompanied by stipulations for same signed by all parties. Otherwise a motion and hearing will be required. Also, a hearing will be required in circumstances where the attorney is seeking to withdraw from representing either a PR or a guardian unless a substitution of counsel has been filed. When the withdrawal of counsel will result in a party being without counsel, the proposed order must contain the complete contact information for the party.

14. UNIFORM MOTION CALENDAR (UMC):

UMC calendars are most Wednesdays starting at 11:00 am and are held telephonically. Typically, cases set on the UMC calendar are those where notice needs to be given to satisfy due process requirements to interested parties but no one is expected to object. The hearing may be noticed for 15 minutes.

15. MOTIONS TO COMPEL DISCOVERY A.O. 2020-011:

This division utilizes Administrative Order 2020-011 on Motions to Compel Discovery in order to avoid unnecessary hearings. Follow the procedures in A.O. 2020-011 Re: Motion to Compel Discovery for a ruling without a hearing. Instructions and forms are in the A.O.

https://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/aos2020/2020-011.pdf

16. MOTIONS DECIDED ON WRITTEN SUBMISSIONS A.O. 2020-012:

This division utilizes Administrative Order 2020-012 Motions Decided on Written Submissions. Follow the procedures in A.O. 2020-012 Re: Motions Submitted on Written Submissions for a ruling without a hearing. Instructions and forms are in the A.O.

https://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/aos2020/2020-012.pdf

ADMINISTRATION OF ESTATES

17. TIME STANDARDS:

Pursuant to Rule 2.250(1)(d) Rules of Judicial Administration Uncontested, with or without a federal estate tax return, should be completed within 12 months from the issuance of Letters of Administration to Final Discharge. Contested administrations are to be completed within 24 months from the filing to Final Discharge. Please note that these time standards are strictly enforced and automatically calculated by the Clerk's program. Attorneys are responsible for calculating these time periods, otherwise, there will be an Order to Show Cause why the case should not be dismissed for lack of prosecution. If the administration requires additional time to complete the estate, file a Petition to Extend, prior to the expiration date, with the specific reasons outlined and a proposed Order (see number 7 above).

18. BONDS - ESTATES:

In setting an appropriate bond, the Judge evaluates the circumstances of each case and considers the unofficial bond schedule developed many years ago by Judge Thomas E. Penick. Typically, the minimum bond set is $18,000 as that is the highest bond available for the minimum bond premium; i.e., it costs the same for a bond of $18,000 as it does for a bond of a lesser amount. The bond schedule has been adjusted to reflect that minimum and is set out below.

A. Bond Schedule:

Estate Gross Value:	$0 – $75,000 *	$75,001 – $100,000	$100,001 – $175,000	$175,001 – $250,000	$250,001 - $500,000	$500,001 - Unlimited
Bond:	$18,000	$25,000	$35,000	$50,000	$75,000	$100,000 minimum**

* Every wrongful death estate will have a minimum bond of $18,000.

** Do multipliers of $100,000 for each $500,000 of estate (i.e. $1,100,000 estate calls for a bond of $225,000).

Typically, the value of items identified in the petition as exempt assets or homestead property is excluded from the total amount of assets in determining the bond. **It is recommended that you propose a bond amount in accordance with the bond schedule.**

B. Waiver of Bond:

The bond exists to insure the performance of the Personal Representative (PR) to both beneficiaries and creditors and only in exceptional circumstances will it be waived.

Examples of those circumstances include cases in which the proposed PR is a licensed attorney or cases in which all beneficiaries consent to bond being waived and the decedent has been dead for more than two years.

If you wish to seek that bond be waived, e-file a petition setting out the specific facts of your case that merit consideration for waiver of bond. Petitions to Waive Bond are routinely denied which merely state "boilerplate" language that doesn't explain the facts and circumstances of the case. A commonly **unsuccessful** practice is the filing of a Petition to Waive Bond which makes the following bare allegation:

"The value of the estate, the relationship of the PR to the beneficiaries, the exempt property and any family allowance, the type and nature of the assets, known creditors and the liens and encumbrances on the assets, if any, are such that no bond should be required."

Missing from the allegations in these failed petitions are the actual circumstances of the case. The court is left with the following questions: *What is* the value of the estate? *What is* the relationship of the beneficiaries to the PR? *What are* the type and nature of the assets? *Who are* the known creditors and what are they owed? And so on. Unless specific facts and reasons are included, these petitions are routinely denied.

19. "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 PRs 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.**

20. SUMMARY ADMINISTRATION:

Summary Administrations do not contemplate hearings. If there are issues beyond the limited relief provided in a Summary Administration, the estate must be converted to a Formal Administration. If there is an Order Checklist, you must fully comply with each item and once you have filed everything, the Clerk will do a final audit and forward the case to the Judge to sign the order(s).

GUARDIANSHIPS

21. GUARDIANSHIP PETITIONS FOR AUTHORITY TO ACT AND WAIVER OF REQUIREMENTS:

CERTIFICATE OF SERVICE FOR PETITIONS FOR AUTHORIZATION TO ACT

It is essential to comply with the requirements of 744.447 including Section (2). Except for petitions to authorize sale of perishable or rapidly deteriorating property, notice of petitions for authorization to act "shall be given to the ward, the next of kin, if any," and to interested persons. Notice need not be given to a ward who is under 14 years of age or who has been determined to be totally incapacitated.

In order to comply with this Statute, the Certificate of Service shall either show that the required people were served or, if appropriate, should indicate that there are no known next of kin or that the ward is under 14 or is totally incapacitated.

TYPES OF PETITIONS

Contents of petitions seeking the court to authorize or approve of 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 out 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 is 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 expenses 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 expenses 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 expenses, require advance approval. The court takes many factors into consideration in weighing 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 a 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.

G. ***Obtaining Approval Regarding Life-Prolonging Procedures:***
Effective July 1, 2023 ***Florida Statutes 744.4431. "Guardianship power regarding life-prolonging procedures"*** controls most decisions by guardians to withhold or withdraw life-prolonging procedures, or to execute an order not to resuscitate, which must be approved by the Court. Counsel should review with all guardians these requirements when they are appointed.
The statute and corresponding rule **Rule 5.631. Petition for Approval by Professional Guardian for Order Not to Resuscitate or to Withhold Life-Prolonging Procedures** provide helpful and specific information regarding the contents of any such petition. Since they are substantial revisions to prior authorities, counsel should familiarize themselves

with them in preparing petitions seeking Court approval to avoid delays to gather additional information required for ruling within the applicable timeframes.

These petitions are frequently filed under the most urgent of circumstances and if it is an emergency should be accompanied by a Priority Request to expedite processing and include "DNR" in the title. Counsel should expect the possibility of a telephone call to get additional information and/or coordinate hearing time.

If the Petition or attachments include the Ward's medical records, consider filing a "**Motion to Determine Confidentiality of Court Records**" (See Rule 2.420 (e)) and proposed Order. A person's medical records enjoy a confidential status. First the right to privacy contained in Art. I § 23, Fla. Const., second, § 456.057(7)(a), Fla. Stat. and third § 90.503(2), Fla. Stat. all provide a basis for medical records to remain confidential. And, also consider Judicial Administration Rule 2.420 records pertaining to Baker Act, substance abuse services, tuberculosis, specific Guardianship reports, if applicable.

22. 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. When the order is ready for signature, it will be forwarded to the Judge.

With respect to fee petitions, review and ruling is facilitated by including in the certificate of service those interested parties and next of kin identified to the Court in earlier filings and/or explaining why they are no longer appropriately served in the petition or the certificate itself. Additionally, "all parties," or "attorneys of record," or "individuals as set forth in the e-filing portal" are not acceptable forms of identifying those served. 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.

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.

ALL PETITIONS AND PROPOSED ORDERS FOR GUARDIANSHIPS AND PROBATE SHALL FOLLOW THE NOTICE AND SERVICE REQUIREMENTS TO NEXT OF KIN AND INTERESTED PARTIES UNDER THE STATUTES AND RULES AT A MINIMUM.