

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2019-44-PRC

**ADMINISTRATIVE ORDER ESTABLISHING
DISTRIBUTION OF PROBATE DIVISION CASES**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective immediately**:

(1) The Clerk of the Circuit Court shall assign probate division cases in the following percentages:

Division 60	33.3%
Division 61	33.3%
Division 62	33.3%

(2) The Clerk of the Circuit Court shall assign probate cases to the general magistrates in the following percentages:

Division 68	50%
Division 69	50%

(3) The Clerk of the Circuit Court shall randomly assign any and all cases in as equal a distribution as possible to the divisions as set forth in this Administrative Order.

(4) The Clerk of the Circuit Court shall transfer all cases currently assigned to Division 65 as follows:

- i. All cases which originated from Division 60 shall be transferred to Division 60.
- ii. All cases which originated from Division 62 shall be transferred to Division 62.
- iii. All cases which were initially filed after the inception of Division 65 and assigned to Division 65 shall be transferred to Division 61.

(5) The same general magistrate division shall be assigned the incapacity and guardianship case for an individual.

(6) All hearings pursuant to Chapter 394, Florida Mental Health Act (“The Baker Act”), Chapter 397, Hal S. Marchman Alcohol and Other Drug Services Act of 1993, and Section 945.43, Florida Statutes, and all civil proceedings under the Adult Protective Services Act, are hereby referred to the general magistrate as authorized by law.

(7) The routine random assignment of cases shall be overridden by the Clerk of the Circuit Court under the following limited circumstances:

- (a) All probate, guardianship, or mental health cases for an individual shall be assigned to only one (1) probate division judge or general magistrate no matter the status of the prior proceeding, *e.g.*, open, pending, closed, or disposed.
- (b) If the assets of two (2) or more individuals adjudicated incapacitated are significantly interrelated so that the same division should hear the guardianship proceedings for all individuals.¹
- (c) If minor guardianship proceedings are opened for siblings with the same guardian of the property the cases shall be assigned to one (1) division.

(8) An interested person may seek the consolidation of a case. A petition shall be filed with the Probate Division assigned the earliest (lowest) case number and, if granted, the Clerk of the Circuit Court shall transfer the case to the Division with the earliest (lowest) case number.

¹ The cases governed by this exception will generally include spouses, siblings, or domestic partners.

(9) This Administrative Order supersedes and vacates Administrative Order 2018-103-PRC.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 24th day of June, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge