

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

Administrative Order 2021-49-PRC

PROBATE AND GUARDIANSHIP PROCEDURES

(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 the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of General Practice and 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 light of advancements in the electronic processing of orders using the Seventeenth Judicial Circuit’s online scheduling, and enhancement of the court management system, uncontested Motion Calendar hearings and Ex Parte dockets are hereby eliminated.

(d) 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 General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

(1) This Administrative Order is to be read in conjunction with the [Seventeenth Judicial Circuit of Florida Local Procedures – Probate Division](#) and the specific division procedures for Divisions 60J, 61J, and 62J, all of which may be updated from time to time without notice.

(2) Electronic Submission of Proposed Orders and Agreed Orders without Hearing.

(a) All uncontested matters, which were formerly set for Motion Calendar hearing or on Ex Parte dockets, will be processed without hearing using the Seventeenth Judicial Circuit’s online scheduling and court management system (“CMS”).

- (b) If the Petitioner's counsel is unaware if a matter is contested, the matter shall be set for hearing pursuant to paragraph (3).
- (c) All uncontested matters shall be submitted to the assigned Division Judge using either the CMS proposed order portal or, where there is agreement of the parties, the CMS agreed order portal. The Broward County Clerk of Court will no longer present orders to the Court for entry without hearing. The attorney for the moving party shall have the responsibility of submitting proposed and agreed orders to the corresponding CMS portal, or request a hearing as outlined within this Order (this provision does not apply to self-represented parties).
- (d) The submission of an order to either the CMS proposed order portal or agreed order portal shall be considered an affirmation that the matter is uncontested, that all interested parties have been served notice of the petition/motion, and that no notification has been received that any interested party objects to the entry of the proposed/agreed order.
- (e) The uncontested petition and/or motion and all required supporting documents with e-filing reference numbers on the face of the document shall be uploaded as supporting documents as "other attachments" to the submission of the proposed/agreed order. Failure to upload all necessary supporting documents may result in a proposed/agreed order being rejected.
- (f) The following uncontested petitions may be presented to the Court through the CMS proposed or agreed order portal, with the exception of Petitions for Approval of Minor's Settlement:
1. Guardian's Attorney's Fees
 2. Guardian's Fees and Costs
 3. Appointment of Guardian(s):
 - i. A Petition for Appointment of Guardian shall not be submitted to the Court for review unless the proposed guardian's credit and criminal investigation is completed, approved, and appears on the docket.

- ii. If the proposed guardian's credit and criminal investigation is not approved, or if the Petitioner for Appointment of Guardian is contested, the matter shall be set for hearing.

(3) MATTERS REQUIRING HEARINGS.

- (a) Contested matters, any matters in which the scheduling party is unaware if the matter is contested, and any other matters which are required to be set for hearing, shall be set for hearing using CMS. Where hearing time in excess of thirty minutes is sought, the matter shall be scheduled through the assigned Division's Judicial Assistant.
- (b) A petition or motion shall not be set for hearing unless the attorney or interested person noticing the hearing has complied with [Local Rule 10A](#), by first attempting in good faith to resolve the motion, and coordinating the hearing in advance with all interested parties.
- (c) Proposed Orders shall be submitted via email in Microsoft Word format in advance of any hearing. All emails shall be addressed to the assigned Division Judge's Judicial Assistant, and shall contain a subject line as follows: "Special Set Proposed Order – Case Number – Title of Petition."
- (d) Should any scheduled hearing or trial become unnecessary (regardless of whether the matter is scheduled to be heard via a web-based video conferencing platform or in person), the scheduling party shall immediately cancel the hearing or trial by using CMS, and file a notice of cancellation. The canceling party is responsible for advising interested parties that the hearing or trial is canceled.

(4) ELECTRONIC AGREED ORDERS AND JUDGMENTS.

All agreed orders should be submitted electronically through CMS for the assigned Division Judge's electronic signature. All motions must be e-filed prior to the submission of the Agreed Order per Fla. R. Civ. P. 1.100(b). Correspondence and/or other motions shall not be submitted with the Agreed Order. The agreed order portal is not a substitute for matters proper for ex parte hearings.

(5) REMOTE APPEARANCES.

If a party is unable to appear via video using a web-based video conferencing platform, the party shall appear by telephone using the platform by using the call-in number(s) and Meeting ID provided for in the specific division procedures for Divisions 60J, 61J, and 62J.

(6) This Administrative Order supersedes and vacates Administrative Order 2020-50-PRC.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 9th day of September, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge