

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

*Administrative Order 2022-45-PRC (Amendment 1)*

**DISTRIBUTION OF PROBATE DIVISION CASES**

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(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 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 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, effective January 1, 2024, at 12:01 a.m.:**

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

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

(2) In addition to the assignment of probate division cases referenced in (1), the Clerk of the Circuit Court shall assign all *pro se* probate division cases involving Dispositions of Personal Property without Administration, Petitions for Summary Administration (Testate and Intestate), and Petitions for Ancillary Summary Administration to the general magistrates as follows:

Division 68	All even numbered cases
Division 69	All odd numbered cases

(3) The review of all *pro se* probate division cases involving Dispositions of Personal Property without Administration, Petitions for Summary Administration (Testate and Intestate), Petitions for Ancillary Summary Administration, any ancillary matters thereto<sup>1</sup>, and any hearings thereon, are hereby referred to the general magistrates of the probate division as authorized by law.

(4) 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.

(5) The Clerk of the Circuit Court shall assign 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 probate cases to the general magistrates as follows:

Division 68	Hal S. Marchman Proceedings
Division 69	Baker Act Proceedings

(6) The Clerk of the Circuit Court shall assign all hearings pursuant Section 945.43, Florida Statutes, and all civil proceedings under the Adult Protective Services Act as to the general magistrates follows:

Division 68	50%
Division 69	50%

(7) 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.

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

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

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<sup>1</sup> Ancillary matters may include, but are not limited to, Petitions to Determine Homestead and Petitions to Open/Close Safe Deposit Boxes.

- (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.<sup>2</sup>
- (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.

(10) 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.

(11) This Administrative Order supersedes and amends Administrative Order 2022-45-PRC.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 13th day of November, 2023.

/s/ Jack Tuter  
Jack Tuter, Chief Judge

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<sup>2</sup> The cases governed by this exception will generally include spouses, siblings, or domestic partners.