

**The Real Property, Probate and Trust Law Section
Executive Council Meeting
The Four Seasons, Orlando, Florida
Saturday, December 6, 2025**

Agenda

I. Presiding – *Wm. Cary Wright, Chair*

II. Secretary’s Report - Wilhemina Kightlinger, Secretary

- A. Motion to approve minutes of the August 23, 2025, Executive Council meeting held at the Breakers, Palm Beach Florida. **p. 13**
- B. RPPTL Executive Council Attendance Roster 2025-2026 (as of November 1, 2025). **p. 20**
 - 1. Attendance Policy Reminder: RPPTL Section Bylaws, Article V, Section 4 states in relevant part, “. . . if any past section chair is absent from 10 consecutive in-state executive council meetings, or if any other member of the executive council fails to attend at least 2 in-state executive council meetings in-person in any membership year, the member is deemed to have resigned from the executive council, and any section office or position held by that person is deemed vacant.”
 - 2. Attention Executive Council Members: Please review the attendance roster and email Wilhemina Kightlinger with any corrections or note the correction on the roster circulated at this meeting.
- C. Minutes, Interim Executive Committee Meeting – October 17, 2025. **p. 40**
- D. Minutes, Interim Executive Committee Meeting – November 18, 2025. **p. 43**

III. Chair's Report — Wm. Cary Wright, Chair

- A. Recognition of Special Guests.
- B. Thank you to our Sponsors. **p. 48**
- C. Milestones.
 - 1. Elizabeth “Liz” Hughes – Elected as a new ATCTEC Fellow at the Fall 2025 Meeting in Austin, TX
 - 2. Michael Sneeringer – Elected as a new ATCTEC Fellow at the Fall 2025 Meeting in Austin, TX

3. Mike Bedeke – Honored by the Skyes College of Business as a recipient of the 30th Annual Tampa Bay Ethics Award.

D. Interim Actions of the Executive Committee.

1. Cvent Contract – Renewal approved.

E. 2025-2026 Executive Council Meeting Schedule. **p. 49**

F. 2025-2026 RPPTL Section Division Leadership Charts. **p. 50**

G. General Comments of the Chair.

IV. Board of Governors Report – *Paige A. Greenlee, Liaison*

V. Chair-Elect's Report – *Jon Scuderi, Chair-Elect*

A. 2026-2027 Executive Council Meeting Schedule **p. 61**

VI. Treasurer's Report – *Angela M. Adams, Treasurer*

A. Revised June 30, 2025 (year-end) financials **p. 62**

B. October 2025 Financials **p. 71**

VII. Director of At-Large Members Report – *Brenda B. Ezell, Director*

VIII. CLE Seminar Coordination Report – *Michael V. Hargett (Real Property) and Nicklaus J. Curley (Probate & Trust), Co-Chairs*

A. Upcoming CLE Calendar as of November 21, 2025. **p. 81**

IX. Legislation Committee Report – *Lee A. Weintraub (Real Property) and S. Dresden Brunner (Probate & Trust), Co-Chairs*

X. General Standing Committees Report – *Jon Scuderi, Chair-Elect*

Action Items:

A. **Budget Committee** – *Angela M. Adams, Chair; Tae K. Bronner, Linda S. Griffin, and Alfred J. Stashis, Jr., Co-Vice Chairs*

1. Motion to approve the RPPTL Section Budget Fiscal Year 2026-2027; **p. 82**

2. Report of the Excess Funds Committee **p. 91**

B. **Legislation Committee** – *S Dresden Brunner (PT) and Lee A. Weintraub (RP), Co-Chairs; Arthur J. Menor (RP), Stacey Kalmanson (RP), Rich McIver, M. Travis Hayes (PT), Benjamin F. Diamond (PT), Stephanie Cook (PT), Co-Vice Chairs*

1. Motion to suspend the rules to oppose SB120.

2. Motion to Oppose SB 120:

a. Oppose any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated;

1) to enter into an agreement that impairs his or her rights or;

2) to execute documents transferring or waiving rights, including, but not limited to, conveyances, encumbrances, contracts, wills, trusts, powers of attorney, advance directives, declarations of preneed guardian unless such legislation does not infringe on a person's right to contract based solely upon age, or create burdensome conditions for elderly or disabled persons to enter into an otherwise valid contract, or violate the Excessive Fines Clause, Equal Protection and Due Process Clauses of the U.S. and Florida Constitutions;

b. find that such positions are within the purview of the RPPTL Section;

c. authorize transmittal of the positions to The Florida Bar Board of Governors with a request for the Board's approval; and

d. authorize the expenditure of funds from the Section's Budget necessary to effectuate the same **p. 94**

Information Items:

C. **Ad Hoc Judgment Liens Committee** – *Brian J. Felcoski, Chair*

1. New Committee Report

Cl. **In House Counsel Committee** – *Lisa B. Van Dien, Chair*

1. New Committee Report

E. Legislation Committee – *S Dresden Brunner (PT) and Lee A. Weintraub (RP), Co-Chairs; Arthur J. Menor (RP), Stacey Kalmanson (RP), Rich McIver, M. Travis Hayes (PT), Benjamin F. Diamond (PT), Stephanie Cook (PT), Co-Vice Chairs*

1. Renewal of Section Positions **p.120**

2. Removal of Section Positions:

- a. 1 (f): “Probate, Trust & Guardianship / Estate Planning”
 - f. Supports proposed legislation which would amend Section 117.201, Florida Statutes, to create a definition of “witness” (when used as a noun) for purposes of remote online notarization and witnessing of electronic documents.

- b. 4(h): “Probate, Trust & Guardianship / Trust”
 - h. Support revisions to the Florida Community Property Trust Act (Sections 736.1501, et al., of the Florida Statutes) to fix language in the definitional section of the Act that was inadvertently included during the bill-drafting process for the original Act (Section 736.1502(1)); to clarify that the Act applies to express trusts created, amended, restated, or modified after July 1, 2021 (Section 736.1502(2)); and to clarify that the transfer of homestead property to a Florida Community Property Trust is not a change of ownership for purposes of Chapter 193 and does not trigger a reassessment of the value of the property (new Section 736.151(3)). [Added 9/20/2024]

- c. 13(c) “Real Property / Property Rights”
 - c. Supports legislation to provide a statutory definition for ejectment actions, provide for jurisdiction in the circuit courts for such actions, eliminate any ambiguity over whether pre-suit notice is required in such actions, and update the language in the existing ejectment statute.

F. History- *Michael P. Stafford, Chair; E. Burt Burton, Jr. and Fred Jones, Co-Vice Chairs*

1. Committee Report

G. Information Technology Committee – *Hardy L. Roberts III, Chair; Alexander B. Dobrev, Jesse B. Friedman, and Jourdan Haynes, Co-Vice Chairs*

1. Committee Report

XI. Probate and Trust Law Division Report –*Sancha K. Brennan, Division Director*

Action Items:

None

Information Items:

A. Trust Law Committee – *M. Travis Hayes, Chair; Jennifer J. Robinson, Frederick “Ricky” Hearn, and Jolyon Acosta, Co-Vice Chairs*

1. Report from Subcommittee on Pretermitted Children – Jeffrey S. Goethe
 - a. Proposed legislation, white paper and Section position request attached, supporting a proposed motion to:
 - 1) support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust.
 - 2) find that such proposal is within the purview of the RPPTL Section;
 - 3) authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board’s approval; and
 - 4) authorize the expenditure of funds from the Section’s budget necessary to effectuate the same. **p. 137**
 - b. Proposed legislation, white paper and Section position request attached, supporting proposed motion to:
 - 1) Support revision to Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard. **p. 149**
2. Report from the subcommittee reviewing the potential invalidity of spendthrift provisions – Robert H. Trudeau
 - a. Proposed legislation, white paper and Section position request attached, supporting proposed motion to:
 - 1) Support revision to Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard. **p. 149**
3. Report from Florida Supreme Court Workgroup on Uncontested Probate Proceedings – Benjamin F. Diamond **p. 166**

XII. [Real Property Law Division Report](#) – Steven H. Mezer, Division Director

Action Items:

A. Florida Realtor-Attorney Joint Committee – Colleen Sachs

1. Amendments to FR-Bar Contract Forms.

The Florida Realtor/Attorney Joint Committee (the “Committee”) has approved three revisions to the FR-Bar standard and AS-IS contract forms and one revision to Rider EE, and seeks approval of the changes by the RPPTL Section Executive Council.

- a. *Paragraph 18, Standard I(iii)*: Previously, this subsection dealt with the FinCEN Geographic Targeting Orders and the buyer’s agreement to comply with Closing Agent requests to produce documents and information necessary to allow for compliance with the GTOs. In anticipation of the GTOs being replaced by the Residential Real Estate Reporting Rule (the “RE Rule”) on March 1, 2026, the Committee has revised this language to address both parties’ obligation to comply with Closing Agent requests related to the RE Rule. The Committee closely followed the language recommended by ALTA for this purpose.
- b. *Paragraphs 16 & 17: In the Pesantes v. Kelley case (2025 WL 611399, Fla. 3d DCA Feb. 26, 2025)*, the Court held that “the Contract specifically limits fee entitlement to the prevailing party in lawsuits ‘permitted’ by the Contract,” denying an award of attorney’s fees to a prevailing seller because the parties did not mediate their dispute prior to the buyer bringing the lawsuit – a contract requirement which the Court determined was a condition precedent to the litigation being “permitted” under the contract. The Court went on to say that if the drafters of the contract wanted a broader fee entitlement provision, the drafters would have used broader “arising out of” language. The Committee does not agree with the Court’s interpretation of the drafters’ intent, and these revisions are designed to clarify that intent, to wit: prevailing party attorney’s fees should be permissible in any action arising out of or related to the contract; and only disputes over Deposits (as defined in the contract) should be subject to the mandatory mediation requirement.
- c. *Paragraph 18, Standard F (with related changes to Paragraph 3 and Paragraph 18, Standard K)*: According to Florida Realtors and many of the Realtor members on the Committee, questions about how to compute time periods are the most frequently encountered

issues on both the Florida Realtors Legal Hotline and in practice. In addition to clarifying uncertainty about how to calculate the time period when it must be calculated backwards (example: “at least five days prior to closing”), these revisions are intended to provide clear guidance on how to calculate time periods and deadlines throughout the contract, as well as to define “holidays” in accordance with federal law.

- d. *Rider EE. PACE*: A statutory change requires changes to this rider. Property Assessed Clean Energy (PACE) programs are now referred to as “qualifying improvements.” References to energy efficiency, renewable energy, and wind resistance have been removed.
 - i. CR-6_EE committee approved October 9, 2025 **p. 671**
 - ii. Default provisions only - committee approved August 14, 2025 **p. 672**
 - iii. Standard F and related changes - committee approved August 14, 2025 **p. 674**
 - iv. FinCEN Real Estate Reporting Rule - Para 18(I)(iii) - committee approved August 14, 2025 **p. 676**

The attached revisions were approved by the Committee for release on December 31, 2025, with the caveat that if the RE Rule does not take effect on that date (there are two pending federal lawsuits challenging the RE Rule, which could delay implementation), then the revisions to Paragraph 18, Standard I(iii) will not be part of the published changes until the RE Rule becomes effective, if at all.

2. Motion:

Move that the Executive Council of the Real Property, Probate and Trust Law Section of The Florida Bar approves and recommends that The Florida Bar approves the proposed revisions to Paragraph 18, Standard I(iii); Paragraphs 16 & 17; and Paragraph 18, Standard F (with related changes to Paragraph 3 and Paragraph 18, Standard K) in both the standard and AS-IS versions of the FR-Bar Residential Contract for Sale and Purchase forms, and Rider EE, as presented to the Executive Council at its meeting on December 6, 2025, for release and publication on December 31, 2025, with the caveat that the Joint Committee is authorized to withhold the revisions to Paragraph 18, Standard I(iii) from such publication until such time, if at all, the FinCEN Residential Real Estate Reporting Rule takes effect, without further action by the Executive Council of the Real Property, Probate and Trust Law Section of The Florida Bar or The Florida Bar.

B. Real Property Problems Study Committee – *Susan K. Spurgeon, and Brian W. Hoffman Co-Chairs; Leonard “Len” F. Prescott, and Scott Pence, Co-Vice Chairs*

1. Motion to suspend the rules to oppose SB 116 – Title Fraud and Prevention of Specified Adults.
2. Motion to oppose SB 116:
 - a. Oppose any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated, to convey property or an interest therein.
 - b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.
 - c. Oppose any legislation which sets requirements for the witnesses to any instrument which conveys real property or an interest therein which requirements apply only to transactions where the grantor is a natural person who has reached or surpassed a certain age. **p. 677**

Information Items:

C. Condominium and Planned Development Committee – *Joel McTeague, Jennifer Bloodworth, Co-Chairs; Jordan Haynes, and Christine Ertl, Co-Vice Chairs*

1. *Proposed Legislative Position:*

UNIVERSAL KAUFMAN LEGISLATIVE POSITION

- a. Oppose any legislation imposing mandatory, universal “Kaufman Language” on community associations subject to Chapters 718, 719, or 720, Florida Statutes.
- b. Oppose any legislation requiring community associations subject to Chapters 718, 719, or 720, Florida Statutes to amend their governing documents to adopt universal “Kaufman Language”.
- c. Oppose any legislation requiring any governing document of a newly created community association subject to Chapters 718, 719, or 720, Florida Statutes to contain universal “Kaufman Language” as a condition of approval of the governing document. Universal Kaufman Opposition White Paper v.3 **p. 693**

XIII. Probate and Trust Law Division Committees – *Sancha K. Brennan, Division Director*

1. **Ad Hoc Guardianship Law Revision** – Stacy B. Rubel, Chair; David C. Brennan, Sancha K. Brennan and Nicklaus J. Curley, Co-Vice Chairs
2. **Asset Protection** — Justin Savioli, Chair; Richard R. Gans, Patrick J. Lannon, and Bo Trudeau, Co-Vice-Chairs
3. **Attorney/Trust Officer Liaison Conference** — Eamonn W. Gunther, Chair; Stacey L. Cole, Gail G. Fagan, Michael M. Rubenstein, Kimberly Bald, Sean Lebowitz, Yoshi Smith, Co-Vice Chairs
4. **Charitable Planning and Exempt Organizations** — Alyssa R. Wan, Chair; Carla DeLoach and Jeffrey Spina-Jennings, Co-Vice-Chairs
5. **Elective Share Review** — Cristina Papanikos, Chair; Lauren Y. Detzel, Jason P. Van Lenten, and Jenna Rubin, Co-Vice-Chairs
6. **Estate and Trust Tax Planning** — Andrew H. Thompson, Chair; Denise Cazobon and Joe Percopo, Co-Vice Chairs
7. **Guardianship, Power of Attorney and Advanced Directives** — Elizabeth M. Hughes, Chair; Stephanie L. Cook, Marve Ann Alaimo, and Jeff Eisel Co- Vice Chairs
8. **IRA, Insurance and Employee Benefits** — Charles W. Callahan, III, Chair; Rebecca C. Bell and Rachel N. Barlow, Co-Vice-Chairs
9. **Liaisons with ACTEC** — Elaine M. Bucher, Tami F. Conetta, Jerome L. Wolf, Charles I. Nash, L. Howard Payne, and Diana S.C. Zeydel
10. **Liaisons with Elder Law Section** — Travis D. Finchum and Marjorie E. Wolasky
11. **Liaison with the FSGA** – Stephanie Cook
12. **Liaisons with Tax Section** — William Lane, Brian M. Malec, and Brian C. Sparks
13. **Liaison with Professional Fiduciary Council** — Darby Jones
14. **OPPG Delegate** — Nicklaus J. Curley
15. **Principal and Income** — Jolyon D. Acosta and Keith B. Braun, Co-Chairs; Susan Kubar, Vice-Chair
16. **Probate and Trust Litigation** — R. Lee McElroy, IV, Chair; Cady L. Huss, Darren M. Stotts, and Barry Spivey, Co-Vice Chairs
17. **Probate and Trust Problem Study Committee** - Sean W. Kelley, Chair; Shelly Wald Harris and David Akins, Co-Vice Chairs
18. **Probate Law and Procedure** — Theodore S. Kypreos, Chair; Benjamin F. Diamond, Stacey Prince-Troutman, J. Grier Pressley, III, and Michael Sneeringer, Co-Vice Chairs
19. **Trust Law** — M. Travis Hayes, Chair; Jennifer J. Robinson, Frederick “Ricky” Hearn, and Jolyon Acosta, Co-Vice Chairs
20. **Wills, Trusts and Estates Certification Review Course** — J. Allison Archbold, Chair; J. Eric Virgil and Alyse Reiser, Co-Vice Chairs

XIV. Real Property Law Division Committees – *Steven H. Mezer, Division Director*

1. **Ad Hoc Covenants Running with Land** — Robert Freedman, Chair; Jeremy Cranford, and Ellie Taft, Co-Vice Chairs
2. **Attorney Banker Conference** — Kristopher E. Fernandez and Salome J. Zikakis, Co-Chairs; R. James “Jim” Robbins, Jr., and John Primeau Co-Vice Chairs

3. **Commercial Real Estate** — E. Ashley McRae and Alexandra D. Gable, Co-Chairs; Michael Maguire and Angelo Gasparri, Co-Vice Chairs
4. **Condominium and Planned Development Law Certification Review Course** — Alessandra Stivelman, Chair; Alan Schwartzseid and Laura Manning Co-Vice Chairs
5. **Condominium and Planned Development** — Joel McTeague, Jennifer Bloodworth, Co-Chairs; Jordan Haynes and Christine Ertl, Co-Vice Chairs
6. **Construction Law** — Bruce D. Partington, Chair; Jason J. Quintero, and Brett Henson, Co-Vice Chairs
7. **Construction Law Certification Review Course** -- Scott P. Pence, Chair; Jason J. Quintero and Ryan Sullivan, Co-Vice Chairs
8. **Construction Law Institute** — Trevor B. Arnold, Chair; Nikki Bhavsar, and Haley R. Maple, Co-Vice Chairs
9. **Development & Land Use** — Lisa B. Van Dien, Chair; Jin Liu and Gregg Strock, Co-Vice Chairs
10. **Insurance & Surety** — Ann Q. Pollack and Debbie S. Crockett, Co-Chairs; Allison Hertz, and Reed Grimm Co-Vice Chairs
11. **Liaisons with FLTA** — Alan K. McCall, Melissa J. Murphy, Alan B. Fields and James C. Russick
12. **Liaison with American College of Real Estate Lawyers (ACREL)** — Martin A. Schwartz and William P. Sklar, Co-Liaisons
13. **Liaison with American College of Construction Lawyers (ACCL)** — George J. Meyer
14. **Liaison with Florida Realtors** – Louis “Trey” E. Goldman, III
15. **Real Estate Certification Review Course** — Lloyd Granet, and Laura Licastro Co-Chairs; Martin S. Awerbach, and Melissa Scaletta, Co-Vice Chairs
16. **Real Estate Leasing** — Christopher A. Sajdera, and Ryan J. McConnell Co-Chairs; Terrence Harvey, and Adele Stone Co-Vice Chairs
17. **Real Property Finance & Lending** — Jason M. Ellison and Nicole M. Villarroel, Co-Chairs; Jeremy Cranford, Vice Chair
18. **Real Property Litigation** — Manuel “Manny” Farach and Amanda R. Kison, Co-Chairs; Sanjay Kurian and Lindsay Moczynski, Co-Vice Chairs
19. **Real Property Problems Study** — Susan K. Spurgeon and Brian W. Hoffman Co-Chairs; Leonard “Len” F. Prescott, and Scott Pence, Co-Vice Chairs
20. **Residential Real Estate and Industry Liaison** — James “Jamie” A. Marx and Kristen K. Jaiven, Co-Chairs; Rebecca L.A. Wood and Erin Miller, Co-Vice Chairs
21. **Title Insurance and Title Insurance Industry Liaison** — Christopher W. Smart, Chair; Leonard F. Prescott and Shannon Widman, Co-Vice Chairs
22. **Title Issues and Standards** — Amanda K. Hersem and Lee Offir Co-Chairs; Robert M. Graham, Cynthia Manfredi, and Melissa Scaletta, Co-Vice Chairs

XV. General Standing Committees — *Jon Scuderi, Chair-Elect*

1. **Ad Hoc Committee on Judgment Liens** – Brian J. Felcoski, Chair
2. **Ad Hoc Protocols** – Stacy O. Kalmanson, Chair; Colleen C. Sachs and Rachel Barlow, Co-Vice Chairs
3. **Ad Hoc Rules Revisions** – Thomas M. Karr, J. Richard Caskey, and Shawn G. Brown Co-Chairs

4. **Ad Hoc TODI (Transfer on Death Instrument f/k/a RTODD)** — Christopher W. Smart and Alan S. “Steve” Kotler, Co-Chairs; Rebecca Wood, Vice Chair
5. **Amicus Coordination** — Gerald B. Cope, Jr., Robert W. Goldman and John W. Little, III, Co-Chairs; J. Grier Pressly, III and Brian Hoffman, Co-Vice Chairs
6. **Budget** — Angela M. Adams, Chair; Tae K. Bronner, Linda S. Griffin, and Alfred J. Stashis, Jr., Co-Vice Chairs
7. **Communications** -- Michael V. Hargett, Chair; Laura K. Sundberg, Vice Chair
8. **CLE Coordination** — Nicklaus Curley and Michael V. Hargett, Co-Chairs; Robert Lancaster, Tattiana Stahl, Amanda R. Kison, Silvia B. Rojas, Christopher A. Sajdera, and John Cerneski, Co-Vice Chairs
9. **Convention Coordination** — Stacy O. Kalmanson and Tae K. Bronner, Co-Chairs
10. **Disaster and Emergency Preparedness and Response** — Colleen C. Sachs, Chair; Amy B. Beller, Michael A. Bedke, and Daniel Siegel, Co-Vice Chairs
11. **Fellows** — Bridget M. Friedman, Chair; Taniquea C. Reid, Jeanette Mora, and Julia Jennison, Co-Vice Chairs
12. **History** – Michael P. Stafford, Chair; E. Burt Burton, Jr. and Fred Jones, Co-Vice Chairs
13. **Homestead Issues Study** — Jeffrey A. Baskies, Chair; Jeremy T. Cranford, E. Burt Bruton, Jr., and Shane Kelley, Co-Vice Chairs
14. **Information Technology** — Hardy L. Roberts III, Chair; Alexander B. Dobrev, Jesse B. Friedman, and Jourdan Haynes, Co-Vice Chairs
15. **In House Counsel Committee** – Lisa B. Van Dien, Chair
16. **Law School Outreach** — Kymberlee C. Smith, Chair; Jacqueline Marzan and Sandy Boisrond, Co-Vice Chairs
17. **Legislation** — S. Dresden Brunner (PT) and Lee A. Weintraub (RP), Co-Chairs; Arthur J. Menor (RP), Stacey Kalmanson (RP), Rich S. McIver (RP), M. Travis Hayes (PT), Benjamin F. Diamond (PT), Stephanie Cook (PT), Co-Vice Chairs
18. **Legislative Update** — Salome J. Zikakis (RP) and Gutman Skrande (PT), Co-Chairs; Jennifer S. Tobin (RP), Terrence L. Harvey (RP), Jeffrey S. Goethe (PT), Brad Weiss (RP), and Andrew Sasso (PT), Co-Vice Chairs
19. **Liaison with:**
 - a. **American Bar Association (ABA)** — Robert S. Freedman, George J. Meyer, and Julius J. Zschau
 - b. **Business Law Section** -- Manuel Farach
 - c. **Clerks of Circuit Courts** — Zachary T. Zuroweste
 - d. **FLEA / FLSSI** — David C. Brennan and Roland D. Waller
 - e. **Florida Bankers Association** — Robert G. Stern
 - f. **Judiciary** — Ret. Judge Hugh D. Hayes, Judge Mark A. Speiser, Judge Michael Rudisill, and Judge Kenneth Gillespie
 - g. **Out of State Members** — John E. Fitzgerald, Jr. and Nicole C. Kibert Basler
 - h. **TFB Board of Governors** — Paige A. Greenlee
 - i. **TFB CLE Committee** — Nicklaus Curley and Michael V. Hargett
 - j. **TFB Council of Sections** — Wm. Cary Wright, Jon Scuderi, and Steven H. Mezer
 - k. **TFB Pro Bono Legal Services** — Lorna E. Brown-Burton
20. **Long-Range Planning** — Jon Scuderi, Chair

- 21. Meetings Planning** — George J. Meyer, Chair; Scott Pence and Tae K. Bronner, Co-Vice-Chairs
- 22. Membership** — Lawrence J. Miller, Chair; Shayla M. Johnson-Mount, Eryn E. Riconda, and Michael Sneeringer, Co-Vice Chairs
- 23. Model and Uniform Acts** — Patrick J. Duffey and Amber E. Ashton, Co-Chairs; Michael A. Bedke and Cullen I. Boggus, Co-Vice Chairs
- 24. Professionalism and Ethics** — Alexander B. Dobrev and Laura K. Sundberg, Co-Chairs; Elizabeth A. Stoops, Ret. Judge Celeste H. Muir, and Hardy Roberts, Co-Vice Chairs
- 25. Publications ActionLine** — Erin F. Finlen and Michelle G. Hinden, Co-Chairs; Alexander S. Douglas, II, Gregg I. Strock, Seth R. Kaplan, Daniel L. McDermott, Paul E. Roman, and Lisa Van Dien, Co-Vice Chairs
- 26. Publications Florida Bar Journal** — J. Allison Archbold (PT) and Homer Duvall, III (RP), Co-Chairs; Marty J. Solomon, Jonathan A. Galler, Jack A. Falk, and Eryn E. Riconda, Co-Vice Chairs
- 27. Sponsor Coordination** — Rebecca C. Bell, Chair; Marsha G. Madorsky, J. Michael Swaine, Cullen I. Boggus, Silvia B. Rojas, and Chris Smart, Co-Vice Chairs
- 28. Strategic Planning Implementation** — Robert S. Freedman, William T. Hennessey, III, Robert S. Swaine, Sarah S. Butters, and John Moran, Co-Chairs

XVI. [New Business](#)

XVII. [Adjourn](#)

Motion to Adjourn.

**The Real Property, Probate and Trust Law Section
Minutes of the Executive Council Meeting
The Breakers, Palm Beach, Florida
Saturday, August 23, 2025**

I. Presiding – *Wm. Cary Wright, Chair*

The Chair called the meeting to order at approximately 9:35 a.m.

Cary announced the passing of Executive Council member Deb Boyd and asked for a moment of silence in her honor. The Section extends heartfelt condolences (insert memorial email from Cary)

II. Secretary's Report – *Wilhelmina Kightlinger, Secretary*

1. Secretary, Wilhelmina Kightlinger, presented the Minutes of the May 31, 2025, meeting of the Executive Council held at The Four Seasons, Orlando, FL for approval. A motion to approve those Minutes was made and seconded. The motion PASSED unanimously.

2. The Executive Council Attendance Roster for 2025-2026 (as of 7/1/2025) was circulated.

a. The Secretary reminded Council members of the attendance requirements in the Section's Bylaws, i.e.,:

RPPTL Section Bylaws, Article V, Section 4 states in relevant part, “. . . if any past section chair is absent from 10 consecutive in-state executive council meetings, or if any other member of the executive council fails to attend at least 2 in-state executive council meetings in-person in any membership year, the member is deemed to have resigned from the executive council, and any section office or position held by that person is deemed vacant.”

b. The Secretary also asked Executive Council members to please review the Attendance Roster and either make a note of any corrections on the Roster or send an e-mail message identifying requested corrections.

III. Chair's Report — *Wm. Cary Wright, Chair*

1. The Chair introduced the following Special Guests:

- **Jeffrey Rynor** from the Board of Governors. Mr. Rynor, who is running for President-Elect of The Florida Bar, briefly detailed his background and experience and complimented the Section on the great job it does,

especially its reserves. Cary advised Mr. Rynor to keep his hands off of the Section's reserves to resounding applause of the Executive Council.

- **Paige Greenlee** from the Board of Governors. Ms. Greenlee, who is also running for President-Elect of The Florida Bar, thanked the Section for all the excellent work the Section and its Executive Council does. She briefly detailed her background and experience with the Florida Bar and the Board of Governors and thanked those who have served on grievance committees.

2. The Chair recognized and thanked all of the Section's Platinum, Gold, and Silver Sponsors, as well as the Section's App Sponsor. During the course of the meeting, the Chair invited the following Sponsor representatives to briefly address the Council:

Melissa Murphy - The Fund – Melissa announced her retirement and noted that this was the last time she would stand in front of the EC and thanked them for their support of The Fund.

Todd Jones - Real Advice

Jim Russick - Old Republic Title

Joe Tschida – WFG National Title Insurance

Gary Marshall - Stout Risius Ross Inc.

Richard DeNapoli - Coral Gables Trust

Carlos Batlle – JP Morgan

Cynthia Manfredi - FNF Family of Companies – announced the retirement of long-time Executive Council member Karla Staker

Laura Licastro - Westcor Land Title Insurance Company

David Shanks – Stewart Title Guaranty Company

Lee Offir - Title Resources

John Celmer – Leap Legal Software

Travis Finchim - Guardian Trust

Len Prescott – First American Title

3. The Chair recognized the Legislative Update Chairs and Committee and noted that the Update raised in excess of \$181,000 for the PAC.

3. Milestones:

Honorable Kenneth Gillespie – 17th Judicial Circuit Executive Director's Award

Lorna Brown-Burton – Lynn Futch Professionalism Award

Jason J. Quintero – Alan B. Bookman Service and Leadership Award

Jeremy Crawford – Appointed to Florida's First Judicial Circuit Judicial

Nominating Commission

Sean Lebowitz – Installed as President of the South Palm Beach County Bar Association

Joe Percopo – Board Certified in Wills, Trusts, and Estates

Former Chair, Melissa Murphy, Retiring from The Fund
Cynthia Manfredi – Board Certified in Real Property

4. The Chair reported the following Interim Actions of the Executive Committee:
 - a. Attendance Waivers granted January 28, 2025 and at June 27, 2025, Interim Executive Committee meeting via Zoom.
 - b. Budget Amendment for 2026 RPPTL Out-of-State Meeting.
 - c. Approval of Laurie Rowland contract for ActionLine.
 - d. Approval of Janellen Green contract for ActionLine.
 - e. Approval of Paisley Design/Laura Prichard for ActionLine and Executive Council Directory.
 - f. Approval of Tracey Eller contract for e-blasts, work with CLE Committee and social media on behalf of the Section.
 - g. Approval of Erin Chambers contract for assistance at in-state EC meetings.
 - h. Selection of 2025-2026 Fellows.
 - i. Jennifer Thomas
 - ii. Mellissa Stubbs
 - iii. Emily Crain-Evans
5. The Chair reviewed the Executive Council Meeting schedule for the 2025-2026 year.
6. The Chair reviewed the RPPTL Section Division Leadership Charts in the agenda.
7. General Comments of the Chair – The Chair thanked the Executive Committee, Hilary, and Jeremy for their hard work and congratulated the Legislative Update for another great program.

IV. Board of Governors Report – Paige A. Greenlee, Liaison – The Board of Governors met on July 18, 2025, and approved a Rules Committee proposal to file a comment in opposition to proposed rule to allow certain attorneys not licensed to be allowed to practice in Florida for 3 years. The Board also formed a new Corporate Counsel committee comprised of in-house attorneys and attorneys who represent large companies. Paige asked for anyone interested to reach out to the Committee or Paige for more information. She invited anyone to contact her with any questions or concerns regarding the Board of Governors.

V. Chair-Elect's Report – Jon Scuderi, Chair-Elect

The Chair-Elect reviewed the 2026-2027 Executive Council Meeting Schedule and

noted the Out-of-State meeting to Alaska and pointed members to the survey on the app to provide input on events during the trip. Registration will open in October.

VI. Treasurer's Report – Angela M. Adams, Treasurer

The Treasurer reported on the Statements of Financial Condition through June 30, 2025, in the Agenda package.

The cost to provide for Zoom attendance at this meeting was \$492.08.

The Treasurer reported on the budget amendment for the 2026 Out-of-State meeting that was approved by the Executive Committee.

VII. Director of At-Large Members Report – Brenda B. Ezell, Director

Brenda reported on the ALMs meeting that was held by Zoom prior to the meeting at The Breakers. She detailed the proposed reorganization of the ALMs into 6 committees:

Law Student Enrichment – Co-Chairs, Silvia Rojas and Rebecca Wood

Undergraduate Shadowing the Law Program Committee – Chair, Richard Warner

HLP Program – Chair, Richard Warner

Website and External Communications – Co-Chairs, Colleen Sachs and Arlene Udick

Pro-Bono Coordination – Chair, Jane Cornett

Guardianship and Contempt Cases– Co-Chairs, Richard Schwartz and Frank Pilotte

Education and Outreach – Chair, Darlene Bell-Alexander

Each committee will provide a written report to the Executive Council on the work they are performing to meet the Section's goals.

VIII. CLE Seminar Coordination Report – Michael V. Hargett (Real Property) and Nicklaus J. Curley (Probate & Trust), Co-Chairs

Nick recognized some of the larger successful CLEs that have taken place and directed everyone's attention to the Upcoming CLE Calendar as of May 20, 2025, in the Agenda package for this meeting and reminded Committees to push to provide at least 2 CLE programs each Bar year. He discussed the new Basic CLE program aimed at young lawyers and those who are moving into the Section's practice areas.

IX. Legislation Committee Report – Lee A. Weintraub (Real Property) and S. Dresden

Brunner (Probate & Trust), Co-Chairs

Lee recognized the members of the Legislative Committee.

Action Items approved at the last EC meeting were approved by the BOG and will be legislative initiatives of the Section during this upcoming Session.

Lee discussed Rep. Kelly Skidmore's workshops which indicate that we can expect legislation in the upcoming Session regarding deed fraud and asked French Brown to address the Council. French informed the Council that the Lee County clerk is working on a report for deed fraud pilot program which is expected this fall. The Section's lobby team is monitoring the proposed legislation and will keep the Executive Council informed. Lee noted that the Legislation Committee is appointing a small working group of the legislative liaisons of the substantive committees that are impacted to work with the legislative team.

X. General Standing Committees Report – Jon Scuderi, Chair-Elect

Action Items:

1. **Ad Hoc Transfer On Death Instrument ("TODI" f/k/a RTODD) Committee** - *Christopher W. Smart, Alan S. "Steve" Kotler, Co-Chairs; Rebecca L. A. Wood, Vice Chair*

Chris outlined the history of the committee and its task over the last 5 years which resulted in the proposed legislation in the Agenda. He presented a brief summary of the statute and its effect.

Motion to:

- (A) support legislation creating new § 689.30 "Florida Real Property Transfer on Death Act" to provide for a statutorily-approved means and form for the transfer of real property upon the death of the grantor that avoids probate and also allows for the grantor the freedom to mortgage or convey the real property to the grantor or any third party without the consent or approval of the beneficiary;
- (B) find that such proposed legislation is within the purview of the RPPTL Section;
- (C) authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board's approval; and
- (D) authorize the expenditure of funds from the Section's budget necessary to effectuate the same.

Committee motion does not require a second. Jon called for discussion on the motion. After significant discussion Jon put the motion to question. The motion failed.

Deb Boje moved to waive the rules to consider a motion to approve a standing position of the Section to oppose Transfer on Death Instruments. Motion to waive the rules seconded by Susan Spurgeon. After discussion, the motion to waive the rules to consider the proposed legislative position to oppose Transfer on Death Instruments failed.

Information Items:

1. **Liaison to the Florida Bar Pro Bono Legal Services** – *Lorna E. Brown-Burton* – no report.
2. **Fellows** – *Bridget M. Friedman, Chair* - Introduction of current and new Fellows:
 - i. Jennifer Thomas
 - ii. Mellissa Stubbs
 - iii. Emily Crain-Evans
 - iv. Camille Bailey
 - v. Lyudmyla Kolvesnik
 - vi. Lisa Super
 - vii. Arienne Valencia
3. **Professionalism and Ethics** - *Alexander B. Dobrev and Laura K. Sundberg, Co-Chairs* - Alex reported that the Committee held its initial meeting to discuss various topics including the use of artificial intelligence.
4. **History** – *Michael Stafford Chair. Burt Bruton, Fred Jones, Co-Vice Chairs*

David Brennan, as historian of the Section, read a letter from John Norris, Legislative Chair in 1986, to the Florida Bar regarding the Marketable Record Title Act. David noted the importance of the creation of the Florida Legal Education Association which continues to this day. He will discuss the formation of the Council of Sections and what the Section has done to enhance the exposure of all Sections with the Florida Bar at the next meeting.

XI. Probate and Trust Law Division Report – *Sancha K. Brennan, Division Director*

Action Item:

Trust Law Committee – *M. Travis Hayes, Chair; Jolyon D. Acosta, Frederick “Ricky” Hearn, and Jennifer J. Robinson, Co-Vice Chairs*

Motion to:

- (A) support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust;
- (B) find that such proposal is within the purview of the RPPTL Section;
- (C) authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board's approval; and
- (D) authorize the expenditure of funds from the Section's budget necessary to effectuate the same.

Said Action Item was withdrawn by the Committee

Information Items:

Sancha recognized Bill Hennesey as the incoming Florida Chair for ACTEC.

XII. Real Property Law Division Report – Steven H. Mezer, Division Director

Action Item: None

Information Items:

Considering formation of 3 Task Forces or Ad Hoc Committees on the following subjects:

- a. 99-year leases
- b. Redaction legislation
- c. Deed fraud

XIII. New Business - None

XIV. Adjourn

Meeting adjourned at approximately 11:50 pm

Respectfully submitted by:

Wilhelmina F. Kightlinger

Secretary, RPPTL Section

ATTENDANCE ROSTER
REAL PROPERTY PROBATE & TRUST LAW SECTION
EXECUTIVE COUNCIL MEETINGS
2025-2026

Executive Committee	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Wright, Wm. Cary Chair	RP		✓				
Scuderi, Jon Chair-Elect	PT		✓				
Mezer, Steven H. Division Director, Real Property	RP		✓				
Brennan, Sancha K. Division Director, Probate & Trust		PT	✓				
Kightlinger, Wilhelmina F. Secretary	RP		✓				
Adams, Angela M. Treasurer		PT	✓				
Ezell, Brenda B. Director, At-Large Members	RP		✓				
Brunner, S. Dresden Legislation Co-Chair, Probate & Trust		PT	✓				
Weintraub, Lee A. Legislation Co-Chair, Real Property	RP		✓				
Curley, Nicklaus J. CLE Co-Chair, Probate & Trust		PT	✓				
Hargett, Michael V. CLE Co-Chair, Real Property	RP		✓				
Moran, John C. Immediate Past Chair		PT	✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Acosta, Jolyon Delphin		PT	✓				
Akins, David J.		PT	✓				
Alaimo, Marve Ann M.		PT	✓				
Archbold, J. Allison		PT	✓				
Arnold, Casey		PT	✓				
Arnold, Trevor B.	RP		✓				
Aron, Jerry E. Past Chair	RP						
Ashton, Amber E.	RP		✓				
Awerbach, Martin S.	RP		✓				
Bald, Kimberly A.		PT	✓				
Ballaga, Raul	RP						
Barlow, Rachel N.		PT	✓				
Baskies, Jeffrey A.		PT	✓				
Battle, Carlos A.		PT	✓				
Beales, III, Walter R. Past Chair	RP		✓				
Bedke, Michael A.	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Belcher, William F. Past Chair		PT	✓				
Bell, Rebecca Coulter		PT	✓				
Bell-Alexander, Darlene	RP		✓				
Beller, Amy B.		PT	✓				
Bhavsar, Nikki K.	RP		Z				
Bild, Tara Rao		PT	✓				
Bloodworth, Jennifer J.	RP		✓				
Boggus, Cullen		PT	✓				
Boisrond, Sandy		PT	✓				
Boje, Debra Lynn Past Chair		PT	✓				
Boston, Wiley	RP						
Braun, Keith Brian		PT	✓				
Brenes-Stahl, Tattiana		PT					
Brennan, David C. Past Chair		PT	✓				
Brewer, Troupe	RP		✓				
Bronner, Tae K.		PT	✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Brown, Shawn G.	RP		Z				
Brown-Burton, Lorna			✓				
Bruton, Jr., Ed Burt	RP		✓				
Bucher, Elaine M.		PT	✓				
Busey, Lauren	RP						
Butters, Sarah Past Chair		PT	✓				
Callahan, III, Charles "Chad" W.		PT	Z				
Caskey, John Richard "Rich"		PT	✓				
Cazobon, Denise B.		PT	✓				
Cherneski, John		PT	✓				
Christiansen, Patrick Past Chair	RP						
Cole, Stacey L.		PT	✓				
Coleman, Jami A.		PT	✓				
Conetta, Tami F.		PT	✓				
Cook, Stephanie		PT	✓				
Cope, Jr., Hon. Gerald B.	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Cornett, Jane Louise	RP						
Cranford, Jeremy T.	RP		Z				
Crockett, Debbie	RP						
Cummins, Amanda C.		PT					
DeLoach, Carla A.		PT	✓				
Detzel, Lauren Y.		PT	✓				
Diamond, Benjamin F.		PT	Z				
Diamond, Sandra F. Past Chair		PT	✓				
Dobrev, Alexander B.	RP		✓				
Doddridge, Ryan		PT	Z				
Dollinger, Jeffrey	RP		✓				
Douglas, II, Alexander S.		PT	✓				
Dribin, Michael Past Chair		PT	✓				
Duffey, Patrick J.		PT					
Duvall, III, Homer	RP		✓				
Eisel, Jeffrey		PT	✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Ellison, Jason M.	RP		✓				
Ertl, Christene M.	RP		✓				
Evert, Jamison C.		PT	✓				
Fagan, Gail G.		PT	✓				
Falk, Jr., Jack A.		PT	✓				
Farach, Manuel	RP		✓				
Felcoski, Brian J. Past Chair		PT	✓				
Fernandez, Kristopher E.	RP		✓				
Fields, Alan B.	RP		✓				
Finchum, Travis D.		PT	✓				
Finlen, Erin F.		PT	✓				
Fitzgerald, Jr., John E.		PT	✓				
Frazier, S. Katherine Past Chair	RP		✓				
Freedman, Robert (Rob) Past Chair	RP		Z				
Friedman, Bridget	RP						
Friedman, Jesse B.		PT					

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Fugate, Norm	RP		✓				
Gabel, Alexandra	RP						
Galler, Jonathan A.		PT					
Gans, Richard R.		PT	✓				
Gasparri, Angelo J.	RP						
Gelfand, Michael J Past Chair	RP		✓				
Gillespie, Hon. Kenneth L.			✓				
Goethe, Jeffrey S.		PT	✓				
Goldman, III, Louis “Trey”	RP		✓				
Goldman, Robert W. Past Chair		PT					
Goodall, Deborah P. Past Chair		PT	✓				
Graham, Robert M.	RP						
Granet, Lloyd	RP		✓				
Greenlee, Paige (TFB Liaison)			✓				
Griffin, Linda S.		PT	✓				
Grimm, Reed	RP						

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Grimsley, John G. Past Chair		PT					
Gunther, Eamonn W.		PT	✓				
Guttmann, III, Louis B Past Chair	RP						
Harris, Shelly W.		PT	✓				
Harvey, Terrance L.	RP		✓				
Hayes, Hon. Hugh D.			✓				
Hayes, Michael Travis		PT	✓				
Haynes, Jourdan	RP		✓				
Hearn, Frederick "Ricky"		PT	✓				
Hearn, Steven L. Past Chair		PT					
Hennessey, William ("Bill") Past Chair		PT	✓				
Henson, Brett	RP		✓				
Hersem, Amanda	RP		Z				
Hertz, Allison	RP		✓				
Heuston, Stephen P.		PT	✓				
Hinden, Michelle	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Hipsman, Mitchell Alec		PT					
Hoffman, Brian W.	RP						
Hughes, Elizabeth M.		PT	✓				
Huss, Cady L.		PT	✓				
Ispording, Roger O. Past Chair		PT					
Jaiven, Kristen King	RP		✓				
Jennison, Julia A.	RP		✓				
Johnson, Amber Jade		PT	✓				
Johnson-Mount, Shayla	RP						
Jones, Darby		PT					
Jones, Frederick W.	RP		✓				
Kalmanson, Stacy O.	RP		✓				
Kangas, Michael R.		PT	✓				
Kaplan, Seth		PT					
Karr, Thomas M.		PT					
Kayser, Joan B. Past Chair		PT					

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Kelley, Rohan Past Chair		PT	✓				
Kelley, Sean W.		PT	✓				
Kelley, Shane		PT	✓				
Kibert-Basler, Nicole	RP		Z				
Kinsolving, Ruth Barnes Past Chair	RP						
Kirkland, Robert K.		PT					
Kison, Amanda R.	RP		✓				
Koren, Edward F. Past Chair		PT					
Kotler, Alan Stephen		PT	✓				
Kubar, Susan		PT	✓				
Kurian, Sanjay	RP		Z				
Kypreos, Theodore S.		PT	✓				
Lancaster, Robert		PT					
Lane, Jr., William R.		PT	Z				
Lannon, Patrick J.		PT	✓				
Lebowitz, Sean		PT	✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Licastro, Laura	RP		✓				
Lile, Laird A. Past Chair		PT	✓				
Little, III, John W.	RP		Z				
Liu, Jin	RP		✓				
Madorsky, Marsha G.		PT	✓				
Maguire, Michael	RP		✓				
Malec, Brian M.		PT	✓				
Manfredi, Cynthia	RP						
Manning, Laura	RP		✓				
Maple, Haley R.	RP		Z				
Marger, Bruce Past Chair		PT					
Marx, James A.	RP		✓				
McCall, Alan K.	RP						
McClure, Anthony		PT	✓				
McConnell, Eryn	RP		Z				
McConnell, Ryan	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
McDermott, Daniel		PT	✓				
McElroy, IV, Robert Lee		PT					
McIver, Richard S.	RP						
McRae, Ashley E.	RP						
McTague, Joel	RP		✓				
Menor, Arthur J.	RP						
Meyer, George F. Past Chair	RP						
Middlebrook, Mark		PT					
Miller, Erin M.	RP		✓				
Miller, Lawrence J. ("Larry")		PT	✓				
Moczynski, Lindsay	RP		✓				
Mora, Jeanette		PT	Z				
Muir, Hon. Celeste H.			Z				
Murphy, Melissa J. Past Chair	RP		✓				
Naples, David D., Jr.			✓				
Nash, Charles I.		PT	✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Neukamm, John B. Past Chair	RP		Z				
Nguyen, Hung V.		PT	✓				
Norris, Guy W.	RP	PT	✓				
Offir, Lee	RP		✓				
O'Malley, Andrew M. Past Chair	RP						
Papanikos, Cristina		PT	✓				
Partington, Bruce	RP		✓				
Payne, L. Howard		PT					
Pence, Scott P.	RP		✓				
Percopo, Joseph M.		PT	✓				
Pilotte, Frank		PT	✓				
Pollack, Anne Q.	RP		Z				
Prescott, Leonard "Len"	RP		✓				
Pressly, III, Grier James		PT	✓				
Price, Pamela O.		PT					
Primeau, John	RP						

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Prince-Troutman, Stacey		PT	Z				
Quintero, Jason J.	RP		✓				
Redding, John N.	RP		✓				
Reid, Taniquea		PT	✓				
Reiser, Alyse M.		PT	✓				
Riconda, Eryn E.		PT	✓				
Robbins, Jr., R. James	RP		✓				
Roberts, III, Hardy L.	RP		✓				
Roberts, Tance		PT	✓				
Robinson, Jennifer		PT	Z				
Rojas, Silvia B.	RP		✓				
Rolando, Margaret A. Past Chair	RP		✓				
Roman, Paul E.		PT	✓				
Romano, Antonio		PT	✓				
Rubel, Stacy B.		PT	✓				
Rubenstein, Michael M.		PT	✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Rubin, Jenna		PT	Z				
Rudisill, Hon. Michael			✓				
Russick, James C.	RP		✓				
Sachs, Colleen C.	RP		✓				
Sajdera, Christopher	RP		✓				
Sasso, Andrew B.		PT	Z				
Savioli, Justin		PT	✓				
Scaletta, Melissa	RP		✓				
Schwartz, Martin A.	RP						
Schwartz, Robert M.	RP		✓				
Schwartzseid, Alan	RP		✓				
Seigel, Daniel A.		PT	✓				
Shanks, David	RP		✓				
Sheets, Sandra G.		PT					
Sherrill, Richard N.		PT	✓				
Sklar, William P.	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Skrande, Gutman	RP						
Smart, Christopher W.	RP		✓				
Smith, Kymberlee C.	RP						
Smith, G. Thomas Past Chair/Hon. Member	RP						
Smith, Yoshimi O.		PT	✓				
Sneeringer, Michael A.		PT	✓				
Solomon, Marty J.	RP						
Sparks, Brian C.		PT	✓				
Speiser, Hon. Mark A.			✓				
Spina-Jennings, Jeffrey J.		PT	✓				
Spivey, Barry F.		PT	✓				
Spurgeon, Susan K.	RP		✓				
Stafford, Michael P.		PT	✓				
Stashis, Jr., Alfred Joseph		PT	Z				
Stern, Robert G.	RP		✓				
Stivelman, Alessandra	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Stoops, Elizabeth A.		PT	Z				
Stone, Adele I.	RP		✓				
Stone, Bruce M. Past Chair		PT					
Stotts, Darren		PT	✓				
Strock, Gregg	RP						
Sullivan, Ryan	RP		✓				
Sundberg, Laura K.		PT	✓				
Swaine, J. Michael Past Chair	RP						
Swaine, Robert S. Past Chair	RP						
Taft, Ellie	RP		Z				
Taulbee, Kimberly M.	RP		✓				
Taylor, Richard W.	RP		✓				
Thomas, Hon. Patricia		PT	✓				
Thompson, Andrew H.		PT	✓				
Thornton, Kenneth E. "Kip"	RP		✓				
Thumbert, Maggie	RP						

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Tobin, Jennifer S.	RP		Z				
Trimyer, Brian	RP		✓				
Trudeau, Robert H. "Bo"		PT					
Tschida, Joseph John	RP		✓				
Udick, Arlene C.	RP		✓				
Van Dien, Lisa Barnett	RP		✓				
Van Lenten, Jason Paul		PT	Z				
Villarroel, Nicole Marie	RP		✓				
Virgil, J. Eric		PT					
Waller, Roland D. Past Chair	RP		✓				
Wan, Alyssa Razook		PT	✓				
Ward, Lori	RP		✓				
Warner, Richard		PT					
Weiss, Brad R.	RP		✓				
Whittington, Charles	RP		✓				
Widman, Shannon L.	RP		✓				

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Williams, Francois "Regine"		PT	✓				
Williams, Jorja		PT	✓				
Williams, Margaret A.	RP						
Williamson, Julie Ann Past Chair	RP		✓				
Wohlust, G. Charles		PT	Z				
Wolasky, Marjorie E.		PT	✓				
Wolf, Jerome L.		PT	Z				
Wood, Rebecca	RP		✓				
Worsham, Matthew		PT	✓				
Zeydel, Diana S.C.		PT	Z				
Zikakis, Salome J.	RP		✓				
Zschau, Julius J. Past Chair	RP		✓				
Zuroweste, Zack		PT	✓				

Fellows	Division		8/23/25 Beakers	12/3/25 Orlando	1/31/26	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					

					Charlotte Harbor		
Bailey, Camille	RP		✓				
Crain-Evans, Emily		PT	✓				
Kolyesnik, Lyudmyla		PT	✓				
Stubbs, Mellissa		PT	✓				
Super, Lisa	RP		✓				
Thomas, Jennifer		PT	✓				
Valencia, Arienne		PT	✓				

Legislative Consultants	Division		8/23/25 Beakers	12/3/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Brown, French	RP		✓				
Dunbar, Marc							
Dunbar, Peter M.	RP		✓				
Edenfield, Martha Jane		PT	✓				

RPPTL EXECUTIVE COMMITTEE MEETING MINUTES

Friday, October 17, 2025, via Zoom

Present:

Brenda Ezell
Cary Wright
Jon Scuderi
Mike Hargett
Steve Mezer
Willie Kightlinger
Lee Weintraub
Dresden Brunner

Absent:

John Moran
Nick Curley
Sancha Brennan
Angela Adams

- I. **CALL TO ORDER.** The Chair, Cary Wright, called the meeting to order at approximately 2:00 p.m.
- II. **RENEWAL OF SECTION CONTRACTS WITH VENDORS – Cary Wright**
 - A. Cvent Contract – expires November 26, 2025. This is the company that handles the registrations and app for the Executive Council meetings. The Executive Committee approved renewal unanimously during the last meeting. Hilary is working on the final version.
 - B. Protocols for Contract Renewal – Steve Mezer reported on the status of the developing protocols for approval and renewal of contracts. The Executive Committee discussed issues regarding compliance with the Florida Bar requirements for contracts and what constitutes a vendor contract. Steve will send proposed protocols to the Executive Committee for review and discussion.

III. HOSTING FLORIDA SUPREME COURT JUSTICES AT EXECUTIVE COUNCIL MEETINGS – Cary Wright

Cary reported that Michael Gelfand, Laird Lile, and Sandy Diamond all strongly support inviting the Florida Supreme Court Justices to the Executive Council meeting to give the Justices insight regarding the Section and our work. The Executive Committee discussed hosting the Justices and covering their costs. Dresden sent copies of the Code of Conduct which governs a judge's ability to accept gifts and invitations. Cary will reach out to the Amicus Committee for their opinion on how this may affect amicus briefs.

IV. FORMATION OF NEW SECTION COMMITTEES – Cary Wright, Jon Scuderi and Steve Mezer discussed the creation of the following new committees which are in formation:

- A. In-house Counsel –The Section is establishing a General Standing Committee for in-house counsel. First meeting will be at the Four Seasons - Orlando in December.
- B. Ad Hoc Judgement Liens – New General Standing committee which held its first meeting today via Zoom. Brian Felcoski is the Chair.
- C. Ad Hoc Redactions Committee – Real Property committee. Possible chair will be John Redding.
- D. Ad Hoc 99-Year Lease Committee – Real Property committee. Possible chair will be Lloyd Granet.
- E. Ad Hoc Fraudulent Deeds – Real Property committee. Possible chair will be Alan Fields.

Steve noted that none of these chair appointments would add to the Executive Council.

V. FLORIDA REALTOR/ATTORNEY JOINT COMMITTEE RECOMMENDATIONS – Steve Mezer

Steve reported that Terry Hill has received applications from each Circuit. Steve will have the RP Committee chairs publicize the upcoming application deadline next week.

VI. EXECUTIVE COUNCIL MEETING - FOUR SEASONS-ORLANDO – Cary Wright

Cary reported that Roundtables will be separate at this meeting. The Thursday night event will be dinner and Cirque de Soleil at Disney Springs. Lee reported that this is the best Cirque show he has seen. Friday evening Diana Kellogg's husband's band will perform with a song or two from Diana.

Jon reported that the Budget will be a General Standing Action Item.

Lee reported that after review of the Section Legislative positions we are only removing 3 positions. This is due to thorough culling in prior years. Dresden reported that the bylaws require reapproval of the Legislative Positions at the meeting of the election of the Section officers. Thus, the updated Legislative Positions will be an Information Item at the meeting in Orlando and an Action Item at the 2026 Convention.

Steve reported that for the Real Property Division the FR/BAR amendments will be an Action Item at the meeting and there will be no Information Items.

VII. WEBSITE UPDATE

Brenda reported that Colleen Sachs is chairing a subcommittee of the ALMs, which is reviewing the Section's website for necessary updates and changes.

VIII. DIRECTORY UPDATE

Willie reported that all information has been submitted with the goal of having the Directory available to pass out at the December meeting.

IX. EXECUTIVE COUNCIL MEETING - SUNSEEKER RESORT – Cary Wright

Cary informed everyone that deadlines for agenda items will go out next week. The Section will invite to the social events members of the Business Law Section, which is meeting at the resort at the same time.

X. MEETING ADJOURNED. Cary adjourned the meeting at approximately 3:00 p.m.

RPPTL EXECUTIVE COMMITTEE MEETING MINUTES

Thursday November 18th, 2025, via Zoom

Present:

Brenda Ezell
Cary Wright
Jon Scuderi
Mike Hargett
Steve Mezer
Willie Kightlinger
Lee Weintraub
Dresden Brunner
Angela Adams
John Moran
Nick Curley
Sancha Brennan

Absent:

None

- I. **CALL TO ORDER.** The Chair, Cary Wright, called the meeting to order at approximately 10:00 a.m.
- II. **RENEWAL OF SECTION CONTRACTS WITH VENDORS – Cary Wright**
 - A. Zoom Subscription – Angela Adams reported that the Section’s Zoom subscription was renewed for another year.
 - B. Protocols for Contract Renewal – Steve Mezer reported on the status of the development of protocols for approval and renewal of contracts. Steve will send proposed protocols to the Executive Committee for review and discussion. Angela will provide list of contracts maintained by Hilary.
 - C. Website Vendor – Jon Scuderi reported that a new website vendor has not been selected at this time. Angela noted that the contract expires in

December. After discussion, it was determined that the existing website vendor should continue to maintain and support the website until a new contract is entered into.

III. HOSTING FLORIDA SUPREME COURT JUSTICES AT EXECUTIVE COUNCIL MEETINGS – Cary Wright

Cary reported that he extended an invitation to the Florida Supreme Court Justices to the Executive Council meeting at the Four Seasons. The amicus committee advised that they did not see a conflict with the Justices attending Section meetings.

IV. FORMATION OF NEW SECTION COMMITTEES – Cary Wright, Jon Scuderi and Steve Mezer discussed the creation of the following new committees:

- A. In-house Counsel – General Standing Committee for in-house counsel. First in-person meeting will be at the Four Seasons - Orlando in December.
- B. Ad Hoc Judgement Liens – General Standing committee. Held its first meeting via Zoom. Brian Felcoski is the Chair.
- C. Ad Hoc Redactions Committee – Real Property committee. Least active of the newly formed committees. No chair appointed yet; Steve asked for recommendations.
- D. Ad Hoc 99-Year Lease Committee – Real Property committee. Chair is Lloyd Granet.
- E. Ad Hoc Fraudulent Deeds – Real Property committee. Chair is Alan Fields. Steve reported that the committee has been meeting frequently and working hard. Dresden suggested that the committee review the proposed legislation that could impact deeds.

V. FLORIDA REALTOR/ATTORNEY JOINT COMMITTEE RECOMMENDATIONS – Steve Mezer

The Executive Committee reviewed the recommendations from the REILs committee and voted to accept the following recommendations:

- 1st DCA – Lori Ward
- 2nd DCA – Erin Christy
- 3rd DCA – Gregory Oropeza
- 4th DCA – Erin Miller
- 5th DCA – Lee Offir

VI. RPPTL HOTEL CONTRACTS – Angela Adams

- A. Standard schedule for contracting with hotels – We have a limit on the number and amount of outstanding hotel contracts that we can have as a Section. The more contracts we have out, the greater our liability. Angela proposed establishing a schedule that as each Chair completes a meeting, the “rising” Chair-elect would contract for their next meeting to help limit the number of open contracts that we have. Angela reminded the group that we also have hotel contracts for CLI and ATO. Cary asked Angela to prepare a protocol for consideration.
- B. Business vs. Resort Hotels – Angela reported that Hilary and Tae attended a conference and discovered that “resort style” hotels no longer need our business and are not as willing to give us discounted prices for our meetings. Angela noted a prior survey of the Executive Council members which encouraged the use of a business hotel for meetings other than the Legislative Update and Convention. We may be able to get lower room rates from business hotels opposed to resorts.
- C. Meeting Expense Comparison – Angela noted the differences between what we charge for events and the actual costs.
- D. Destination Managers – Angela recommended using a destination manager when planning an out-of-state meeting to prevent overload of Hilary. Angela further reported that the Bar declined our request to hire assistance for Hilary and Jeremy for the Executive Council meetings. The Executive Committee agreed that we should discuss this matter with the Florida Bar.

VII. REPORT ON COUNCIL OF SECTIONS MEETING – Cary Wright

Cary reported on the Council of Sections meeting that took place in October.

VIII. EXECUTIVE COUNCIL MEETING - FOUR SEASONS-ORLANDO – Cary Wright

Cary reported on the events for Thursday and Friday evening at the meeting. There will not be an event Saturday night.

The Executive Committee discussed joint or separate roundtables. Lee and Dresden indicated that the legislative proposals that will be actions items at the Executive Council meeting should be reviewed by both Divisions prior to the

Executive Council meeting. Dresden noted that there is no anticipated opposition to the positions in the Section. Cary indicated that we would have a joint roundtable due to the nature of this legislation and the need for expedited action.

Milestones:

New ACTEC Members

- a. Elizabeth "Liz" Hughes – Miami
- b. Michael Sneeringer – Bonita Springs
- c. Shawn P. Wolf - Miami

Jon and Cary reviewed the Action Items and Information Items for General Standing Committees.

Steve and Jon reviewed the Action Items and Information Items for Real Property Committees.

Sancha reported no Action Items and 2 Information Items for Probate Committees.

IX. ALMs UPDATE – Brenda Ezell

Brenda reported that a database/platform will be added to the ALMs webpage for pro-bono opportunities. The platform will be specialized to identify real property and probate pro-bono cases that ALMs can send to Section members in their Circuit to solicit volunteers. The cost of the database is \$250 monthly for the basic platform and customization for the Section. The Executive Committee will review the proposal and will discuss further at the Four Seasons.

Brenda updated the Executive Committee on the website update headed up by Colleen Sachs. The group is meeting to determine how to assign work. Jon indicated that the primary focus is clean up to remove information that is outdated or no longer needed to assist with any migration to a new website platform.

XI. EXECUTIVE COUNCIL MEETING - SUNSEEKER RESORT – Cary Wright

Cary informed everyone that deadlines for agenda items will go out next week.

Cary reminded Steve and Sancha to submit their committee chair reports to Jon by mid-December in time for leadership planning.

XII. MEETING ADJOURNED. Cary adjourned the meeting at approximately 11:50 a.m.



Thank you to Our General Sponsors

<u>Sponsor Level</u>	<u>Sponsor</u>	<u>Contact Name</u>	<u>Email</u>
Platinum	Old Republic Title	Jim Russick	jussick@oldrepublictitle.com
Platinum	The Fund	Shannon Widman	swidman@thefund.com
Platinum	RealAdvice	Todd Jones	Todd.jones@realadvice.com
APP	WFG National Title Insurance	Joseph J. Tschida	jtschida@wfgnationaltitle.com
Gold	Coral Gables Trust Company	John Harris	jharris@cgtrust.com
Gold	First American Title Insurance Company	Len Prescott	lprescott@firstam.com
Gold	FNF Family of Companies – Florida	Cynthia Manfredi	cynthia.manfredi@fnf.com
Gold	Guardian Trust	Travis Finchum	travis@specialneedslawyers.com
Gold	J.P. Morgan Private Bank	Carlos Battle	Carlos.a.battle@jpmorgan.com
Gold	LEAP	John Celmer	John.celmer@leap.us
Gold	Stewart Title Guaranty Company	David Shanks	David.shanks@stewart.com
Gold	Stout	Garry Marshall	gmarshall@stout.com
Gold	Title Resources Group	Lee Offir	Lee.offir@titleresources.com
Gold	Westcor Land Title Insurance Company	Laura Licastro	Laura.licastro@wltic.com
Silver	Athanassie Capital Partners	Steve Athanassie	steve@teamacpartners.com
Silver	CATIC	Stacey Morey	smorey@catic.com
Silver	Management Planning, Inc.	Roy Meyers	rmeyers@mpival.com
Silver	The Florida Association of Professional Process Servers	Lance Randall	lance110205@gmail.com
Silver	Valuation Services Inc.	Jeff Bae	jeff@valuationservice.com
Silver	WealthCounsel	Rachel Gifford	Rachel.gifford@wealthcounsel.com
Bronze	BNY Wealth	Rafaela Vianna	Rafaela.vianna@bny.com
Bronze	Cumberland Trust	Haley Barba	hbarba@cumberlandtrust.com
Bronze	Grove Bank & Trust	Marta Goldberg	mgoldberg@grovebankandtrust.com
Bronze	Mercer Capital Management	Nikki McNeel	mcneeln@mercercapital.com
Bronze	PwC	Sasha Klein	sasha.klein@pwc.com

RPPTL 2025-2026
Executive Council Meeting Schedule
Cary Wright's Year

Limit 1 reservation per registrant, additional rooms will be approved upon special request.

NOTE- Committee meetings may be conducted virtually via Zoom prior to the Executive Council meeting weekend. Both virtual attendance and voting will be permitted at the Executive Council meeting.

Date	Location
August 20 – August 23, 2025	Executive Council Meeting & Legislative Update The Breakers Palm Beach, Florida Room Rate (Deluxe Room – King): \$312 Premium Room Rate: \$387
December 3 – December 7, 2025	Executive Council Meeting Four Seasons Orlando Orlando, Florida Room Rate (Run of house): \$409
January 28 – January 31, 2026	Executive Council Meeting Sunseeker Resort Charlotte Harbor, Florida Room Rate (Coastal View): \$339
April 19 – 24, 2026	Executive Council Meeting Out of State Budapest River Cruise
May 27 – May 30, 2026	Executive Council Meeting & Annual Convention Ponte Vedra Inn and Club Ponte Vedra, Florida Room Rate (Run of house): \$399

2025-2026 RPPTL Leadership Chart

RPPTL General Standing Committees		
Committee	2025-2026	2025-2026
Ad Hoc Protocols	Stacy O. Kalmanson	Chair
	Colleen C. Sachs	Co-Vice Chair
	Rachel Barlow	Co-Vice Chair
Ad Hoc Rules Revisions	Shawn G. Brown	Co-Chair
	Thomas M. Karr	Co-Chair
	J. Richard ("Rich") Caskey	Co-Chair
Ad Hoc TODI (Transfer On Death Instrument f/ka RTODD)	Christopher ("Chris") W. Smart	Co-Chair
	Alan S. ("Steve") Kotler	Co-Chair
	Rebecca Wood	Vice Chair
Amicus Coordination	Gerald B. Cope, Jr.	Co-Chair
	Robert W. Goldman	Co-Chair
	John W. Little, III	Co-Chair
	J. Grier Pressly, III	Co-Vice Chair
	Brian Hoffman	Co-Vice Chair
Budget	Angela M. Adams	Chair
	Tae K. Bronner	Co-Vice Chair
	Linda S. Griffin	Co-Vice Chair
	Alfred ("Al") J. Stashis, Jr.	Co-Vice Chair
Communications	Michael V. Hargett	Chair
	Laura K. Sundberg	Vice Chair
CLE Coordination	Michael V. Hargett	Co-Chair (RP)
	Nicklaus Curley	Co-Chair (PT)
	Robert ("Rob") Lancaster	Co-Vice Chair (PT)
	Tattiana Stahl	Co-Vice Chair (PT)
	Amanda R. Kison	Co-Vice Chair (RP)
	Silvia B. Rojas	Co-Vice Chair (RP)
	Christopher A. Sajdera	Co-Vice Chair (RP)
	John Cherneski	Co-Vice Chair (PT)

Convention Coordination	Tae K. Bronner	Co-Chair
	Stacy O. Kalmanson	Co-Chair
Disaster and Emergency Preparedness and Response	Colleen C. Sachs	Chair
	Amy B. Beller	Co-Vice Chair
	Michael A. Bedke	Co-Vice Chair
	Daniel Siegel	Co-Vice Chair
Fellows	Bridget M. Friedman (Co-Chair)	Chair
	Taniquea C. Reid	Co-Vice Chair
	Jeanette Mora	Co-Vice Chair
	Julia Jennison	Co-Vice Chair
History Committee	Michael P. Stafford	Chair
	E. Burt Bruton, Jr.	Co-Vice Chair
	Fred Jones	Co-Vice Chair
Homestead Issues Study	Jeffrey ("Jeff") A. Baskies	Chair
	Jeremy T. Cranford	Co-Vice Chair
	E. Burt Bruton	Co-Vice Chair
	Shane Kelley	Co-Vice Chair
Information Technology	Hardy L. Roberts, III	Chair
	Alexander ("Alex") B. Dobrev	Co-Vice Chair
	Jesse B. Friedman	Co-Vice Chair
	Jourdan Haynes	Co-Vice Chair
Law School Outreach	Kymberlee C. Smith	Chair
	Jacqueline Marzan	Co-Vice Chair
	Sandy Boisrond	Co-Vice Chair
Legislation	S. Dresden Brunner	Co-Chair
	Lee Weintraub	Co-Chair
	Benjamin ("Ben") F. Diamond	Co-Vice Chair
	Stephanie Cook	Co-Vice Chair
	M. Travis Hayes	Co-Vice Chair
	Arthur J. Menor	Co-Vice Chair
	Stacey Kalmanson	Co-Vice Chair
	Rich McGiver	Co-Vice Chair

Legislative Update	Salome J. Zikakis	Co-Chair (RP)
	Gutman Skrande	Co-Chair (PT)
	Jennifer S. Tobin	Co-Vice Chair (RP)
	Terrence L. Harvey	Co-Vice Chair (RP)
	Jeffrey ("Jeff") S. Goethe	Co-Vice Chair (PT)
	Brad Weiss	Co-Vice Chair (RP)
	Andrew Sasso	Co-Vice Chair (PT)
Liaison with:	ABA	ABA
	Robert ("Rob") S. Freedman	Co-Liaison
	George J. Meyer	Co-Liaison
	Julius J. Zschau	Co-Liaison
	Business Law	Business Law
	Manuel ("Manny") Farach	Co-Liaison
	Clerks of Circuit Court	Clerks of Circuit Court
	Zachary T. Zuroweste	Liaison
	FLEA/FLSSI	FLEA/FLSSI
	David C. Brennan	Co-Liaison
	Roland ("Chip") D. Waller	Co-Liaison
	Florida Bankers Association	Florida Bankers Association
	Robert G. Stern	Liaison
	Judiciary	Judiciary
	Judge Hugh D. Hayes	Co-Liaison
	Judge Mark A. Speiser	Co-Liaison
	Judge Michael Rudisill	Co-Liaison
	Judge Kenneth Gillespie	Co-Liaison
	TFB Pro Bono Legal Services	TFB Pro Bono Legal Services
	Lorna Brown-Burton	Liaison
	Out of State Members	Out of State Members
	John E. Fitzgerald, Jr.	Liaison
	Nicole C. Kibert Basler	Liaison
	TFB Board of Governors	TFB Board of Governors
	Paige A. Greenlee	Liaison
	TFB CLE Committee	TFB CLE Committee
	Michael V. Hargett	Co-Liaison
	Nicklaus Curley	Co-Liaison
	TFB Council of Sections	TFB Council of Sections
	Wm. Cary Wright	Co-Liaison
Jon Scuderi	Co-Liaison	
Steven H. Mezer	Co-Liaison	
Long-Range Planning	Long Range Planning	Long Range Planning
	Jon Scuderi	Chair

	Meetings Planning	Meetings Planning
Meetings Planning	George J. Meyer	Chair
	Scott Pence	Co-Vice Chair
	Tae Bonner	Co-Vice Chair
Membership and Outreach	Lawrence ("Larry") J. Miller	Chair
	Shayla M. Johnson-Mount	Co-Vice Chair
	Eryn E. Riconda	Co-Vice Chair
	Michael Sneeringer	Co-Vice Chair
Model and Uniform Acts	Patrick J. Duffey	Co-Chair (PT)
	Amber E. Ashton	Co-Chair (RP)
	Michael A. Bedke	Co-Vice Chair (RP)
	Cullen I. Boggus	Co-Vice Chair (PT)
Professionalism and Ethics	Alexander ("Alex") B. Dobrev	Co-Chair
	Laura K. Sundberg	Co-Chair
	Elizabeth A. Stoops	Co-Vice Chair
	Ret. Judge Celeste Hardee Muir	Co-Vice Chair
	Hardy Roberts	Co-Vice Chair
Publications ActionLine	Erin F. Finlen	Co-Chair (PT)
	Michelle G. Hinden	Co-Chair (RP)
	Alexander S. Douglas, II	Co-Vice Chair (PT)
	Gregg I. Strock	Co-Vice Chair (RP)
	Seth R. Kaplan	Co-Vice Chair (PT)
	Daniel L. ("Danny") McDermott	Co-Vice Chair (PT)
	Paul E. Roman	Co-Vice Chair
	Lisa Van Dien	Co-Vice Chair (RP)
Publications Florida Bar Journal	Homer Duvall, III	Co-Chair (RP)
	J. Allison Archbold	Co-Chair (PT)
	Marty J. Solomon	Co-Vice Chair (RP)
	Jonathan A. Galler	Co-Vice Chair (PT)
	Jack Falk	Co-Vice Chair (PT)
	Erin Riconda	Co-Vice Chair (PT)

Sponsor Coordination	Rebecca C. Bell (Co-Chair)	Chair
	J. Michael Swaine	Co-Vice Chair (RP)
	Marsha G. Madorsky	Co-Vice Chair (PT)
	Cullen Boggus	Co-Vice Chair (PT)
	Silvia Rohas	Co-Vice Chair (RP)
	Chris Smart	Co-Vice Chair (RP)
Strategic Planning Implementation	Robert ("Rob") S. Freedman	Co-Chair
	William ("Bill") T. Hennessey, III	Co-Chair
	Robert ("Bob") S. Swaine	Co-Chair
	Sarah S. Butters	Co-Chair
	John Moran	Co-Chair

RPPTL Real Property Committees

Committee	Name	2025-2026
Ad Hoc Covenants Running with Land	Robert Freedman	Chair
	Jeremy Cranford	Co-Vice Chair
	Ellie Taft	Co-Vice Chair
Attorney Banker Conference	Kris Fernandez	Co-Chair
	Salome Zikakis	Co-Chair
	Jim Robbins	Vice-Chair
	John Primeau	Vice-Chair
Commercial Real Estate	Ashley McRae	Co-Chair
	Alexandra Gabel	Co-Chair
	Michael Maguire	Vice-Chair
	Angela Gasparri	Vice-Chair
Condominium and Planned Development Law Certification Review Course	Alessandra Stivelman	Chair
	Alan Schwartzseid	Co-Vice Chair
	Laura Manning	Co-Vice Chair
Condominium and Planned Development	Joel McTeague	Co-Chair
	Jennifer Bloodworth	Co-Chair
	Jourdan Haynes	Vice-Chair
	Christine Ertl	Vice-Chair
Construction Law	Bruce Partington	Chair
	Bret Henson	Vice-Chair
	Jason Quintero	Vice-Chair
Construction Law Certification Review Course	Scott Pence	Chair
	Jason Quintero	Co-Vice Chair
	Ryan Sullivan	Co-Vice Chair
Construction Law Institute	Trevor Arnold	Chair
	Haley Maple	Vice-Chair
	Nikki Bhavsar	Vice-Chair
Development and Land Use	Lisa Van Dien	Chair
	Jin Liu	Vice-Chair
	Gregg Strock	Vice-Chair

Liaison with FLTA	Melissa Murphy	Co-Liaison
	Alan McCall	Co-Liaison
	Alan Fields	Co-Liaison
	Jim Russick	Co-Liaison
Insurance & Surety	Debbie Crockett	Co-Chair
	Anne Q. Pollack	Co-Chair
	Allison Hertz	Vice-Chair
	Michael Cassel	Vice-Chair
Real Estate Certification Review Course	Lloyd Granet	Co-Chair
	Laura Licastro	Co-Chair
	Marty Awerbach	Vice-Chair
	Melissa Scaletta	Vice-Chair
Real Estate Leasing	Chris Sajdera	Co-Chair
	Ryan McConnell	Co-Chair
	Terrance Harvey	Vice-Chair
	Adele Stone	Vice-Chair
Real Property Finance and Lending	Jason Ellison	Co-Chair
	Deb Boyd	Co-Chair
	Nicole Villarrael	Vice-Chair
	Jeremy Cranford	Vice-Chair
Real Property Litigation	Manny Farach	Co-Chair
	Amanda Kison	Co-Chair
	Lindsay Moczynski	Vice-Chair
	Sanjay Kurian	Vice-Chair
Real Property Problems Study	Susan Spurgeon	Co-Chair
	Brian Hoffman	Co-Chair
	Len Presott	Vice-Chair
	Scott Pence	Vice-Chair
Residential Real Estate and Industry Liaison	Jamie Marx	Co-Chair
	Kristen Jaiven	Co-Chair
	Rebecca Wood	Vice-Chair
	Erin Miller	Vice-Chair
Title Insurance and Title Industry Liaison	Chris Smart	Chair
	Len Prescott	Vice-Chair
	Shanon Widman	Vice-Chair

Title Issues and Title Standards	Amanda Hersem	Co-Chair
	Lee Offir	Co-Chair
	Karla Staker	Vice-Chair
	Bob Graham	Vice-Chair
	Melissa Scaletta	Vice-Chair
American College of Real Estate Lawyers (ACREL) Liaison	Martin Schwartz	Liaison
	William Sklar	Liaison
American College of Construction	George Meyer	Liaison
Florida Realtors Liaison	Trey Goldman	Liaison

RPPTL Probate and Trust Committees

Committee	Name	2025-2026
Ad Hoc Guardianship Law Revision	Stacy B. Rubel (9)	Chair
	Nicklaus ("Nick") J. Curley (10)	Co-Vice Chair
	David C. Brennan (14)	Co- Vice Chair
	Sancha K. Brennan (14)	Co-Vice Chair
Asset Protection	Justin M. Savioli	Chair
	Richard ("Rick") R. Gans (10)	Co-Vice Chair
	Patrick J. Lannon (3)	Co-Vice Chair
	Bo Trudeau (new)	Co-Vice Chair
Attorney/Trust Officer Liaison Conference	Eamonn W. Gunther (2)	Chair
	Stacey L. Cole (12)	Co-Vice Chair
	Gail Fagan (9)	Co-Vice Chair
	Michael M. Rubenstein (5)	Co-Vice Chair
	Kim Bald (1)	Co-Vice Chair
	Sean Lebowitz (1)	Co-Vice Chair
	Yoshi Smith (new)	Co-Vice Chair
Charitable Planning and Exempt Organizations	Alyssa R. Wan (4)	Chair
	Carla DeLoach (new)	Co-Vice Chair
	Jeffrey Spina-Jennings (new)	Co-Vice Chair
Elective Share Review	Cristina Papanikos (2)	Chair
	Lauren Y. Detzel (5)	Co-Vice Chair
	Jason P. Van Lenten (3)	Co-Vice Chair
	Jenna Rubin (2)	Co-Vice Chair
Estate & Trust Tax Planning	Andrew H. Thompson (new)	Chair
	Denise Cazobon (new)	Co-Vice Chair
	Joe Percopo (new)	Co-Vice Chair
Guardianship, Power of Attorney & Advance Directives	Elizabeth ("Liz") M. Hughes (1)	Chair
	Jeff Eisel (new)	Co-Vice Chair
	Stephanie L. Cook (4)	Co-Vice Chair
	Marve Ann Alaimo (1)	Co-Vice Chair
IRA, Insurance & Employee Benefits	Charles ("Chad") Callahan (4)	Chair
	Rebecca C. Bell (4)	Co-Vice Chair
	Rachel N. Barlow (7)	Co-Vice Chair

Liaisons with American College of Trust and Estate Counsel (ACTEC)	Elaine M. Bucher (11)	Liaison
	Diana S.C. Zeydel (12)	Liaison
	Charlie I. Nash (7)	Liaison
	Tami F. Conetta (6)	Liaison
	L. Howard Payne (5)	Liaison
	Jerome L. Wolf (3)	Liaison
Liaison with Florida State Guardianship Association (FSGA)	Stephanie Cook (4)	Liaison
Liaisons with Elder Law Section	Travis D. Finchum (7)	Liaison
	Marjorie E. Wolasky (22)	Liaison
Liaisons with Tax Law Section	Brian M. Malec (5)	Liaison
	William R. Lane, Jr. (15)	Liaison
	Brian C. Sparks (21)	Liaison
Liaison with Professional Fiduciary Council	Darby Jones (6)	Liaison
Office of Public and Professional Guardians Delegate (OPPG)	Nicklaus ("Nick") J. Curley (5)	Delegate
Principal and Income	Jolyon D. Acosta (2)	Co-Chair
	Keith B. Braun (2)	Co-Chair
	Susan Kubar (2)	Co-Vice Chair
Probate and Trust Litigation	Robert ("Lee") McElroy, IV (3)	Chair
	Cady L. Huss (4)	Co-Vice Chair
	Darren M. Stotts (3)	Co-Vice Chair
	Barry Spivey (new)	Co-Vice Chair
Jurisdiction and Due Process Committee	Sean W. Kelley (new)	Chair
	Shelly Wald Harris (7)	Co-Vice Chair
	David Akins (new)	Co-Vice Chair
Probate Law & Procedure	Theodore S. Kypreos (4)	Chair
	Benjamin F. Diamond (6)	Co-Vice Chair
	Stacey Prince-Troutman (4)	Co-Vice Chair
	J. Grier Pressly, III (4)	Co-Vice Chair
	Michael Sneeringer (new)	Co-Vice Chair
Trust Law	M. Travis Hayes (new)	Chair
	Jennifer J. Robinson (6)	Co-Vice Chair
	Jolyon Acosta (new)	Co-Vice Chair
	Frederick Ricky Hearn (1)	Co-Vice Chair

Wills, Trusts & Estates Certification Review Course	J. Allison Archbold (2)	Chair
	J. Eric Virgil (5)	Co-Vice Chair
	Alyse Riser Comiter (2)	Co-Vice Chair

RPPTL 2026-2027
Executive Council Meeting Schedule
Jon Scuderi's Year

Limit 1 reservation per registrant, additional rooms will be approved upon special request.

NOTE- Committee meetings may be conducted virtually via Zoom prior to the Executive Council meeting weekend. Both virtual attendance and voting will be permitted at the Executive Council meeting.

Date	Location
July 8, 2026 – July 12, 2026	Executive Council Meeting Alyeska Resort Girdwood, Alaska Room Rate - \$449 (Signature Room)
August 19, 2026 – August 22, 2026	Executive Council Meeting and Legislative and Case Law Update The Breakers Palm Beach, Florida Room Rate - \$330 (Deluxe Room)
November 11, 2026 – November 14, 2026	Executive Council Meeting JW Marriott Marco Island Marco Island, Florida Room Rate - \$377 (Standard Room)
February 3, 2027 – February 6, 2027	Executive Council Meeting Ritz-Carlton Amelia Island Amelia Island, Florida Room Rate - \$399 (Standard Room)
June 2, 2027 – June 5, 2027	Executive Council Meeting & Annual Convention JW Marriott Bonnet Creek Resort & Spa Orlando, Florida Room Rate - \$299 (Standard Room)

THE FLORIDA BAR
Real Property Probate and Trust Law Section Rollup
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD 2024	YTD/Prior YTD Variance (\$)	FYE Actual 2024
3001-Annual Fees	-	682,860	660,000	22,860	660,000	678,610	4,250	678,610
3002-Affiliate Fees	-	12,200	7,500	4,700	7,500	12,260	(60)	12,260
Total Fee Revenue	-	695,060	667,500	27,560	667,500	690,870	4,190	690,870
3301-Registration-Live	735	954,652	717,500	237,152	717,500	838,939	115,712	838,939
3331-Registration-Ticket	-	30,960	13,000	17,960	13,000	15,420	15,540	15,420
Total Registration Revenue	735	985,612	730,500	255,112	730,500	854,359	131,252	854,359
3341-Exhibit Fees	5,500	88,500	287,500	(199,000)	287,500	140,100	(51,600)	140,100
3351-Sponsorships	10,500	814,450	554,000	260,450	554,000	747,750	66,700	747,750
3391 Section Profit Split	52,038	409,060	450,000	(40,940)	450,000	588,980	(179,920)	588,980
3392-Section Differential	1,560	16,260	15,000	1,260	15,000	20,340	(4,080)	20,340
Other Event Revenue	69,598	1,328,270	1,306,500	21,770	1,306,500	1,497,170	(168,900)	1,497,170
3401-Sales-CD/DVD	2,995	33,910	35,000	(1,090)	35,000	44,240	(10,330)	44,240
Sales, Rents & Royalties Revenue	2,995	33,910	35,000	(1,090)	35,000	44,240	(10,330)	44,240
3561-Advertising	-	2,280	18,000	(15,720)	18,000	-	2,280	-
Other Revenue Sources	-	2,280	18,000	(15,720)	18,000	-	2,280	-
3901-Eliminated InterFund Revenue	-	60	-	60	-	-	60	-
Other Revenue Sources	-	60	-	60	-	-	60	-
Total Revenue	73,328	3,045,191	2,757,500	287,691	2,757,500	3,086,639	(41,447)	3,086,639
4131-Telephone Expense	-	486	-	486	-	286	201	286
4133-Internet Service	-	-	-	-	-	823	(823)	823
4134-Web Services	18,385	43,465	75,000	(31,535)	75,000	35,735	7,730	35,735
4311-Office Supplies	90	5,982	5,000	982	5,000	4,577	1,406	4,577
Total Staff & Office Expense	18,475	49,934	80,000	(30,066)	80,000	41,420	8,514	41,420
5031-AV Services	27,123	102,261	95,000	7,261	95,000	3,162	99,099	3,162
5051-Credit Card Fees	9,868	57,580	48,000	9,580	48,000	39,606	17,974	39,606
5101-Consultants	(16,685)	120,000	120,000	-	120,000	111,841	8,159	111,841
5121-Printing-Outside	4,559	65,009	133,500	(68,491)	133,500	73,613	(8,604)	73,613
5181-Speaker Honorarium	-	-	5,000	(5,000)	5,000	-	-	-
5199-Other Contract Services	1,179	9,222	25,000	(15,778)	25,000	28,664	(19,442)	28,664
Total Contract Services	26,044	354,072	426,500	(72,428)	426,500	256,886	97,186	256,886
5501-Employee Travel	7,228	42,707	44,136	(1,429)	44,136	42,665	41	42,665
5531-Board/Off/Memb Travel	94	7,960	3,290	4,670	3,290	6,586	1,374	6,586
5571-Speaker Travel	-	19,659	11,374	8,285	11,374	23,560	(3,901)	23,560
5581-Consultant Travel	16,685	16,685	2,990	13,695	2,990	3,200	13,485	3,200
Total Travel	24,007	87,010	61,790	25,220	61,790	76,011	10,999	76,011
6001-Post 1st Class/Bulk	22,395	38,603	41,900	(3,297)	41,900	31,759	6,845	31,759
6021-Post Express Mail	-	-	250	(250)	250	34	(34)	34
6311-Mtgs General Meeting	7,580	988,211	850,000	138,211	850,000	676,832	311,379	676,832
6319-Mtgs Other Functions	-	50,834	42,000	8,834	42,000	53,188	(2,354)	53,188
6321-Mtgs Meals	153,880	568,919	425,000	143,919	425,000	412,114	156,805	412,114
6325-Mtgs Hospitality	-	355,400	224,500	130,900	224,500	219,831	135,569	219,831
6332-Mtgs Room Attrition	-	8,850	-	8,850	-	-	8,850	-
6341-Mtgs Equip Rental	15,406	116,609	63,000	53,609	63,000	88,679	27,930	88,679
6361-Mtgs Entertainment	11,936	29,260	40,000	(10,740)	40,000	17,925	11,335	17,925
6399-Mtgs Other	122	2,899	5,000	(2,101)	5,000	48,139	(45,241)	48,139
6401-Speaker Expense	-	4,279	3,000	1,279	3,000	-	4,279	-
6451-Committee Expense	9,244	147,374	100,000	47,374	100,000	141,060	6,314	141,060
6531-Brd/Off Special Project	-	799	1,200	(401)	1,200	290	509	290
6599-Brd/Off Other	6,465	22,861	15,000	7,861	15,000	10,462	12,399	10,462
7001-Grant/Award/Donation	3,600	8,423	8,000	423	8,000	6,092	2,332	6,092
7003-Div Int Grants	-	1,500	12,000	(10,500)	12,000	5,750	(4,250)	5,750
7004-Law School Prog.	-	2,962	5,500	(2,538)	5,500	1,612	1,350	1,612
7005-RPPPTL Gen - Charitable Donations	-	150	-	150	-	-	150	-
7006-Professional Outreach	-	-	3,000	(3,000)	3,000	-	-	-
7011-Scholarship/Fellowship	2,003	23,987	27,000	(3,013)	27,000	18,815	5,172	18,815
7999-Other Operating Exp	1,092	21,725	11,500	10,225	11,500	7,313	14,412	7,313
Total Other Expense	233,724	2,393,643	1,877,850	515,793	1,877,850	1,739,894	653,749	1,739,894

8011-Administration CLE	-	32,900	41,250	(8,350)	41,250	39,250	(6,350)	39,250
8021-Section Admin Fee	-	260,910	251,730	9,180	251,730	250,473	10,437	250,473
8101-Printing In-House	-	2,000	3,700	(1,700)	3,700	3,739	(1,739)	3,739
8131-A/V Services	77	11,432	6,000	5,432	6,000	11,601	(169)	11,601
8141-Journal/News Service	-	1,700	1,500	200	1,500	850	850	850
8171-Course Approval Fee	-	110	450	(340)	450	450	(340)	450
8901-Eliminated IntEnt Exp	-	1,000	5,000	(4,000)	5,000	1,500	(500)	1,500
Total Admin & Internal Expense	77	310,053	309,630	423	309,630	307,863	2,190	307,863
9692-Transfer Out-Council of Sections	-	500	500	-	500	500	-	500
Total InterFund Transfers Out	-	500	500	-	500	500	-	500
Total Expense	302,327	3,195,212	2,756,270	438,942	2,756,270	2,422,574	772,638	2,422,574
Operating Income	(228,999)	(150,020)	1,230	(151,250)	1,230	664,065	(814,085)	664,065
3899-Investment Income (loss)	89,406	370,218	69,108	301,110	69,108	278,582	91,636	278,582
Total Nonoperating Revenue (Expenses)	89,406	370,218	69,108	301,110	69,108	278,582	91,636	278,582
Change in Net Position	(139,593)	220,198	70,338	149,860	70,338	942,647	(722,449)	942,647
Net Position								
2001-Beginning of the year, restated (Fund Balance)	-	4,046,362				3,103,715		3,103,715
End of the Year (Current Month)	-	4,266,559				4,046,362		4,046,362

THE FLORIDA BAR
Real Property, Probate and Trust Law General
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD/Prior		FYE Actual 2024
						YTD 2024	YTD Variance (\$)	
3001-Annual Fees	-	682,860	660,000	22,860	660,000	678,610	4,250	678,610
3002-Affiliate Fees	-	12,200	7,500	4,700	7,500	12,260	(60)	12,260
Total Fee Revenue	-	695,060	667,500	27,560	667,500	690,870	4,190	690,870
3301-Registration-Live	-	374,184	250,000	124,184	250,000	308,043	66,141	308,043
Total Registration Revenue	-	374,184	250,000	124,184	250,000	308,043	66,141	308,043
3351-Sponsorships	-	321,500	305,000	16,500	305,000	325,150	(3,650)	325,150
3391 Section Profit Split	52,038	409,060	450,000	(40,940)	450,000	588,980	(179,920)	588,980
3392-Section Differential	1,560	16,260	15,000	1,260	15,000	20,340	(4,080)	20,340
Other Event Revenue	53,598	746,820	770,000	(23,180)	770,000	934,470	(187,650)	934,470
3561-Advertising	-	2,280	18,000	(15,720)	18,000	-	2,280	-
Other Revenue Sources	-	2,280	18,000	(15,720)	18,000	-	2,280	-
3901-Eliminated InterFund Revenue	-	60	-	60	-	-	60	-
Other Revenue Sources	-	60	-	60	-	-	60	-
Total Revenue	53,598	1,818,404	1,705,500	112,904	1,705,500	1,933,383	(114,979)	1,933,383
4131-Telephone Expense	-	486	-	486	-	286	201	286
4133-Internet Service	-	-	-	-	-	823	(823)	823
4134-Web Services	18,385	43,465	75,000	(31,535)	75,000	35,735	7,730	35,735
4311-Office Supplies	15	5,569	5,000	569	5,000	4,577	993	4,577
Total Staff & Office Expense	18,400	49,521	80,000	(30,479)	80,000	41,420	8,101	41,420
5031-AV Services	492	72,281	75,000	(2,719)	75,000	3,162	69,119	3,162
5051-Credit Card Fees	7,521	20,214	18,500	1,714	18,500	16,365	3,849	16,365
5101-Consultants	(16,685)	120,000	120,000	-	120,000	111,841	8,159	111,841
5121-Printing-Outside	4,559	65,009	128,000	(62,991)	128,000	73,613	(8,604)	73,613
5199-Other Contract Services	1,179	9,222	25,000	(15,778)	25,000	28,664	(19,442)	28,664
Total Contract Services	(2,933)	286,726	366,500	(79,774)	366,500	233,645	53,081	233,645
5501-Employee Travel	1,152	27,813	30,828	(3,015)	30,828	30,589	(2,777)	30,589
5531-Board/Off/Memb Travel	94	7,960	3,290	4,670	3,290	6,586	1,374	6,586
5581-Consultant Travel	16,685	16,685	2,990	13,695	2,990	3,200	13,485	3,200
Total Travel	17,932	52,457	37,108	15,349	37,108	40,375	12,082	40,375
6001-Post 1st Class/Bulk	22,247	37,109	40,000	(2,891)	40,000	29,478	7,631	29,478
6311-Mtgs General Meeting	7,395	988,027	850,000	138,027	850,000	673,919	314,107	673,919
6325-Mtgs Hospitality	-	43,562	40,000	3,562	40,000	36,911	6,651	36,911
6332-Mtgs Room Attrition	-	8,850	-	8,850	-	-	8,850	-
6399-Mtgs Other	122	2,649	5,000	(2,351)	5,000	47,139	(44,491)	47,139
6401-Speaker Expense	-	1,290	3,000	(1,710)	3,000	-	1,290	-
6451-Committee Expense	9,244	147,374	100,000	47,374	100,000	141,060	6,314	141,060
6531-Brd/Off Special Project	-	799	1,200	(401)	1,200	290	509	290
6599-Brd/Off Other	6,465	22,861	15,000	7,861	15,000	10,462	12,399	10,462
7001-Grant/Award/Donation	3,600	8,423	8,000	423	8,000	2,690	5,733	2,690
7003-Div Int Grants	-	1,500	12,000	(10,500)	12,000	5,750	(4,250)	5,750
7004-Law School Prog.	-	2,962	5,500	(2,538)	5,500	1,612	1,350	1,612
7005-RPPPTL Gen - Charitable Donations	-	150	-	150	-	-	150	-
7006-Professional Outreach	-	-	3,000	(3,000)	3,000	-	-	-
7011-Scholarship/Fellowship	2,003	23,987	27,000	(3,013)	27,000	18,815	5,172	18,815
7999-Other Operating Exp	-	4,038	5,000	(962)	5,000	1,888	2,149	1,888
Total Other Expense	51,078	1,293,580	1,114,700	178,880	1,114,700	970,015	323,566	970,015
8021-Section Admin Fee	-	260,910	251,730	9,180	251,730	250,473	10,437	250,473
8101-Printing In-House	-	536	2,000	(1,464)	2,000	1,324	(788)	1,324
8901-Eliminated IntEnt Exp	-	1,000	5,000	(4,000)	5,000	1,500	(500)	1,500
Total Admin & Internal Expense	-	262,446	258,730	3,716	258,730	253,297	9,149	253,297
9692-Transfer Out-Council of Sections	-	500	500	-	500	500	-	500

Total InterFund Transfers Out	-	500	500	-	500	500	-	500
Total Expense	84,476	1,945,230	1,857,538	87,692	1,857,538	1,539,251	405,979	1,539,251
Operating Income	(30,878)	(126,826)	(152,038)	25,212	(152,038)	394,132	(520,958)	394,132
3899-Investment Income (loss)	89,406	370,218	69,108	301,110	69,108	278,582	91,636	278,582
Total Nonoperating Revenue (Expenses)	89,406	370,218	69,108	301,110	69,108	278,582	91,636	278,582
Change in Net Position	58,528	243,391	(82,930)	326,321	(82,930)	672,713	(429,322)	672,713

THE FLORIDA BAR
Real Property Construction Law Institute
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD 2024	YTD/Prior YTD Variance (\$)	FYE Actual 2024
3301-Registration-Live	735	230,858	140,000	90,858	140,000	160,855	70,003	160,855
3331-Registration-Ticket	-	13,550	3,000	10,550	3,000	6,490	7,060	6,490
Total Registration Revenue	735	244,408	143,000	101,408	143,000	167,345	77,063	167,345
3341-Exhibit Fees	-	-	140,000	(140,000)	140,000	-	-	-
3351-Sponsorships	-	301,000	100,000	201,000	100,000	267,950	33,050	267,950
Other Event Revenue	-	301,000	240,000	61,000	240,000	267,950	33,050	267,950
3401-Sales-CD/DVD	1,570	19,130	30,000	(10,870)	30,000	33,160	(14,030)	33,160
Sales, Rents & Royalties Revenue	1,570	19,130	30,000	(10,870)	30,000	33,160	(14,030)	33,160
Total Revenue	2,305	564,538	413,000	151,538	413,000	468,455	96,083	468,455
5051-Credit Card Fees	63	14,486	10,500	3,986	10,500	10,349	4,136	10,349
5181-Speaker Honorarium	-	-	5,000	(5,000)	5,000	-	-	-
Total Contract Services	63	14,486	15,500	(1,014)	15,500	10,349	4,136	10,349
5501-Employee Travel	-	4,949	2,128	2,821	2,128	5,663	(714)	5,663
5571-Speaker Travel	-	14,328	2,052	12,276	2,052	11,349	2,979	11,349
Total Travel	-	19,277	4,180	15,097	4,180	17,012	2,265	17,012
6001-Post 1st Class/Bulk	115	1,079	1,000	79	1,000	1,045	34	1,045
6021-Post Express Mail	-	-	-	-	-	34	(34)	34
6319-Mtgs Other Functions	-	45,535	32,000	13,535	32,000	46,699	(1,165)	46,699
6321-Mtgs Meals	-	110,476	100,000	10,476	100,000	82,723	27,753	82,723
6325-Mtgs Hospitality	-	170,105	88,000	82,105	88,000	81,406	88,699	81,406
6341-Mtgs Equip Rental	-	59,624	25,000	34,624	25,000	54,258	5,366	54,258
7999-Other Operating Exp	430	11,603	2,500	9,103	2,500	3,278	8,326	3,278
Total Other Expense	544	398,422	248,500	149,922	248,500	269,443	128,979	269,443
8011-Administration CLE	-	15,950	16,000	(50)	16,000	15,400	550	15,400
8101-Printing In-House	-	513	-	513	-	719	(206)	719
8131-A/V Services	77	5,797	500	5,297	500	5,720	77	5,720
8141-Journal/News Service	-	850	500	350	500	-	850	-
8171-Course Approval Fee	-	55	150	(95)	150	150	(95)	150
Total Admin & Internal Expense	77	23,165	17,150	6,015	17,150	21,989	1,176	21,989
Total Expense	685	455,350	285,330	170,020	285,330	318,793	136,557	318,793
Operating Income	1,620	109,188	127,670	(18,482)	127,670	149,662	(40,474)	149,662

THE FLORIDA BAR
Real Property Trust Officer Liaison Conference
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD 2024	YTD/Prior YTD Variance (\$)	FYE Actual 2024
3301-Registration-Live	-	258,995	240,000	18,995	240,000	270,950	(11,955)	270,950
3331-Registration-Ticket	-	17,410	10,000	7,410	10,000	8,930	8,480	8,930
Total Registration Revenue	-	276,405	250,000	26,405	250,000	279,880	(3,475)	279,880
3341-Exhibit Fees	2,500	59,500	80,000	(20,500)	80,000	81,000	(21,500)	81,000
3351-Sponsorships	8,500	137,450	100,000	37,450	100,000	103,900	33,550	103,900
Other Event Revenue	11,000	196,950	180,000	16,950	180,000	184,900	12,050	184,900
3401-Sales-CD/DVD	1,425	14,780	5,000	9,780	5,000	9,280	5,500	9,280
Sales, Rents & Royalties Revenue	1,425	14,780	5,000	9,780	5,000	9,280	5,500	9,280
Total Revenue	12,425	488,135	435,000	53,135	435,000	474,060	14,075	474,060
5051-Credit Card Fees	2,009	15,416	15,000	416	15,000	10,485	4,931	10,485
5121-Printing-Outside	-	-	2,500	(2,500)	2,500	-	-	-
Total Contract Services	2,009	15,416	17,500	(2,084)	17,500	10,485	4,931	10,485
5501-Employee Travel	-	3,870	2,836	1,034	2,836	3,711	159	3,711
5571-Speaker Travel	-	3,848	1,674	2,174	1,674	7,514	(3,666)	7,514
Total Travel	-	7,718	4,510	3,208	4,510	11,226	(3,508)	11,226
6001-Post 1st Class/Bulk	33	415	350	65	350	1,167	(752)	1,167
6021-Post Express Mail	-	-	150	(150)	150	-	-	-
6319-Mtgs Other Functions	-	5,299	10,000	(4,701)	10,000	6,489	(1,190)	6,489
6321-Mtgs Meals	-	106,268	85,000	21,268	85,000	90,130	16,138	90,130
6325-Mtgs Hospitality	-	111,813	90,000	21,813	90,000	96,053	15,760	96,053
6341-Mtgs Equip Rental	-	24,942	25,000	(58)	25,000	19,201	5,741	19,201
6399-Mtgs Other	-	250	-	250	-	1,000	(750)	1,000
6401-Speaker Expense	-	2,989	-	2,989	-	-	2,989	-
7999-Other Operating Exp	663	5,401	3,200	2,201	3,200	1,470	3,930	1,470
Total Other Expense	696	257,376	213,700	43,676	213,700	215,510	41,866	215,510
8011-Administration CLE	-	15,950	16,000	(50)	16,000	15,950	-	15,950
8101-Printing In-House	-	951	750	201	750	1,338	(386)	1,338
8131-A/V Services	-	5,565	5,300	265	5,300	5,881	(316)	5,881
8141-Journal/News Service	-	850	1,000	(150)	1,000	425	425	425
8171-Course Approval Fee	-	55	150	(95)	150	150	(95)	150
Total Admin & Internal Expense	-	23,372	23,200	172	23,200	23,744	(372)	23,744
Total Expense	2,704	303,882	258,910	44,972	258,910	260,965	42,917	260,965
Operating Income	9,721	184,253	176,090	8,163	176,090	213,095	(28,842)	213,095

THE FLORIDA BAR
Real Property Convention
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD 2024	YTD/Prior YTD Variance (\$)	FYE Actual 2024
3301-Registration-Live	-	90,615	75,000	15,615	75,000	84,611	6,004	84,611
Total Registration Revenue	-	90,615	75,000	15,615	75,000	84,611	6,004	84,611
3341-Exhibit Fees	-	(3,000)	36,000	(39,000)	36,000	21,600	(24,600)	21,600
3351-Sponsorships	2,000	42,500	30,000	12,500	30,000	32,250	10,250	32,250
Other Event Revenue	2,000	39,500	66,000	(26,500)	66,000	53,850	(14,350)	53,850
Total Revenue	2,000	130,115	141,000	(10,885)	141,000	138,461	(8,346)	138,461
4311-Office Supplies	75	413	-	413	-	-	413	-
Total Staff & Office Expense	75	413	-	413	-	-	413	-
5031-AV Services	26,631	29,980	20,000	9,980	20,000	-	29,980	-
5051-Credit Card Fees	-	2,052	2,500	(448)	2,500	1,126	926	1,126
Total Contract Services	26,631	32,032	22,500	9,532	22,500	1,126	30,906	1,126
5501-Employee Travel	6,075	6,075	4,220	1,855	4,220	1,769	4,306	1,769
Total Travel	6,075	6,075	4,220	1,855	4,220	1,769	4,306	1,769
6311-Mtgs General Meeting	184	184	-	184	-	2,913	(2,729)	2,913
6321-Mtgs Meals	153,880	337,356	210,000	127,356	210,000	205,369	131,987	205,369
6325-Mtgs Hospitality	-	-	-	-	-	361	(361)	361
6341-Mtgs Equip Rental	15,406	21,156	-	21,156	-	4,529	16,627	4,529
6361-Mtgs Entertainment	11,936	29,260	40,000	(10,740)	40,000	17,925	11,335	17,925
Total Other Expense	181,406	387,955	250,000	137,955	250,000	231,096	156,860	231,096
8101-Printing In-House	0	0	0	0	0	1.69	-1.69	1.69
Total Admin & Internal Expense	-	-	-	-	-	2	(2)	2
Total Expense	214,187	426,476	276,720	149,756	276,720	233,993	192,483	233,993
Operating Income	(212,187)	(296,361)	(135,720)	(160,641)	(135,720)	(95,532)	(200,829)	(95,532)

THE FLORIDA BAR
Real Property Legislative Update
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD 2024	YTD/Prior YTD Variance (\$)	FYE Actual 2024
3341-Exhibit Fees	3,000	32,000	30,000	2,000	30,000	37,500	(5,500)	37,500
3351-Sponsorships	-	12,000	6,000	6,000	6,000	6,000	6,000	6,000
Other Event Revenue	3,000	44,000	36,000	8,000	36,000	43,500	500	43,500
3401-Sales-CD/DVD	-	-	-	-	-	1,800	(1,800)	1,800
Sales, Rents & Royalties Revenue	-	-	-	-	-	1,800	(1,800)	1,800
Total Revenue	3,000	44,000	36,000	8,000	36,000	45,300	(1,300)	45,300
5051-Credit Card Fees	242	613	1,500	(887)	1,500	715	(101)	715
5121-Printing-Outside	-	-	3,000	(3,000)	3,000	-	-	-
Total Contract Services	242	613	4,500	(3,887)	4,500	715	(101)	715
5501-Employee Travel	-	-	3,000	(3,000)	3,000	-	-	-
5571-Speaker Travel	-	1,482	6,000	(4,518)	6,000	4,697	(3,214)	4,697
Total Travel	-	1,482	9,000	(7,518)	9,000	4,697	(3,214)	4,697
6001-Post 1st Class/Bulk	-	-	550	(550)	550	69	(69)	69
6021-Post Express Mail	-	-	100	(100)	100	-	-	-
6321-Mtgs Meals	-	14,820	24,000	(9,180)	24,000	24,045	(9,225)	24,045
6325-Mtgs Hospitality	-	29,920	1,500	28,420	1,500	588	29,331	588
6341-Mtgs Equip Rental	-	10,888	12,000	(1,112)	12,000	10,691	196	10,691
7001-Grant/Award/Donation	-	-	-	-	-	3,402	(3,402)	3,402
7999-Other Operating Exp	-	683	500	183	500	607	76	607
Total Other Expense	-	56,310	38,650	17,660	38,650	39,402	16,908	39,402
8011-Administration CLE	-	1,000	1,000	-	1,000	700	300	700
8101-Printing In-House	-	-	750	(750)	750	311	(311)	311
8131-A/V Services	-	70	200	(130)	200	-	70	-
8171-Course Approval Fee	-	-	-	-	-	150	(150)	150
Total Admin & Internal Expense	-	1,070	1,950	(880)	1,950	1,161	(91)	1,161
Total Expense	242	59,476	54,100	5,376	54,100	45,974	13,502	45,974
Operating Income	2,758	(15,476)	(18,100)	2,624	(18,100)	(674)	(14,802)	(674)

THE FLORIDA BAR
Real Property Trust Attorney Bankers Conference
For the Twelve Months Ending June 30, 2025

	June	YTD 2025	YTD 24-25 Budget	Budget Variance (\$)	FY 24-25 Budget	YTD 2024	YTD/Prior YTD Variance (\$)	FYE Actual 2024
3301-Registration-Live	-	-	12,500	(12,500)	12,500	14,480	(14,480)	14,480
Total Registration Revenue	-	-	12,500	(12,500)	12,500	14,480	(14,480)	14,480
3341-Exhibit Fees	-	-	1,500	(1,500)	1,500	-	-	-
3351-Sponsorships	-	-	13,000	(13,000)	13,000	12,500	(12,500)	12,500
Other Event Revenue	-	-	14,500	(14,500)	14,500	12,500	(12,500)	12,500
Total Revenue	-	-	27,000	(27,000)	27,000	26,980	(26,980)	26,980
5051-Credit Card Fees	-	103	-	103	-	565	(462)	565
Total Contract Services	-	103	-	103	-	565	(462)	565
5501-Employee Travel	-	-	1,124	(1,124)	1,124	933	(933)	933
5571-Speaker Travel	-	-	1,648	(1,648)	1,648	-	-	-
Total Travel	-	-	2,772	(2,772)	2,772	933	(933)	933
6321-Mtgs Meals	-	-	6,000	(6,000)	6,000	9,848	(9,848)	9,848
6325-Mtgs Hospitality	-	-	5,000	(5,000)	5,000	4,511	(4,511)	4,511
6341-Mtgs Equip Rental	-	-	1,000	(1,000)	1,000	-	-	-
7999-Other Operating Exp	-	-	300	(300)	300	70	(70)	70
Total Other Expense	-	-	12,300	(12,300)	12,300	14,429	(14,429)	14,429
8011-Administration CLE	-	-	8,250	(8,250)	8,250	7,200	(7,200)	7,200
8101-Printing In-House	-	-	200	(200)	200	45	(45)	45
8141-Journal/News Service	-	-	-	-	-	425	(425)	425
8171-Course Approval Fee	-	-	150	(150)	150	-	-	-
Total Admin & Internal Expense	-	-	8,600	(8,600)	8,600	7,671	(7,671)	7,671
Total Expense	-	103	23,672	(23,569)	23,672	23,598	(23,495)	23,598
Operating Income	-	(103)	3,328	(3,431)	3,328	3,382	(3,485)	3,382

THE FLORIDA BAR
Real Property Probate and Trust Law Section Rollup
For the Four Months Ending October 31, 2025

	October	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior YTD Variance (\$)	FYE Actual 2025
3001-Annual Fees	1,920	673,920	660,000	13,920	660,000	675,060	(1,140)	682,860
3002-Affiliate Fees	120	13,440	2,500	10,940	7,500	11,520	1,920	12,200
Total Fee Revenue	2,040	687,360	662,500	24,860	667,500	686,580	780	695,060
3301-Registration-Live	12,966	1,025,252	341,650	683,602	1,201,650	588,019	437,233	954,652
3321-Registration-Webcast	60,150	60,150	7,500	52,650	15,000	-	60,150	-
3331-Registration-Ticket	-	24,125	13,000	11,125	34,000	17,410	6,715	30,960
Total Registration Revenue	73,116	1,109,527	362,150	747,377	1,250,650	605,429	504,098	985,612
3341-Exhibit Fees	4,800	87,500	45,000	42,500	260,000	86,500	1,000	88,500
3351-Sponsorships	1,750	493,750	50,000	443,750	578,000	456,450	37,300	814,450
3391 Section Profit Split	52,786	193,886	168,000	25,886	500,000	218,965	(25,079)	409,060
3392-Section Differential	1,140	4,380	5,000	(620)	15,000	3,960	420	16,260
Other Event Revenue	60,476	779,516	268,000	511,516	1,353,000	765,875	13,641	1,328,270
3401-Sales-CD/DVD	5,220	22,655	10,500	12,155	50,000	8,655	14,000	33,910
Sales, Rents & Royalties Revenue	5,220	22,655	10,500	12,155	50,000	8,655	14,000	33,910
3561-Advertising	2,160	2,160	3,000	(840)	18,000	-	2,160	2,280
Other Revenue Sources	2,160	2,160	3,000	(840)	18,000	-	2,160	2,280
3901-Eliminated InterFund Revenue	-	60	-	60	-	60	-	60
Other Revenue Sources	-	60	-	60	-	60	-	60
Total Revenue	143,012	2,601,278	1,306,150	1,295,128	3,339,150	2,066,599	534,679	3,045,191
4131-Telephone Expense	429	429	-	429	-	162	267	486
4133-Internet Service	-	-	180	(180)	180	-	-	-
4134-Web Services	3,621	13,168	25,000	(11,832)	75,000	13,218	(49)	43,465
4301-Photocopying	-	-	100	(100)	100	-	-	-
4311-Office Supplies	417	3,265	1,950	1,315	5,150	1,876	1,389	5,982
Total Staff & Office Expense	4,467	16,862	27,230	(10,368)	80,430	15,256	1,606	49,934
5031-AV Services	6,645	55,648	62,000	(6,352)	152,000	11,089	44,559	102,261
5051-Credit Card Fees	1,847	22,432	31,300	(8,868)	41,300	11,537	10,896	57,580
5101-Consultants	-	60,000	40,000	20,000	120,000	71,003	(11,003)	120,000
5121-Printing-Outside	6,345	31,693	49,000	(17,307)	143,000	21,098	10,595	65,009
5181-Speaker Honorarium	-	-	-	-	5,000	-	-	-
5199-Other Contract Services	-	787	7,000	(6,213)	37,000	-	787	9,222
Total Contract Services	14,836	170,560	189,300	(18,740)	498,300	114,727	55,833	354,072
5501-Employee Travel	11,339	20,878	19,900	978	64,250	14,694	6,184	42,707
5531-Board/Off/Memb Travel	-	1,959	20,000	(18,041)	24,000	6,638	(4,679)	7,960
5571-Speaker Travel	(868)	8,382	13,500	(5,118)	23,500	6,834	1,548	19,659
5581-Consultant Travel	-	14,172	4,827	9,345	20,502	-	14,172	16,685
Total Travel	10,471	45,391	58,227	(12,836)	132,252	28,165	17,226	87,010
6001-Post 1st Class/Bulk	1,109	2,541	32,350	(29,809)	32,350	12,649	(10,108)	38,603
6021-Post Express Mail	-	-	650	(650)	650	-	-	-
6311-Mtgs General Meeting	387,106	401,001	446,000	(44,999)	1,282,000	485,202	(84,201)	988,211
6319-Mtgs Other Functions	10,601	10,985	10,000	985	57,000	5,299	5,686	50,834
6321-Mtgs Meals	124,483	124,483	109,000	15,483	502,000	120,087	4,396	568,919
6325-Mtgs Hospitality	126,556	128,346	108,500	19,846	228,500	219,789	(91,443)	355,400
6332-Mtgs Room Attrition	-	-	-	-	-	-	-	8,850
6341-Mtgs Equip Rental	9,736	9,736	-	9,736	26,000	35,829	(26,094)	116,609
6361-Mtgs Entertainment	-	80	-	80	45,000	-	80	29,260
6399-Mtgs Other	-	95	2,500	(2,405)	7,500	-	95	2,899
6401-Speaker Expense	2,115	3,510	1,000	2,510	1,000	2,989	522	4,279
6451-Committee Expense	6,348	6,598	35,000	(28,402)	100,000	79,021	(72,423)	147,374
6531-Brd/Off Special Project	-	-	3,000	(3,000)	7,500	-	-	799
6599-Brd/Off Other	3,413	3,413	4,500	(1,087)	15,000	2,346	1,068	22,861
7001-Grant/Award/Donation	1,216	2,367	7,800	(5,433)	13,000	3,063	(697)	8,423
7003-Div Int Grants	-	-	4,000	(4,000)	12,000	-	-	1,500
7004-Law School Prog.	-	2,253	1,800	453	5,500	973	1,280	2,962

7005-RPPPTL Gen - Charitable Donations	-	-	-	-	-	150	(150)	150
7006-Professional Outreach	-	-	1,000	(1,000)	3,000	-	-	-
7011-Scholarship/Fellowship	2,291	8,785	9,000	(215)	27,000	11,089	(2,305)	23,987
7999-Other Operating Exp	555	1,887	5,500	(3,613)	12,000	5,071	(3,184)	21,725
Total Other Expense	675,529	706,080	781,600	(75,520)	2,377,000	983,558	(277,477)	2,393,643
8011-Administration CLE	4,400	21,350	37,450	(16,100)	37,450	16,950	4,400	32,900
8021-Section Admin Fee	1,140	344,010	111,880	232,130	335,640	257,625	86,385	260,910
8101-Printing In-House	-	1,320	3,375	(2,055)	3,375	1,397	(77)	2,000
8131-A/V Services	35	5,735	-	5,735	-	5,705	30	11,432
8141-Journal/News Service	-	425	1,000	(575)	1,000	425	-	1,700
8171-Course Approval Fee	-	165	14,300	(14,135)	14,300	-	165	110
8901-Eliminated IntEnt Exp	-	-	-	-	-	-	-	1,000
Total Admin & Internal Expense	5,575	373,005	168,005	205,000	391,765	282,102	90,903	310,053
9692-Transfer Out-Council of Sections	-	500	-	500	-	-	500	500
Total InterFund Transfers Out	-	500	-	500	-	-	500	500
Total Expense	710,880	1,312,399	1,224,362	88,037	3,479,747	1,423,808	(111,409)	3,195,212
Operating Income	(567,867)	1,288,879	81,788	1,207,091	(140,597)	642,791	646,088	(150,020)
3899-Investment Income (loss)	24,288	180,773	107,471	73,302	107,471	144,834	35,939	370,218
Total Nonoperating Revenue (Expenses)	24,288	180,773	107,471	73,302	107,471	144,834	35,939	370,218
Change in Net Position	(543,579)	1,469,652	189,259	1,280,393	(33,126)	787,625	682,027	220,198
Net Position								
2001-Beginning of the year, restated (Fund Balance)	-	4,266,559				4,046,362		4,046,362
End of the Year (Current Month)	-	5,736,211				4,833,986		4,266,559

THE FLORIDA BAR
Real Property, Probate and Trust Law General
For the Four Months Ending October 31, 2025

	October	YTD	YTD 25-26	Budget	FY 25-26	YTD	YTD/Prior	FYE Actual
		2026	Budget	Variance (\$)	Budget	2025	Variance (\$)	2025
3001-Annual Fees	1,920	673,920	660,000	13,920	660,000	675,060	(1,140)	682,860
3002-Affiliate Fees	120	13,440	2,500	10,940	7,500	11,520	1,920	12,200
Total Fee Revenue	2,040	687,360	662,500	24,860	667,500	686,580	780	695,060
3301-Registration-Live	65,005	122,310	50,000	72,310	150,000	316,074	(193,764)	374,184
Total Registration Revenue	65,005	122,310	50,000	72,310	150,000	316,074	(193,764)	374,184
3351-Sponsorships	-	320,000	-	320,000	315,000	315,500	4,500	321,500
3391 Section Profit Split	52,786	193,886	168,000	25,886	500,000	218,965	(25,079)	409,060
3392-Section Differential	1,140	4,380	5,000	(620)	15,000	3,960	420	16,260
Other Event Revenue	53,926	518,266	173,000	345,266	830,000	538,425	(20,159)	746,820
3561-Advertising	2,160	2,160	3,000	(840)	18,000	-	2,160	2,280
Other Revenue Sources	2,160	2,160	3,000	(840)	18,000	-	2,160	2,280
3901-Eliminated InterFund Revenue	-	60	-	60	-	60	-	60
Other Revenue Sources	-	60	-	60	-	60	-	60
Total Revenue	123,131	1,330,156	888,500	441,656	1,665,500	1,541,139	(210,983)	1,818,404
4131-Telephone Expense	429	429	-	429	-	162	267	486
4133-Internet Service	-	-	180	(180)	180	-	-	-
4134-Web Services	3,621	13,168	25,000	(11,832)	75,000	13,218	(49)	43,465
4311-Office Supplies	417	2,822	1,800	1,022	5,000	1,876	946	5,569
Total Staff & Office Expense	4,467	16,419	26,980	(10,561)	80,180	15,256	1,163	49,521
5031-AV Services	6,645	27,250	25,000	2,250	75,000	11,089	16,161	72,281
5051-Credit Card Fees	1,272	6,833	16,500	(9,668)	16,500	8,251	(1,418)	20,214
5101-Consultants	-	60,000	40,000	20,000	120,000	71,003	(11,003)	120,000
5121-Printing-Outside	6,345	28,766	46,000	(17,234)	140,000	21,098	7,668	65,009
5199-Other Contract Services	-	787	7,000	(6,213)	32,000	-	787	9,222
Total Contract Services	14,262	123,636	134,500	(10,864)	383,500	111,441	12,195	286,726
5501-Employee Travel	8,094	12,855	15,400	(2,545)	31,000	10,824	2,031	27,813
5531-Board/Off/Memb Travel	-	1,959	20,000	(18,041)	20,000	6,638	(4,679)	7,960
5581-Consultant Travel	-	14,172	4,827	9,345	20,502	-	14,172	16,685
Total Travel	8,094	28,986	40,227	(11,241)	71,502	17,462	11,525	52,457
6001-Post 1st Class/Bulk	918	1,177	30,000	(28,823)	30,000	12,289	(11,112)	37,109
6311-Mtgs General Meeting	387,106	401,001	250,000	151,001	700,000	485,202	(84,201)	988,027
6325-Mtgs Hospitality	31,262	31,262	17,000	14,262	50,000	78,056	(46,795)	43,562
6332-Mtgs Room Attrition	-	-	-	-	-	-	-	8,850
6399-Mtgs Other	-	95	2,500	(2,405)	7,500	-	95	2,649
6401-Speaker Expense	-	-	-	-	-	-	-	1,290
6451-Committee Expense	6,348	6,598	35,000	(28,402)	100,000	79,021	(72,423)	147,374
6531-Brd/Off Special Project	-	-	3,000	(3,000)	7,500	-	-	799
6599-Brd/Off Other	3,413	3,413	4,500	(1,087)	15,000	2,346	1,068	22,861
7001-Grant/Award/Donation	927	1,597	2,800	(1,203)	8,000	3,063	(1,466)	8,423
7003-Div Int Grants	-	-	4,000	(4,000)	12,000	-	-	1,500
7004-Law School Prog.	-	2,253	1,800	453	5,500	973	1,280	2,962
7005-RPPPTL Gen - Charitable Donations	-	-	-	-	-	150	(150)	150
7006-Professional Outreach	-	-	1,000	(1,000)	3,000	-	-	-
7011-Scholarship/Fellowship	2,291	8,785	9,000	(215)	27,000	11,089	(2,305)	23,987
7999-Other Operating Exp	-	-	1,800	(1,800)	5,000	250	(250)	4,038
Total Other Expense	432,266	456,180	362,400	93,780	970,500	672,439	(216,259)	1,293,580
8021-Section Admin Fee	1,140	344,010	111,880	232,130	335,640	257,625	86,385	260,910
8101-Printing In-House	-	-	1,300	(1,300)	1,300	446	(446)	536
8901-Eliminated IntEnt Exp	-	-	-	-	-	-	-	1,000

Total Admin & Internal Expense	1,140	344,010	113,180	230,830	336,940	258,071	85,939	262,446
9692-Transfer Out-Council of Sections	-	500	-	500	-	-	500	500
Total InterFund Transfers Out	-	500	-	500	-	-	500	500
Total Expense	460,229	969,731	677,287	292,444	1,842,622	1,074,668	(104,937)	1,945,230
Operating Income	(337,098)	360,425	211,213	149,212	(177,122)	466,470	(106,045)	(126,826)
3899-Investment Income (loss)	24,288	180,773	107,471	73,302	107,471	144,834	35,939	370,218
Total Nonoperating Revenue (Expenses)	24,288	180,773	107,471	73,302	107,471	144,834	35,939	370,218
Change in Net Position	(312,809)	541,197	318,684	222,513	(69,651)	611,304	(70,107)	243,391

THE FLORIDA BAR
Real Property Construction Law Institute
For the Four Months Ending October 31, 2025

	October	YTD		Budget Variance (\$)	FY 25-26 Budget	YTD/Prior		FYE Actual 2025
		2026	YTD 25-26 Budget			YTD 2025	YTD Variance (\$)	
3301-Registration-Live	-	1,470	-	1,470	150,000	9,990	(8,520)	230,858
3331-Registration-Ticket	-	-	-	-	4,000	-	-	13,550
Total Registration Revenue	-	1,470	-	1,470	154,000	9,990	(8,520)	244,408
3341-Exhibit Fees	-	-	-	-	145,000	-	-	-
3351-Sponsorships	-	3,000	-	3,000	105,000	-	3,000	301,000
Other Event Revenue	-	3,000	-	3,000	250,000	-	3,000	301,000
3401-Sales-CD/DVD	3,020	16,790	-	16,790	30,000	2,340	14,450	19,130
Sales, Rents & Royalties Revenue	3,020	16,790	-	16,790	30,000	2,340	14,450	19,130
Total Revenue	3,020	21,260	-	21,260	434,000	12,330	8,930	564,538
5031-AV Services	-	-	-	-	20,000	-	-	-
5051-Credit Card Fees	76	451	-	451	10,000	293	158	14,486
5181-Speaker Honorarium	-	-	-	-	5,000	-	-	-
Total Contract Services	76	451	-	451	35,000	293	158	14,486
5501-Employee Travel	-	-	-	-	2,500	-	-	4,949
5571-Speaker Travel	-	1,626	-	1,626	9,000	1,503	123	14,328
Total Travel	-	1,626	-	1,626	11,500	1,503	123	19,277
6001-Post 1st Class/Bulk	91	363	1,000	(638)	1,000	249	113	1,079
6319-Mtgs Other Functions	-	-	-	-	47,000	-	-	45,535
6321-Mtgs Meals	-	-	-	-	83,000	-	-	110,476
6325-Mtgs Hospitality	-	-	-	-	82,000	-	-	170,105
6341-Mtgs Equip Rental	-	-	-	-	25,000	-	-	59,624
7999-Other Operating Exp	-	1,200	-	1,200	3,000	-	1,200	11,603
Total Other Expense	91	1,563	1,000	563	241,000	249	1,313	398,422
8011-Administration CLE	-	-	15,950	(15,950)	15,950	-	-	15,950
8101-Printing In-House	-	-	-	-	-	-	-	513
8131-A/V Services	35	175	-	175	-	140	35	5,797
8141-Journal/News Service	-	-	-	-	-	-	-	850
8171-Course Approval Fee	-	-	-	-	-	-	-	55
Total Admin & Internal Expense	35	175	15,950	(15,775)	15,950	140	35	23,165
Total Expense	202	3,815	16,950	(13,135)	303,450	2,185	1,630	455,350
Operating Income	2,818	17,445	(16,950)	34,395	130,550	10,145	7,300	109,188

THE FLORIDA BAR
Real Property Trust Officer Liaison Conference
For the Four Months Ending October 31, 2025

	October	YTD		Budget		FY 25-26		YTD/Prior	
		2026	YTD 25-26 Budget	Variance (\$)	Budget	2025	YTD Variance (\$)	FYE Actual 2025	
3301-Registration-Live	(650)	304,305	80,000	224,305	240,000	261,955	42,350	258,995	
3331-Registration-Ticket	-	24,125	3,000	21,125	10,000	17,410	6,715	17,410	
Total Registration Revenue	(650)	328,430	83,000	245,430	250,000	279,365	49,065	276,405	
3341-Exhibit Fees	-	60,500	30,000	30,500	85,000	60,500	-	59,500	
3351-Sponsorships	-	154,500	35,000	119,500	100,000	128,950	25,550	137,450	
Other Event Revenue	-	215,000	65,000	150,000	185,000	189,450	25,550	196,950	
3401-Sales-CD/DVD	2,200	5,865	1,500	4,365	5,000	6,315	(450)	14,780	
Sales, Rents & Royalties Revenue	2,200	5,865	1,500	4,365	5,000	6,315	(450)	14,780	
Total Revenue	1,550	549,295	149,500	399,795	440,000	475,130	74,165	488,135	
5031-AV Services	-	17,794	25,000	(7,206)	25,000	-	17,794	-	
5051-Credit Card Fees	71	1,467	12,000	(10,533)	12,000	3,059	(1,592)	15,416	
5121-Printing-Outside	-	1,712	2,500	(788)	2,500	-	1,712	-	
Total Contract Services	71	20,973	39,500	(18,527)	39,500	3,059	17,914	15,416	
5501-Employee Travel	2,624	3,800	3,000	800	3,000	3,870	(70)	3,870	
5571-Speaker Travel	(1,220)	6,403	7,000	(597)	7,000	3,848	2,555	3,848	
Total Travel	1,404	10,203	10,000	203	10,000	7,718	2,485	7,718	
6001-Post 1st Class/Bulk	99	1,002	1,000	2	1,000	111	891	415	
6021-Post Express Mail	-	-	150	(150)	150	-	-	-	
6319-Mtgs Other Functions	10,601	10,985	10,000	985	10,000	5,299	5,686	5,299	
6321-Mtgs Meals	107,077	107,077	85,000	22,077	85,000	105,268	1,810	106,268	
6325-Mtgs Hospitality	92,063	93,853	90,000	3,853	90,000	111,813	(17,960)	111,813	
6341-Mtgs Equip Rental	3,180	3,180	-	3,180	-	24,942	(21,762)	24,942	
6399-Mtgs Other	-	-	-	-	-	-	-	250	
6401-Speaker Expense	-	1,395	1,000	395	1,000	2,989	(1,594)	2,989	
7999-Other Operating Exp	555	587	3,200	(2,613)	3,200	4,138	(3,551)	5,401	
Total Other Expense	213,575	218,080	190,350	27,730	190,350	254,559	(36,479)	257,376	
8011-Administration CLE	-	15,950	14,300	1,650	14,300	15,950	-	15,950	
8101-Printing In-House	-	1,094	1,000	94	1,000	951	143	951	
8131-A/V Services	-	5,560	-	5,560	-	5,495	65	5,565	
8141-Journal/News Service	-	425	500	(75)	500	425	-	850	
8171-Course Approval Fee	-	-	14,300	(14,300)	14,300	-	-	55	
Total Admin & Internal Expense	-	23,029	30,100	(7,071)	30,100	22,822	208	23,372	
Total Expense	215,050	272,285	269,950	2,335	269,950	288,158	(15,873)	303,882	
Operating Income	(213,500)	277,010	(120,450)	397,460	170,050	186,972	90,038	184,253	

THE FLORIDA BAR
Real Property Convention
For the Four Months Ending October 31, 2025

	October	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior YTD Variance (\$)	FYE Actual 2025
3301-Registration-Live	-	-	-	-	50,000	-	-	90,615
Total Registration Revenue	-	-	-	-	50,000	-	-	90,615
3341-Exhibit Fees	4,800	4,800	-	4,800	-	(3,000)	7,800	(3,000)
3351-Sponsorships	-	-	-	-	30,000	-	-	42,500
Other Event Revenue	4,800	4,800	-	4,800	30,000	(3,000)	7,800	39,500
Total Revenue	4,800	4,800	-	4,800	80,000	(3,000)	7,800	130,115
4311-Office Supplies	-	-	-	-	-	-	-	413
Total Staff & Office Expense	-	-	-	-	-	-	-	413
5031-AV Services	-	1,200	-	1,200	20,000	-	1,200	29,980
5051-Credit Card Fees	56	56	1,500	(1,444)	1,500	(66)	122	2,052
Total Contract Services	56	1,256	1,500	(244)	21,500	(66)	1,322	32,032
5501-Employee Travel	-	-	-	-	5,000	-	-	6,075
Total Travel	-	-	-	-	5,000	-	-	6,075
6311-Mtgs General Meeting	-	-	-	-	-	-	-	184
6321-Mtgs Meals	-	-	-	-	250,000	-	-	337,356
6341-Mtgs Equip Rental	-	-	-	-	-	-	-	21,156
6361-Mtgs Entertainment	-	80	-	80	40,000	-	80	29,260
Total Other Expense	-	80	-	80	290,000	-	80	387,955
Total Expense	56	1,336	1,500	(164)	316,500	(66)	1,402	426,476
Operating Income	4,744	3,464	(1,500)	4,964	(236,500)	(2,934)	6,398	(296,361)

THE FLORIDA BAR
Real Property Legislative Update
For the Four Months Ending October 31, 2025

	October	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior YTD Variance (\$)	FYE Actual 2025
3301-Registration-Live	(61,500)	-	-	-	-	-	-	-
3321-Registration-Webcast	60,150	60,150	7,500	52,650	15,000	-	60,150	-
Total Registration Revenue	(1,350)	60,150	7,500	52,650	15,000	-	60,150	-
3341-Exhibit Fees	-	22,200	15,000	7,200	30,000	29,000	(6,800)	32,000
3351-Sponsorships	-	9,500	3,000	6,500	6,000	12,000	(2,500)	12,000
Other Event Revenue	-	31,700	18,000	13,700	36,000	41,000	(9,300)	44,000
3401-Sales-CD/DVD	-	-	9,000	(9,000)	15,000	-	-	-
Sales, Rents & Royalties Revenue	-	-	9,000	(9,000)	15,000	-	-	-
Total Revenue	(1,350)	91,850	34,500	57,350	66,000	41,000	50,850	44,000
4311-Office Supplies	-	443	150	293	150	-	443	-
Total Staff & Office Expense	-	443	150	293	150	-	443	-
5031-AV Services	-	9,404	12,000	(2,596)	12,000	-	9,404	-
5051-Credit Card Fees	11	1,760	1,300	460	1,300	-	1,760	613
5121-Printing-Outside	-	1,215	500	715	500	-	1,215	-
Total Contract Services	11	12,379	13,800	(1,421)	13,800	-	12,379	613
5501-Employee Travel	-	59	1,500	(1,441)	1,500	-	59	-
5571-Speaker Travel	353	353	6,500	(6,147)	6,500	1,482	(1,130)	1,482
Total Travel	353	412	8,000	(7,588)	8,000	1,482	(1,071)	1,482
6001-Post 1st Class/Bulk	-	-	350	(350)	350	-	-	-
6021-Post Express Mail	-	-	500	(500)	500	-	-	-
6321-Mtgs Meals	13,275	13,275	24,000	(10,725)	24,000	14,820	(1,545)	14,820
6325-Mtgs Hospitality	785	785	1,500	(715)	1,500	29,920	(29,134)	29,920
6341-Mtgs Equip Rental	5,938	5,938	-	5,938	-	10,888	(4,950)	10,888
6401-Speaker Expense	2,115	2,115	-	2,115	-	-	2,115	-
7001-Grant/Award/Donation	289	770	5,000	(4,230)	5,000	-	770	-
7999-Other Operating Exp	-	100	500	(400)	500	683	(583)	683
Total Other Expense	22,402	22,983	31,850	(8,867)	31,850	56,310	(33,327)	56,310
8011-Administration CLE	-	1,000	-	1,000	-	1,000	-	1,000
8101-Printing In-House	-	226	1,000	(774)	1,000	-	226	-
8131-A/V Services	-	-	-	-	-	70	(70)	70
8171-Course Approval Fee	-	110	-	110	-	-	110	-
Total Admin & Internal Expense	-	1,336	1,000	336	1,000	1,070	266	1,070
Total Expense	22,766	37,552	54,800	(17,248)	54,800	58,862	(21,310)	59,476
Operating Income	(24,116)	54,298	(20,300)	74,598	11,200	(17,862)	72,160	(15,476)

THE FLORIDA BAR
Real Property Trust Attorney Bankers Conference
For the Four Months Ending October 31, 2025

	October	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior YTD Variance (\$)	FYE Actual 2025
3301-Registration-Live	5,980	11,060	15,000	(3,940)	15,000	-	11,060	-
Total Registration Revenue	5,980	11,060	15,000	(3,940)	15,000	-	11,060	-
3351-Sponsorships	1,750	6,750	12,000	(5,250)	12,000	-	6,750	-
Other Event Revenue	1,750	6,750	12,000	(5,250)	12,000	-	6,750	-
Total Revenue	7,730	17,810	27,000	(9,190)	27,000	-	17,810	-
5051-Credit Card Fees	212	395	-	395	-	-	395	103
Total Contract Services	212	395	-	395	-	-	395	103
5501-Employee Travel	622	622	-	622	1,250	-	622	-
5571-Speaker Travel	-	-	-	-	1,000	-	-	-
Total Travel	622	622	-	622	2,250	-	622	-
6321-Mtgs Meals	4,131	4,131	-	4,131	6,000	-	4,131	-
6325-Mtgs Hospitality	2,446	2,446	-	2,446	5,000	-	2,446	-
6341-Mtgs Equip Rental	618	618	-	618	1,000	-	618	-
7999-Other Operating Exp	-	-	-	-	300	-	-	-
Total Other Expense	7,195	7,195	-	7,195	12,300	-	7,195	-
8011-Administration CLE	4,400	4,400	7,200	(2,800)	7,200	-	4,400	-
8101-Printing In-House	-	-	75	(75)	75	-	-	-
8141-Journal/News Service	-	-	500	(500)	500	-	-	-
8171-Course Approval Fee	-	55	-	55	-	-	55	-
Total Admin & Internal Expense	4,400	4,455	7,775	(3,320)	7,775	-	4,455	-
Total Expense	12,429	12,666	7,775	4,891	22,325	-	12,666	103
Operating Income	(4,699)	5,144	19,225	(14,081)	4,675	-	5,144	(103)

THE FLORIDA BAR
Real Property Out of State Meeting
For the Four Months Ending October 31, 2025

	October	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior YTD Variance (\$)	FYE Actual 2025
3301-Registration-Live	4,131	586,107	196,650	389,457	596,650	-	586,107	-
3331-Registration-Ticket	-	-	10,000	(10,000)	20,000	-	-	-
Total Registration Revenue	4,131	586,107	206,650	379,457	616,650	-	586,107	-
3351-Sponsorships	-	-	-	-	10,000	-	-	-
Other Event Revenue	-	-	-	-	10,000	-	-	-
Total Revenue	4,131	586,107	206,650	379,457	626,650	-	586,107	-
5051-Credit Card Fees	148	11,470	-	11,470	-	-	11,470	4,696
5199-Other Contract Services	-	-	-	-	5,000	-	-	-
Total Contract Services	148	11,470	-	11,470	5,000	-	11,470	4,696
5501-Employee Travel	-	3,543	-	3,543	20,000	-	3,543	-
5531-Board/Off/Memb Travel	-	-	-	-	4,000	-	-	-
Total Travel	-	3,543	-	3,543	24,000	-	3,543	-
6311-Mtgs General Meeting	-	-	196,000	(196,000)	582,000	-	-	-
6321-Mtgs Meals	-	-	-	-	54,000	-	-	-
6361-Mtgs Entertainment	-	-	-	-	5,000	-	-	-
Total Other Expense	-	-	196,000	(196,000)	641,000	-	-	-
Total Expense	148	15,013	196,000	(180,987)	670,000	-	15,013	4,696
Operating Income	3,983	571,094	10,650	560,444	(43,350)	-	571,094	(4,696)

CLE Calendar (as of 11/21/25)

Date of Presentation	Crs. #	Title	Location
12/9/25	9465	Bandklayder - A Major Shift in Calculating Construction Damages or No Big Deal?	Webcast
January	9335/9336	Partitions: Parts 1 and 2	Webcast
1/14/26	9517	Bench Rules Amendments	Webcast
1/22/26 – 1/23/26	9470	Advanced Condominium & Planned Development Law Certification Review Course	Miami
1/29/26	9458	Estate Planning (Part of the RPPTL: One Step at a Time 101's Series)	Pre-recorded Webcast
2/4/26	9471	MRTA: Mechanics and Myth Busting	Webcast
2/11/26	9519	Rules of Construction	Webcast
2/18/26	9472	MRTA: Mineral Rights	Webcast
2/18/24	TBD	Series LLCs in Estate Planning: A Horizontal Shield or a Trap for the Unwary?	Webcast
2/20/26	9520	Real Estate Certification Academy: Part 1	Webcast
2/27/26	9521	Real Estate Certification Academy: Part 2	Webcast
3/4/26	9473	MRTA: Notices to Preserve	Webcast
3/5/26 – 3/7/36	9339	Advanced Construction Law Certification Review Course	Orlando
3/5/26	9340	Coverage College	Orlando
3/6/26 – 3/7/26	9338	Construction Law Institute	Orlando
3/19/26	TBD	Spousal Rights (Part of the RPPTL: One Step at a Time 101's Series)	Pre-recorded Webcast
3/20/26 – 3/21/26	9427	Advanced Real Estate Certification Review Course	Orlando
3/20/26 – 3/21/26	9426	Advanced Wills, Trusts & Estates Certification Review Course	Orlando
3/26/26	9522	Litigation and Trust Law Symposium	Tampa
April	9523	Annual Guardianship Seminar	TBD
5/15/26	9524	Probate Law	Fort Lauderdale
5/21/26	TBD	Trust Law (Part of the RPPTL: One Step at a Time 101's Series)	Pre-recorded Webcast
5/29/26	9526	RPPTL Annual Convention Seminar – Artificial Intelligence	Pone Vedra
6/8/26	9525	Economic Loss Rule	Webcast

Proposed Budget 2026-2027
 Real Property Probate Trust
 Law Section

Account	18-19 Actuals	19-20 Actuals	20-21 Actuals	21-22 Actuals	22-23 Actuals	23-24 Actuals	24-25 Actuals	25-26 Budget	26-27 Budget
Beginning Fund Balance	\$1,823,263	\$2,140,809	\$2,343,738	\$3,035,022	\$2,580,951	\$3,141,402	\$4,046,362	\$4,266,559	\$4,082,634
General Net Operations	\$101,747	\$21,093	\$170,184	\$96,291	\$89,972	\$664,065	-\$126,826	-\$198,680	-\$215,180
Investment Income	\$100,919	-\$29,830	\$582,529	-\$388,574	\$228,505	\$278,582	\$370,218	\$0	\$0
Legislative Update	-\$42,183	-\$24,263	\$8,718	-\$38,677	-\$38,552	-\$674	-\$15,476	\$12,650	\$32,150
Convention	-\$35,930	\$2,726	-\$175,494	-\$360,941	\$27,099	-\$95,532	-\$296,361	-\$238,900	-\$235,900
Attorney Trust Officer	\$110,401	\$94,657	\$24,294	\$130,628	\$136,535	\$213,095	\$184,253	\$173,550	\$185,350
CLI	\$110,993	\$136,540	\$81,473	\$107,057	\$115,833	\$149,662	\$109,188	\$123,555	\$122,450
Attorney Bankers Conf	-\$28,401	\$2,006	-\$420	\$145	\$1,059	\$3,382	-\$103	\$3,350	\$4,350
Out of State	0	0	0	0	0	0	-4696	-\$59,450	-\$38,491
Ending Fund Balance #	\$2,140,809	\$2,343,738	\$3,035,022	\$2,580,951	\$3,141,402	\$4,353,982	\$4,266,559	\$4,082,634	\$3,937,363
Total Contract Liabilities (excluding Four Seasons Resort Orlando)								-\$2,715,725	-\$3,502,710
Special Projects Reserve (would need budget amendment if project approved)									-\$200,000
NET FUND BALANCE LESS CONTRACT LIABILITIES AND SPECIAL PROJECTS RESERVE								\$1,366,909	\$234,653

Budget 2026-27 Summary	
Budgeted Beginning 2025-26 Fund Balance Less Outstanding Liabilities	\$4,082,634
General	Budget
Revenue	\$1,612,000
Expenses	\$1,827,180
Net	-\$215,180
ABC	Budget
Revenue	\$32,500
Expenses	\$28,150
Net	\$4,350
CLI	Budget
Revenue	\$575,000
Expenses	\$452,550
Net	\$122,450
Legislative Update	Budget
Revenue	\$91,000
Expenses	\$58,850
Net	\$32,150
ATO	Budget
Revenue	\$510,000
Expenses	\$324,650
Net	\$185,350
Convention	Budget
Revenue	\$125,000
Expenses	\$360,900
Net	-\$235,900
Out of State	Budget
Revenue	\$225,000
Expenses	\$263,491
Net	-\$38,491
Rollup Summary	Budget
Revenue	\$3,170,500
Expenses	\$3,315,771
Net Operations	-\$145,271
Estimated Ending Fund Balance for 25-26 less outstanding liabilities	\$434,653

RPPTL									
2026-2027									
General									
964-9640-26400-00000-									
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
	Boje	Freedman	Hennessey	Swaine	Butters	Frazier	Moran	Wright	Scuderi
	Actual	Budget	Budget						
3001-Annual Fees	\$626,460	\$633,200	\$648,900	\$666,280	\$679,210	\$678,610	\$682,860	\$660,000	\$660,000
3002-Affiliate Fees	\$8,680	\$9,760	\$9,590	\$10,780	\$12,540	\$12,260	\$12,200	\$7,500	\$10,000
Total Fee Revenue	\$635,140	\$642,960	\$658,490	\$677,060	\$691,750	\$690,870	\$695,060	\$667,500	\$670,000
3301-Registration-Live	\$180,582	\$171,961	\$171,003	\$148,347	\$249,176	\$308,043	\$374,184	\$150,000	\$150,000
3331-Registration-Ticket							\$0	\$0	\$0
Total Registration Revenue	\$180,582	\$171,961	\$171,003	\$148,347	\$249,176	\$308,043	\$374,184	\$150,000	\$150,000
3351-Sponsorships	\$237,476	\$225,875	\$192,313	\$198,750	\$181,875	\$325,150	\$321,500	\$315,000	\$315,000
3391 Section Profit Split	\$276,501	\$336,907	\$562,502	\$451,920	\$627,155	\$588,980	\$409,060	\$500,000	\$450,000
3392-Section Differential	\$25,440	\$15,463	\$12,960	\$18,300	\$21,300	\$20,340	\$16,260	\$15,000	\$15,000
Other Event Revenue	\$539,417	\$578,245	\$767,775	\$668,970	\$830,330	\$934,470	\$746,820	\$830,000	\$780,000
3561-Advertising (Actionline)	\$18,117	\$20,466	\$14,918	\$8,969	\$8,840	-	\$2,280	\$18,000	\$12,000
Advertising & Subscription Revenue	\$18,117	\$20,466	\$14,918	\$8,969	\$8,840	-	\$2,280	\$18,000	\$12,000
3901-Eliminated InterFund Revenue					\$350		\$60		
3899-Investment Allocation	\$0	\$0	\$0	\$0	\$0	-	\$0	\$0	\$0
Non-Operating Income	\$0	\$0	\$0	\$0	\$350	-	\$60	\$0	\$0
Total Revenue	\$1,373,256	\$1,413,632	\$1,612,186	\$1,503,346	\$1,780,446	\$1,933,383	\$1,818,404	\$1,665,500	\$1,612,000
4131-Telephone Expense	\$1,321	\$1,539	\$0		\$0	\$286	\$486	\$0	\$500
4133-Internet Service						\$823	\$0	\$180	\$180
4134-Web Services	\$45,372	\$36,099	\$47,049	\$58,168	\$48,648	\$35,735	\$40,865	\$75,000	\$75,000
4311-Office Supplies	\$2,021	\$1,489	\$1,018	\$1,672	\$2,301	\$4,577	\$5,569	\$5,000	\$5,000
Total Staff & Office Expense	\$48,779	\$39,127	\$48,067	\$59,841	\$50,949	\$41,420	\$46,920	\$80,180	\$80,680
5031-AV Services (Zoom Expenses)						\$3,162	\$72,281	\$75,000	\$80,000
5051-Credit Card Fees	\$11,178	\$12,762	\$11,638	\$17,063	\$16,084	\$16,365	\$20,214	\$25,000	\$25,000
5101-Consultants	\$120,000	\$110,000	\$152,025	\$108,634	\$150,600	\$111,841	\$120,000	\$120,000	\$120,000
5121-Printing-Outside (Actionline Printing/Mailing)	\$103,658	\$99,276	\$69,541	\$79,170	\$77,942	\$73,613	\$65,009	\$140,000	\$103,500
5199-Other Contract Services	\$15,125	\$8,640	\$49,685	\$2,500	\$55,028	\$28,664	\$9,222	\$32,000	\$15,000
Total Contract Services	\$249,961	\$230,678	\$282,889	\$207,367	\$299,654	\$233,645	\$286,726	\$392,000	\$343,500
5501-Employee Travel	\$18,438	\$8,703	\$9,510	\$15,585	\$14,191	\$30,589	\$27,813	\$31,000	\$42,000
5531-Board/Off/Memb Travel	\$32,741	\$14,804	\$14,293	\$9,895	\$3,755	\$6,586	\$7,960	\$20,000	\$20,000
5581-Legislative Consultant Travel/Meals**	NEW	\$8,123		\$5,543	\$15,344	\$3,200	\$16,685	\$20,500	\$20,500
Total Travel	\$51,179	\$31,630	\$23,803	\$31,023	\$33,926	\$40,375	\$52,458	\$71,500	\$82,500
6001-Post 1st Class/Bulk	\$1,046	\$28,362	\$26,018	\$27,464	\$35,446	\$29,478	\$37,109	\$2,500	\$38,000
6311-Mtgs General Meeting	\$559,586	\$637,324	\$677,186	\$651,612	\$780,243	\$673,919	\$988,027	\$700,000	\$735,000
6325-Mtgs Hospitality	\$20,938	\$36,242	\$41,234	\$27,911	\$33,654	\$36,911	\$43,562	\$50,000	\$50,000
6332-Mtgs Room Attrition							\$8,850		
6399-Mtgs Other	\$10,306	\$8,538	\$3,101	\$3,377	\$0	\$47,139	\$2,649	\$7,500	\$7,500
6401-Speaker Expense	\$328	\$2,719	\$0	\$2,942	\$0	-	\$1,290	\$0	\$3,000
6451-Committee Expense	\$67,348	\$122,124	\$82,368	\$91,776	\$161,842	\$141,060	\$147,374	\$100,000	\$150,000
6531-Brd/Off Special Project (Historian)	\$491	\$1,275	\$0	\$21,133	\$265	\$290	\$799	\$7,500	\$7,500
6599-Brd/Off Other (ALMS)	\$6,632	\$8,081	\$2,610	\$727	\$1,000	\$10,462	\$22,861	\$15,000	\$23,000
7001-Award	\$18,099	\$5,883	\$12,137	\$4,950	\$7,344	\$2,690	\$8,423	\$8,000	\$8,000
7003-Membership	\$590	\$572	\$0	\$0	\$3,084	\$5,750	\$1,500	\$12,000	\$13,500
7004-Law School Programming	NEW	\$1,622	\$0	\$0	\$1,859	\$1,612	\$2,962	\$5,500	\$5,500
7005-Grant/Donation							\$150		
7006-Professional Outreach	NEW	\$0	\$0	\$0	\$500	\$0	\$0	\$3,000	\$3,000
7011-Scholarship/Fellowship	\$14,091	\$11,301	\$12,115	\$18,667	\$19,097	\$18,815	\$23,987	\$27,000	\$27,000
7999-Other Operating Exp	\$1,475	\$230	\$1,207	\$3	\$0	\$1,888	\$4,038	\$5,000	\$5,000
Total Other Expense	\$701,180	\$868,273	\$858,140	\$853,736	\$1,045,152	\$970,015	\$1,293,581	\$943,000	\$943,000
8021-Section Admin Fee	\$217,024	\$222,046	\$227,939	\$245,819	\$251,865	\$250,473	\$260,910	\$372,000	\$372,000
8901-Eliminated IntFund Exp		\$3,000	\$0	\$6,000	\$7,500	\$1,324	\$1,000	\$3,000	\$3,000
8101-Printing In-House	\$86	\$485	\$664	\$2,769	\$928	\$1,500	\$536	\$2,000	\$2,000
8111-Meetings Services	\$3,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Admin & Internal Expense	\$220,110	\$225,531	\$228,603	\$254,588	\$260,293	\$253,297	\$262,446	\$377,000	\$377,000
9692-Transfer Out-Council of Sections	\$300	\$300	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Total InterFund Transfers Out	\$300	\$300	\$500						
Total Expense	\$1,271,509	\$1,392,539	\$1,442,002	\$1,407,055	\$1,690,474	\$1,539,251	\$1,942,631	\$1,864,180	\$1,827,180
Net Income	\$101,747	\$21,093	\$170,184	\$96,291	\$89,972	\$394,132	-\$124,227	-\$198,680	-\$215,180

RPPTL									
2026-2027									
Attorney Bankers Conference									
964-9643-26421-00000-									
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget
3301-Registration-Live	\$5,875	\$8,662	\$0	\$0	\$8,400	\$14,480	\$0	\$15,000	\$17,500
Total Registration Revenue	\$5,875	\$8,662	\$0		\$8,400	\$14,480	\$0	\$15,000	\$17,500
3341-Exhibit Fees	\$750	\$0	\$0		\$0	0	\$0	\$0	\$0
3351-Sponsorships	\$8,500	\$14,000	\$0		\$8,500	\$12,500	\$0	\$12,500	\$15,000
Other Event Revenue	\$9,250	\$14,000	\$0		\$8,500	\$12,500	\$0	\$12,500	\$15,000
3401-Sales-CD/DVD	\$0	\$900	-\$300	\$150	\$0	\$0	\$0	\$0	\$0
Sales, Rents & Royalties Revenue	\$0	\$900	-\$300	\$150	\$0	\$0	\$0	\$0	\$0
Total Revenue	\$15,125	\$23,562	-\$300	\$150	\$16,900	\$26,980	\$0	\$27,500	\$32,500
5051-Credit Card Fees	\$223	\$326	\$0	\$4	\$409	\$565	\$103	\$500	\$500
Total Contract Services	\$223	\$326	\$0	\$4	\$409	\$565	\$103	\$500	\$500
5501-Employee Travel	\$0	\$274	\$0		\$1,100	\$933	\$0	\$1,250	\$1,250
5571-Speaker Travel	\$4,990	\$2,187	\$0		\$318	\$0	\$0	\$1,000	\$1,000
Total Travel	\$4,990	\$2,461	\$0	\$0	\$1,418	\$933	\$0	\$2,250	\$2,250
6021-Post Express Mail			-\$11	\$1	\$0	\$0	\$0	\$0	\$0
6321-Mtgs Meals	\$30,443	\$6,194	\$0		\$2,500	\$9,848	\$0	\$6,000	\$10,000
6325-Mtgs Hospitality	\$0	\$0	\$0		\$4,077	\$4,511	\$0	\$5,000	\$5,000
6341-Mtgs Equip Rental	\$1,563	\$0	\$0		\$0	\$0	\$0	\$1,000	\$1,000
6401-Speaker Expense	\$5	\$0	\$0		\$0	\$0	\$0	\$0	\$0
7999-Other Operating Exp		\$1,425	\$0		\$0	\$70	\$0	\$300	\$300
Total Other Expense	\$32,011	\$7,619	-\$11	\$1	\$6,577	\$14,429	\$0	\$12,300	\$16,300
8011-Administration CLE	\$5,722	\$10,000	\$0		\$7,150	\$7,200	\$0	\$8,250	\$8,250
8101-Printing In-House	\$5	\$0	\$0		\$137	\$45	\$0	\$200	\$200
8131-A/V Services	\$0	\$0	\$105		\$0	\$425	\$0	\$0	\$0
8141-Journal/News Service	\$425	\$850	\$0		\$0	\$0	\$0	\$500	\$500
8171-Course Approval Fee	\$150	\$300	\$0		\$150	\$0	\$0	\$150	\$150
Total Admin & Internal Expense	\$6,302	\$11,150	\$105	\$0	\$7,437	\$7,671	\$0	\$9,100	\$9,100
Total Expense	\$43,526	\$21,556	\$120	\$5	\$15,841	\$23,598	\$103	\$24,150	\$28,150
Net Income	-\$28,401	\$2,006	-\$420	\$145	\$1,059	\$3,382	-\$103	\$3,350	\$4,350

RPPTL									
2026-2027									
Construction Law Institute									
964-9643-26413-00000									
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Budget	Budget						
3301-Registration-Live	\$93,580	\$122,045	\$114,105	\$122,760	\$129,560	\$160,855	\$230,858	\$150,000	\$220,000
3331-Registration-Ticket	\$1,097	\$2,806			\$3,750	\$6,490	\$13,550	\$4,000	\$5,000
3332-CLI Golf Tournament Tickets									\$33,000
Total Registration Revenue	\$94,677	\$124,851	\$114,105	\$122,760	\$133,310	\$167,345	\$244,408	\$154,000	\$258,000
3341-Exhibit Fees							\$0	\$145,000	\$175,000
add Golf Sponsor Line									\$17,000
3351-Sponsorships	\$208,276	\$207,340	\$167,050	\$216,975	\$244,300	\$267,950	\$301,000	\$105,000	\$100,000
Other Event Revenue	\$208,276	\$207,340	\$167,050	\$216,975	\$244,300	\$267,950	\$301,000	\$250,000	\$292,000
3401-Sales-CD/DVD	\$13,160	\$24,295	\$36,540	\$33,870	\$40,510	\$33,160	\$19,130	\$30,000	\$25,000
Sales, Rents & Royalties Revenue	\$14,060	\$25,135	\$36,840	\$33,870	\$40,510	\$33,160	\$19,130	\$30,000	\$25,000
Total Revenue	\$317,013	\$357,326	\$317,995	\$373,605	\$418,120	\$468,455	\$564,538	\$434,000	\$575,000
5031-AV Services							\$0	\$20,000	\$20,000
5051-Credit Card Fees	\$6,719	\$8,249	\$6,881	\$5,179	\$10,357	\$10,349	\$14,486	\$10,000	\$15,000
5121-Printing-Outside									\$4,500
5181-Speaker Honorarium	\$0	\$2,000			\$0	-	\$0	\$5,000	\$5,000
5199 - Other Contract Services			\$3,425	\$1,269	\$675	-	\$0	\$0	\$6,700
Total Contract Services	\$6,719	\$10,249	\$10,306	\$6,448	\$11,032	\$10,349	\$14,486	\$35,000	\$51,200
5501-Employee Travel	\$1,923	\$2,470	\$2,250	\$534	\$725	\$5,663	\$4,949	\$2,500	\$5,000
5571-Speaker Travel	\$7,199	\$15,849	\$6,903	\$10,581	\$11,671	\$11,349	\$14,328	\$9,000	\$15,000
Total Travel	\$9,122	\$18,319	\$9,153	\$11,115	\$12,396	\$17,012	\$19,277	\$11,500	\$20,000
6001-Post 1st Class/Bulk	\$6	\$11	\$2	\$261	\$867	\$1,045	\$1,079	\$25	\$700
6021-Post Express Mail	\$172	\$178	\$156	\$325	\$67	\$34	\$0	\$200	\$0
6319-Mtgs Other Functions	\$20,017	\$22,082	\$33,571	\$19,541	\$39,559	\$46,699	\$45,535	\$47,000	\$50,000
6321-Mtgs Meals	\$62,278	\$77,501	\$0	\$102,477	\$88,130	\$82,723	\$110,476	\$83,000	\$120,000
6325-Mtgs Hospitality	\$45,508	\$42,840	\$43,870	\$59,272	\$82,920	\$81,406	\$170,105	\$82,000	\$140,000
6341-Mtgs Equip Rental	\$25,833	\$24,032	\$106,907	\$50,747	\$49,240	\$54,258	\$59,624	\$25,000	\$45,000
6399-Mtgs Other	\$163	\$0	\$0		\$0	\$0	\$0	\$0	\$0
6401-Speaker Expense	\$5,141	\$2,214	\$0		\$0	\$0	\$0	\$0	\$0
7999-Other Operating Exp	\$2,484	\$3,277	\$2,093	-\$15,623	\$2,076	\$3,278	\$11,603	\$3,000	\$0
Total Other Expense	\$161,602	\$172,135	\$186,599	\$217,000	\$262,859	\$269,443	\$398,422	\$240,225	\$355,700
8011-Administration CLE	\$25,000	\$15,400	\$25,000	\$25,000	\$14,850	\$15,400	\$15,950	\$16,000	\$18,000
8101-Printing In-House	\$264	\$903	\$0	\$737	\$78	\$719	\$513	\$200	\$500
8131-A/V Services	\$2,738	\$2,780	\$5,315	\$5,672	\$497	\$5,720	\$5,797	\$5,720	\$6,000
8141-Journal/News Service	\$425	\$850	\$0	\$425	\$425	-	\$850	\$1,650	\$1,000
8171-Course Approval Fee	\$150	\$150	\$150	\$150	\$150	\$150	\$55	\$150	\$150
Total Admin & Internal Expense	\$28,577	\$20,083	\$30,465	\$31,984	\$16,000	\$21,989	\$23,165	\$23,720	\$25,650
Total Expense	\$206,020	\$220,786	\$236,523	\$266,548	\$302,287	\$318,793	\$455,350	\$310,445	\$452,550
Net Income	\$110,993	\$136,540	\$81,472	\$107,057	\$115,833	\$149,662	\$109,188	\$123,555	\$122,450

RPPTL									
2026-2027									
Legislative Update									
964-9643-26420-00000-									
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget
3321-Webcast								\$15,000	\$55,000
3331-Registration-Ticket	\$8,509	\$9,078	\$0	\$0	\$0		\$0	\$0	\$0
Total Registration Revenue	\$8,509	\$9,078	\$0		\$0	-	\$0	\$15,000	\$55,000
3341-Exhibit Fees	\$18,250	\$27,175	\$9,336	\$9,400	\$0	\$37,500	\$32,000	\$30,000	\$30,000
3351-Sponsorships	\$0	\$0	\$0		\$20,400	\$6,000	\$12,000	\$6,000	\$6,000
Other Event Revenue	\$18,250	\$27,175	\$9,336	\$9,400	\$20,400	\$43,500	\$44,000	\$36,000	\$36,000
3401-Sales-CD/DVD	\$24,535	\$27,045	\$4,310		\$10,925	\$1,800	\$0	\$15,000	\$0
3411-Sales-Published Materials	\$630	-\$60	\$0		\$0		\$0	\$0	\$0
Sales, Rents & Royalties Revenue	\$25,165	\$26,985	\$4,310		\$10,925	\$1,800	\$0	\$15,000	\$0
Total Revenue	\$51,924	\$63,238	\$13,646	\$9,400	\$31,325	\$45,300	\$44,000	\$66,000	\$91,000
4111-Rent Equipment		\$0	\$0				\$0	\$0	\$0
4301-Photocopying	\$127	\$0	\$0		\$0		\$0	\$100	\$100
4311-Office Supplies	\$71	\$0	\$0		\$0		\$0	\$150	\$150
Total Staff & Office Expense	\$198	\$0	\$0		\$0		\$0	\$250	\$250
5031-A/V Services	\$1,495	\$1,495	\$0		\$79	-	\$0	\$12,000	\$12,000
5051-Credit Card Fees	\$1,043	\$906	-\$66	\$261	\$1,240	\$715	\$613	\$0	\$1,800
5121-Printing-Outside	\$2,846	\$33	\$363	\$290	\$2,663	\$0	\$0	\$500	\$1,500
5199-Other Contract Services	\$0	\$0	\$0		\$0	-	\$0	\$0	\$900
Total Contract Services	\$5,384	\$2,434	\$297	\$551	\$3,982	\$715	\$613	\$12,500	\$16,200
5501-Employee Travel	\$450	\$2,315	\$0	\$1,457	\$1,106	-	\$0	\$1,500	\$1,500
5571-Speaker Travel	\$227	\$6,034	\$0	\$4,626	\$5,165	\$4,697	\$1,482	\$6,500	\$8,000
Total Travel	\$677	\$8,349	\$0	\$6,083	\$6,271	\$4,697	\$1,482	\$8,000	\$9,500
6001-Post 1st Class/Bulk	\$49	\$403	\$10	\$3	\$458	\$69	\$0	\$50	\$50
6021-Post Express Mail	\$283	\$860	\$58	\$10	\$0		\$0	\$500	\$500
6311 - Mtgs General Meeting	\$81	\$64	\$0		\$1,069	-	\$0	\$0	\$0
6321-Mtgs Meals	\$48,321	\$52,525	\$0	\$26,998	\$44,878	\$24,045	\$14,820	\$24,000	\$24,000
6325-Mtgs Hospitality	\$707	\$455	\$0	\$679	\$0	\$588	\$29,920	\$1,500	\$1,500
6341-Mtgs Equip Rental	\$30,162	\$14,193	\$0	\$10,871	\$9,359	\$10,691	\$10,888	\$0	\$2,500
6401-Speaker Expense	\$1,258	\$993	\$50		\$0		\$0	\$0	\$0
6451-Committee Expense		\$977	\$0		\$0		\$0	\$0	\$0
7001-Award		\$0	\$3,245	\$1,601	\$2,028	\$3,402	\$0	\$5,000	\$2,500
7005-Grant/Donations								\$0	\$0
7999-Other Operating Exp	\$84	\$302	\$55	\$280	\$157	\$607	\$683	\$500	\$500
Total Other Expense	\$80,945	\$70,772	\$3,418	\$40,443	\$57,949	\$39,402	\$56,311	\$31,550	\$31,550
8011-Administration CLE	\$3,200	\$1,000	\$1,000	\$1,000	\$1,000	\$700	\$1,000	\$700	\$1,000
8101-Printing In-House	\$0	\$102	\$0		\$200	\$311	\$0	\$200	\$200
8131-A/V Services	\$3,703	\$4,544	\$63		\$175		\$70	\$0	\$0
8141-Journal/News Service	\$0	\$0	\$0		\$0	-	\$0	\$0	\$0
8171-Course Approval Fee	\$0	\$300	\$150		\$300	\$150	\$0	\$150	\$150
Total Admin & Internal Expense	\$6,903	\$5,946	\$1,213	\$1,000	\$1,675	\$1,161	\$1,070	\$1,050	\$1,350
Total Expense	\$94,107	\$87,501	\$4,928	\$48,077	\$69,877	\$45,974	\$59,476	\$53,350	\$58,850
Net Income	-\$42,183	-\$24,263	\$8,718	-\$38,677	-\$38,552	-\$674	-\$15,476	\$12,650	\$32,150

RPPTL 2026-2027 Attorney Trust Officer Liaison Conference 964-9643-26417-00000-	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget
3301-Registration-Live	\$160,924	\$154,870	\$0	\$176,610	\$219,443	\$270,950	\$258,995	\$240,000	\$290,000
3331-Registration-Ticket	\$12,085	\$4,270	\$0		8550	8930	\$17,410	\$10,000	\$20,000
Total Registration Revenue	\$173,009	\$159,140	\$0	\$176,610	\$227,993	\$279,880	\$276,405	\$250,000	\$310,000
3341-Exhibit Fees	\$20,700	\$51,200	\$12,000		73400	81000	\$59,500	\$85,000	\$50,000
3351-Sponsorships	\$81,900	\$66,750	\$14,000	\$107,950	\$89,875	\$103,900	\$137,450	\$100,000	\$145,000
Other Event Revenue	\$102,600	\$117,950	\$26,000	\$107,950	\$163,275	\$184,900	\$196,950	\$185,000	\$195,000
3401-Sales-CD/DVD	\$11,290	\$10,820	\$0	\$22,320	\$16,992	\$9,280	\$14,780	\$5,000	\$5,000
3411-Sales-Published Materials	\$1,740	\$1,680	\$0		0	-	\$0	\$0	\$0
Sales, Rents & Royalties Revenue	\$13,030	\$12,500	\$0	\$22,320	\$16,992	\$9,280	\$14,780	\$5,000	\$5,000
Total Revenue	\$288,639	\$289,590	\$26,000	\$306,880	\$408,260	\$474,060	\$488,135	\$440,000	\$510,000
4111-Rent Equipment	\$0	\$0	\$0		0		\$0	\$0	\$0
Total Staff & Office Expense	\$0	\$0	\$0		0		\$0	\$0	\$0
5031-A/V Services								\$25,000	\$25,000
5051-Credit Card Fees	\$3,340	\$2,821	\$1,556	\$6,648	\$14,683	\$10,485	\$15,416	\$15,000	\$16,000
5121-Printing-Outside	\$1,154	\$1,469	\$0		107	-	\$0	\$2,500	\$4,000
5199-Other Contract Services									\$6,700
Total Contract Services	\$4,494	\$4,290	\$1,556	\$6,648	\$14,790	\$10,485	\$15,416	\$42,500	\$51,700
5501-Employee Travel	\$2,652	\$3,649	\$0	\$2,061	\$1,303	\$3,711	\$3,870	\$3,000	\$5,000
5571-Speaker Travel	\$1,056	\$6,093	\$0	\$6,656	\$5,098	\$7,514	\$3,848	\$7,000	\$7,000
Total Travel	\$3,708	\$9,742	\$0	\$8,717	\$6,401	\$11,226	\$7,718	\$10,000	\$12,000
6001-Post 1st Class/Bulk	\$173	\$2	\$0	\$85	\$267	\$1,167	\$415	\$350	\$350
6021-Post Express Mail	\$166	\$122	\$0	\$297	\$98	-	\$0	\$150	\$150
6319-Mtgs Other Functions	\$7,844	\$6,201	\$0	\$5,899	\$5,198	\$6,489	\$5,299	\$10,000	\$13,000
6321-Mtgs Meals	\$43,044	\$43,464	\$0	\$48,345	\$63,970	\$90,130	\$106,268	\$85,000	\$120,000
6325-Mtgs Hospitality	\$62,353	\$72,994	\$0	\$52,218	\$135,613	\$96,053	\$111,813	\$90,000	\$95,000
6341-Mtgs Equip Rental	\$18,391	\$33,259	\$0	\$19,151	\$19,683	\$19,201	\$24,942	\$0	\$3,000
6399-Mtgs Other	\$750		\$0	\$1,447	\$3,320	\$1,000	\$250	\$0	\$0
6401-Speaker Expense	\$3,799	-\$259	\$0		0	0	\$2,989	\$1,000	\$2,000
7999-Other Operating Exp	\$300	\$1,360	\$0	\$2,869	\$1,374	\$1,470	\$5,401	\$3,200	\$3,200
Total Other Expense	\$136,820	\$157,143	\$0	\$130,310	\$229,523	\$215,510	\$257,377	\$189,700	\$236,700
8011-Administration CLE	\$25,000	\$17,050	\$0	\$25,000	\$14,850	\$15,950	\$15,950	\$16,000	\$16,000
8101-Printing In-House	\$2,563	\$3,165	\$0		6	1338	\$951	\$100	\$100
8131-A/V Services	\$5,503	\$2,968	\$0	\$5,427	\$5,155	\$5,881	\$5,565	\$6,000	\$6,000
8141-Journal/News Service	\$0	\$425	\$0		850	425	\$850	\$2,000	\$2,000
8171-Course Approval Fee	\$150	\$150	\$150	\$150	\$150	\$150	\$55	\$150	\$150
Total Admin & Internal Expense	\$33,216	\$23,758	\$150	\$30,577	\$21,011	\$23,744	\$23,371	\$24,250	\$24,250
Total Expense	\$178,238	\$194,933	\$1,706	\$176,252	\$271,725	\$260,965	\$303,882	\$266,450	\$324,650
Operating Income	\$110,401	\$94,657	\$24,294	\$130,628	\$136,535	\$213,095	\$184,253	\$173,550	\$185,350

RPPTL										
2026-2027										
Convention										
964-9642-26419-00000										
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget	
3301-Registration-Live	\$66,035	-\$125	\$67,702	\$97,357	\$70,300	\$84,611	\$90,615	\$50,000	\$80,000	
Total Registration Revenue	\$66,035	-\$125	\$67,702	\$97,357	\$70,300	\$84,611	\$90,615	\$50,000	\$80,000	
3341-Exhibit Fees	\$20,582	\$4,145	-\$214	\$0	\$26,500	\$21,600	-\$3,000	\$0	\$15,000	
3351-Sponsorships	\$25,000	\$0	\$5,000	\$0	\$34,000	\$32,250	\$42,500	\$30,000	\$30,000	
Other Event Revenue	\$45,582	\$4,145	\$4,786	\$0	\$60,500	\$53,850	\$39,500	\$30,000	\$45,000	
Total Revenue	\$111,617	\$4,020	\$72,488	\$97,357	\$130,800	\$138,461	\$130,115	\$80,000	\$125,000	
4111-Rent Equipment	\$3,874	\$450	\$0	\$0	\$0		\$0	\$0	\$0	
4311-Office Supplies	\$19	\$0	\$0	\$0	\$0		\$413	\$0	\$0	
Total Staff & Office Expense	\$3,893	\$450	\$0	\$0	\$0		\$413	\$0	\$0	
5031-AV Services							\$29,980	\$20,000	\$25,000	
5051-Credit Card Fees	\$1,375	\$294	-\$178	-\$2	\$2,341	\$1,126	\$2,052	\$3,000	\$3,000	
5121-Printing-Outside									\$1,500	
5199-Other Contract Services									\$6,200	
Total Contract Services	\$1,375	\$294	-\$178	-\$2	\$2,341	\$1,126	\$32,032	\$23,000	\$28,000	
5501-Employee Travel	\$3,994	\$0	\$3,526	\$5,774	\$5,000	\$1,769	\$6,075	\$5,000	\$7,000	
Total Travel	\$3,994	\$0	\$3,526	\$5,774	\$5,000	\$1,769	\$6,075	\$5,000	\$7,000	
6001-Post 1st Class/Bulk	\$9	\$0	\$0	\$246	\$0	\$2,913	\$0	\$500	\$500	
6021- Post Express Mail	\$4	\$0	\$0	\$0		\$0	\$0	\$0	\$0	
6311-Mtgs General Meeting							\$184			
6321-Mtgs Meals	\$121,486	\$550	\$194,234	\$362,967	\$114,123	\$205,369	\$337,356	\$250,000	\$260,000	
6325-Mtgs Hospitality						\$361	\$0		\$15,000	
6341-Mtgs Equip Rental	\$8,530	\$0	\$34,744	\$33,765	\$235	\$4,529	\$21,156	\$0	\$0	
6361-Mtgs Entertainment	\$8,256	\$0	\$15,656	\$50,646	\$35,800	\$17,925	\$29,260	\$40,000	\$50,000	
7001 - Award	\$10	\$0	\$0	\$0			\$0	\$0	\$0	
Total Other Expense	\$138,285	\$550	\$244,634	\$452,526	\$150,158	\$231,097	\$387,956	\$290,500	\$325,500	
8101-Printing In-House		\$0	\$0	\$0	\$0	\$2	\$0	\$400	\$400	
Total Admin & Internal Expense		\$0	\$0	\$0	\$400	\$2	\$0	\$400	\$400	
Total Expense	\$147,547	\$1,294	\$247,982	\$458,297	\$157,899	\$233,993	\$426,476	\$318,900	\$360,900	
Net Income	-\$35,930	\$2,726	-\$175,494	-\$360,941	-\$27,099	-\$95,532	-\$296,361	-\$238,900	-\$235,900	

RPPTL			
2026-2027			
Out of State			
964-9640-26405-00000-			
	2025-26	2025-26	2026-27
	Budget	Actual (so far)	Budget
3301-Registration-Live	516,650.00	559,984.50	220,000.00
3331-Registration-Ticket	20,000.00		0.00
Total Registration Revenue	536,650.00	559,984.50	220,000.00
3351-Sponsorships	10,000.00		5,000.00
Other Event Revenue	10,000.00	0.00	5,000.00
Total Revenue	546,650.00		225,000.00
4131-Telephone Expense	0		0
4301-Photocopying	0		0
4311-Office Supplies	0		0
Total Staff & Office Expense	0	0	0
5031-AV Services (Zoom Expenses)	0		0
5051-Credit Card Fees	16,100.00		6,510.00
5199-Other Contract Services	5,000.00		7,900.00
Total Contract Services	21,100.00	0.00	14,410.00
5501-Employee Travel	20,000.00		10,000.00
5531-Board/Off/Memb Travel	4,000.00		6,000.00
5599-Other Travel	0		0
Total Travel	24,000.00	0.00	16,000.00
6001-Post 1st Class/Bulk	0		0
6311-Mtgs General Meeting	502,000.00		88,081.00
6321- Mtgs Meals	54,000.00		140,000.00
6325-Mtgs Hospitality	0		0
6361-Mtgs Entertainment	5,000.00		5,000.00
Total Other Expense	561,000.00	0.00	233,081.00
Total Expense	606,100.00	0.00	263,491.00
Net Income	-59,450.00	0.00	-38,491.00

REPORT OF THE EXCESS FUNDS SUBCOMMITTEE

September 5, 2025, revised October 2025

Committee Members:

Angela Adams, RPPTL Treasurer
Dresden Brunner, RPPTL Immediate Past Treasurer
Tae Bronner
Jeremy Cranford
Rob Freedman
Steve Hearn
Kristen Jaiven
Stacy Kalmanson

Subcommittee's Charge: Examine the Section's "reserves" and determine whether there are excess or extra funds that might be used to benefit Section members; consider a method for identifying "Excess Funds;" and make recommendations for the use of any Excess Funds that are determined to exist.

Background Information:

Currently, there is no line item or designation in the Section's financial reports identified as "Reserves." The Florida Bar (TFB) identifies the Section's Fund Balance, to which Section revenues and expenses are added and subtracted throughout the fiscal year.

In addition, TFB invests all its funds and the Section receives a pro-rata share of the investment income (or loss). This is a revenue or expense over which the Section has no control, so the Section does not include it as part of its budgeting process; however, it is included in the Section's Fund Balance. There is a separate line at near the end of the monthly financial reports reflecting the Section's share each month.

Significant to this issue are Contractual Liabilities for which the Section is responsible. The Section is not a legal entity, so TFB reviews and enters into all contracts for the Section's benefit, which are to be paid from the Section's funds. Each fiscal year, the Section has numerous contractual liabilities, such as contracts for the production and printing of ActionLine and the Directory, for legislative consultants, for hotels, for meeting events, for our registration system (Cvent), etc. Of these, the hotel contracts are the most significant because they all include liquidated damages clauses. **TFB will not enter into contracts for a Section unless the Section has sufficient funds to pay those obligations.** Therefore, in order to contract for items beyond the current fiscal year, the Section must have a sufficient Fund Balance to cover those future liabilities.

The Section's Fund Balance as of 6-30-25 (fiscal year end) was \$4,266,559.00.

The Section's Contractual Liabilities are in a range of \$3.3M - \$3.7M as of 9-3-25, pursuant to a spreadsheet maintained by TFB. The \$3.7M is the Maximum Financial Liability of the Section under all of its outstanding contracts. While this may not be a real time number because liquidated damages under the Section's hotel contracts increases as the event draws closer, it is the number TFB looks at when considering contracts on our behalf.

Subcommittee Recommendations:

1. Create a budget expense line item for "Special Projects."

Rather than create a formula or definition for "Excess Funds," the subcommittee recommends that the determination be flexible and that each year in the budgeting process that the Section's finances and Contractual Liabilities be reviewed to determine an amount, if any, that could be spent for Special Projects while still leaving a sufficient Fund Balance to allow the Section's contract requests to be approved by TFB.

2. Requirements for Special Projects.

A Special Project must be a single, discreet, substantial project. These funds are not to be used to supplement any committees or other expenses already included in the Section's budget, nor are they to fund a continuing project unless a new request is submitted and approved the following year.

A Special Project must benefit Section Members, fall within the Section's purview, promote RPPTL practice areas, or be consistent with the Section's Strategic Plan.

Any individual member of the Executive Council may propose a Special Project. Proposals shall be submitted in writing to and reviewed by a new Ad Hoc Special Projects Committee. The Ad Hoc Committee will consider each proposal in the order they are received, and if the Ad Hoc Committee determines that the proposed project falls within the guidelines for a Special Project, that Executive Council member may submit a written proposal to the Executive Council for consideration and vote.¹

Any Special Project must be approved by the Executive Council, and may not be approved solely by the Executive Committee.

3. The availability of funds for Special Projects will not be advertised outside of the Executive Council.
4. The Subcommittee recommends that \$500,000.00 be allocated to Special Projects in the budget for 2026-2027.

¹ The Special Project proposal does not have to be an "Information Item" prior to the Executive Council taking action.

5. The Subcommittee recommends to the Executive Committee that going forward, at beginning of each fiscal year, the Chair and Chair-Elect's hotel contracts should be complete or almost complete. The Incoming Chair-Elect may contract as current Chair's contracts are completed with the possible exception for convention or a particularly special venue. This will keep the number of outstanding hotel contracts somewhat consistent.

6. Although the Subcommittee concluded that recommendations for Special Projects should come from individual EC members, and therefore, declined to make any specific recommendations, the Subcommittee concluded that projects such as a redo of the Section's website, scholarships to pay for the cost of a law student taking a trust/estates-related course or real property-related course that is not required by the law school, and certain charitable donations could qualify.

A final note: Allocating funds to a Special Projects line in the Section's budget will not decrease the Section's Fund Balance unless those funds are expended.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

(850) 561-5600
www.FLORIDABAR.org

REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
 - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
 - If comments have been received from another interested group, the comments must be included.
 - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
 - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
 - The proposal will then need to be presented at the Division Round Table.
 - Then, published as an Information Item to the Executive Council.
 - Then, published as an Action Item to the Executive Council.

LEGISLATIVE POSITION REQUEST FORM

GOVERNMENTAL AFFAIRS OFFICE

Date Form Received _____

GENERAL INFORMATION

Submitted by: *(name of Section Committee)* _____ Legislation Committee
of the Real Property, Probate and Trust Law Section

Contact: *(Name of Committee Chair(s), address and phone number)* _____
Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800,
Ft. Lauderdale, FL 33301 Telephone 954-985-4147

S. Dresden Brunner, Legislation Committee Co-Chair, 8625 Tamiami Trail North,
Suite 202, Naples, FL 34108 Telephone 239-316-1400

(Name of Sub-committee Chair, if any, address and phone number, if any) _____

PROPOSED ADVOCACY

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

1. Proposed Wording of Legislative Position for Official Publication

- a. Oppose any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated, (i) to enter into an agreement that impairs his or her rights or (ii) to execute documents transferring or waiving rights, including, but not limited to, conveyances, encumbrances, contracts, wills, trusts, powers of attorney, advance directives, declarations of preneed guardian unless such legislation does not infringe on a person's right to contract based solely upon age, or create burdensome conditions for elderly or

disabled persons to enter into an otherwise valid contract, or violate the Excessive Fines Clause, Equal Protection and Due Process Clauses of the U.S. and Florida Constitutions.

- b. Oppose any legislation which includes defined terms that conflict with the definitions contained in Chapters 393, 415, 709, 744 and 825, Florida Statutes.

2. Political Proposal

3. Reasons For Proposed Advocacy

- a. Per SBP 9.50(a), does the proposal meet all three of the following requirements? (select one) Yes No
- It is within the group's subject matter jurisdiction as described in the Section's Bylaws;
 - It is beyond the scope of the Section/Bar's permissible legislative or political activity, **or** within the Section/Bar's permissible scope of legislative or political activity **and** consistent with an official Section/Bar position on that issue; **and**
 - It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar's membership.
- b. Additional Information: _____

REFERRALS TO OTHER COMMITTEES, DIVISIONS & SECTIONS/VOLUNTARY FLORIDA BAR GROUPS

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List** all Bar committees, divisions, sections and voluntary bar **groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose.

November 12, 2025: Elder Law Section and Business Law Section of The Florida Bar,
and the Florida Land Title Association

CONTACTS

Legislation Committee Appearance *(list name, address and phone #)*

Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800, Ft.
Lauderdale, FL 33301 Telephone 954-985-4147

S. Dresden Brunner, Legislation Committee Co-Chair, 8625 Tamiami Trail North, Suite
202, Naples, FL 34108 Telephone 239-316-1400

Appearances before Legislators *(list name and phone # of those having direct contact
before House/Senate committees)*

Peter M. Dunbar, Martha J. Edenfield and H. French Brown, IV

c/o Jones Walker LLP, 106 E. College Avenue, Suite 1200, Tallahassee, FL 32301

Meetings with Legislators/staff *(list name and phone # of those having direct contact
with legislators)*

Real Property, Probate and Trust Law Section of The Florida Bar
SB 120 (2026): Elderly and Disabled Adult Contract Protection Act
White Paper

I. SUMMARY

The Florida Legislature is currently considering several bills intended to combat fraud involving elderly and disabled adults as it relates to the execution of deeds and contracts, including SB 120 (2026). The Real Property, Probate and Trust Law Section of The Florida Bar (“RPPTL”) believes that preventing exploitation of elderly and disabled persons is a very important goal. Florida has a large elderly population with estimates indicating 23% to 28% of its population are over the age of 60.

RPPTL’s concern is that such legislation—intending to combat fraud involving elderly and disabled adults as it relates to the execution of deeds and contracts—arbitrarily heightens the requirements necessary for elderly and disabled adults to enter into a contract. The requirements to execute a contract included in the proposal would apply to any elderly person, which is defined in the proposal as a person over the age of 60, or any disabled adult, thereby inhibiting the ability of such persons to freely contract and sell real property.

Such legislation requires any elderly person or disabled person who wants to enter into a contract or convey real property to meet the following requirements: a) the contract must be in the elderly or disabled adult’s “primary language”, b) the “contracting party” must conduct a “comprehensive review” of the contract, and c) the contracting party must record a video of the elderly or disabled person conducting the required comprehensive review and the execution of the contract.

There are concerns that such legislation infringes on an elderly person's right to contract, creates burdensome conditions for elderly or disabled persons to enter into an otherwise valid contract, discriminates against the elderly person based on age, inadvertently violates the Excessive Fines Clause of the U.S. and Florida Constitution, and may unintentionally invite the unlicensed practice of law.

RPPTL opposes any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated, (i) to enter into an agreement that affects his or her rights or (ii) to execute documents transferring or waiving rights, including, but not limited to, contracts, wills, trusts, powers of attorney, advance directives, declarations of preneed guardian unless such legislation does not infringe on a person's right to contract based solely upon age, or create burdensome conditions for elderly or disabled persons to enter into an otherwise valid contract, or violate the Excessive Fines Clause of the U.S. and Florida Constitution.

II. CURRENT SITUATION

Current Florida law does not impose age-based restrictions on contracting for competent adults. The existing framework recognizes that age alone does not make one vulnerable to duress or undue influence, and provides appropriate legal remedies for situations involving actual incapacity or exploitation.

Florida has existing statutory frameworks to protect elderly and disabled adults from exploitation, including Chapters 393, 415, 744, and 825 of the Florida Statutes. Chapter 825 defines "elderly person" as "a person 60 years age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or

emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired." Chapter 825 also defines "disabled adult" as "any person 18 years of age or older who suffers from a condition of physical or mental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living." Chapter 415 defines "vulnerable adult" as "a person 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging."

Unlike the proposed statute, the definition of "elderly person" under Fla. Stat. 825.101(4) recognizes that age alone does not make one vulnerable to duress or undue influence. Under that statute, an "elderly person" is not only a person age of 60 or over, but also one "who is suffering from infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunction, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired". Furthermore, Florida has civil and criminal statutes protecting and punishing against exploitation of a vulnerable adult (F.S. §825.1035), of a person 65 years of age or older (F.S. § 817.5695), and providing civil actions and criminal penalties (F.S. §§ 415.111 and 415.1111).

The creation and execution of documents which can assist an elderly Floridian enter into contracts are already addressed in Florida Statutes: Durable Powers of Attorney in Chapter 709; Trust Agreements, Chapter 736, and Designations of Health Care Surrogates, Chapter 765 Florida Statutes. Under the Guardianship Code, the Court must consider and find whether there is an alternative to guardianship that will sufficiently address the problems of the incapacitated person.

See F.S. 744.331. As used in this subsection, the term “alternatives to guardianship” means an advance directive as defined in 765.101, a durable power of attorney as provided in chapter 709, a representative payee under 42 U.S.C. s. 1007, or a trust instrument as defined in s. 736.0103. F.S. See 744.334.

Florida law already provides protections for incapacitated persons through the Guardianship Code in Chapter 744, which requires courts to consider alternatives to guardianship including advance directives (Chapter 765), durable powers of attorney (Chapter 709), and trust instruments (Chapter 736). The Guardianship Code provides due process protections for determining incapacity and removing a person's right to contract.

Florida law is replete with protections for surviving family members who may have been dependent on the testator or testatrix. “For example, the Florida Constitution expressly provides protection in the form of homestead exemptions for real and personal property, art. X, § 4, Fla. Const.; see also §§ 732.401-.4015, Fla.Stat. (1985), and a coverture restriction, art. X, § 5, Fla. Const.; see also § 732.111, Fla.Stat. (1985). The Probate Code provides for an elective share, §§ 732.201-.215, Fla.Stat. (1985), personal property exemptions, § 732.402, Fla.Stat. (1985), and a family allowance, § 732.403, Fla.Stat. (1985). The Probate Code also protects against fraud, duress, mistake, and undue influence. § 732.5165, Fla.Stat. (1985).’ *Shriner’s Hospitals for Crippled Children v. Zrillic*, 563 So.2d 64, 70 (Fla. 1990).

III. CONCERNS WITH THE PROPOSED ACT

A. Inconsistencies with language in existing statutes enacted to protect the elderly or disabled adults.

Such proposed legislation has sweeping and unintended negative consequences as the proposed bill conflicts with and/or adversely impacts existing statutes enacted to protect elderly and disabled adults as set forth in Chapters 393, 415, 744, and 825, Florida Statutes. Portions of the language in such proposed legislation either conflicts with language in other existing statutes or will create confusion.

The following are examples of existing statutes that SB 120 would be either in conflict with or will likely create confusion for practitioners and the general public, particularly given the fact that there are already inconsistent definitions under the current law.

1. SB 120 defines an “elderly” person as: “a person 60 years of age or older.” Chapter 825, Florida Statutes defines the term “**elderly person**” in **Section 825.101(4)** as “a person 60 years age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person’s own care or protection is impaired.”
2. SB 120 defines a “disabled adult” as “any person between 18 and 60 years of age who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living or impede his or her capacity to live independently. Chapter 825, Florida Statutes, defines “**Disabled adult**” in **Section 825.101(3)** as: “any person 18 years of age or older who suffers from a condition of physical or mental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living.” Furthermore, Chapter 415, Florida Statutes defines the term “**vulnerable adult**” in **Section**

415.102 (28) as: “a person 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.”

Additionally, the proposed definition is over-inclusive and goes beyond the existing definition of “elderly person” already found in Chapter 825 of the Florida Statutes, which sets statutory causes of action to protect against the abuse, neglect and exploitation of Florida’s most vulnerable populations.

SB 120’s definition of the term “elderly” person is overly broad and includes any person aged 60 years of age or older, without any further qualification, capturing a large number Floridians (and a percentage of current Florida legislators). [Florida State Legislature Snapshot - Center for Youth Political Participation](https://cypp.rutgers.edu/florida-state-legislature-snapshot) (<https://cypp.rutgers.edu/florida-state-legislature-snapshot>).

Many of those who would be considered “elderly” based solely upon age are, however, quite capable of making well-reasoned decisions, regardless of their older age. In fact, data from the US Census Bureau reveals that an estimated 40% of Florida’s supposed “elderly” are gainfully employed, either part-time or full-time. Nevertheless, such proposed legislation based solely upon age will require employers to videotape the execution of employment agreements by their “elderly” workforce.

3. SB 120 states that a “comprehensive review” is required for any “Contract” executed by an elderly or disabled adult that involves the “transfer or waiver of rights.” This requirement would apply to the execution of a Durable Powers of

Attorney and likely Designations of Health Care Surrogates as well as other documents which may provide alternatives to guardianship.

Additionally, many elderly adults choose to obtain and use forms for the creation of advanced directives, such as a durable power of attorney and health care surrogate. SB 120 will make these forms more difficult to execute due to the comprehensive review and video recording requirements.

B. Unreasonable Infringement upon Elderly and Disabled Adult’s Right to Contract and Overburdensome on their Contracting Parties

Such proposed legislation could have a chilling effect on the ability of an elderly or disabled adult to enter into a contract due to the unreasonable burden placed upon both parties to the contract. Such proposed legislation requires onerous conditions in order for elderly and disabled adults to enter into valid contracts.

These conditions first require determination of a “Contract”. The definition of a “**Contract**” in SB 120 is too broad – as “any agreement that affects an individual’s legal rights or property.” Does the definition include: Pay-on-Death designations; Joint bank accounts; Last Will and Testament; a Trust Agreement; a credit card purchase? There are cases and statutes on point that govern these areas and any proposal should not adversely impact or override the provisions in the current statutes. By way of example, as money is property, the proposed statute would affect every agreement, oral or written. A precise reading of the proposed statute would likely apply it to ordering ‘property’ online, buying a snack at a restaurant, signing up for utility service, opening a checking account, buying a car or a home, or entering into a lease or mortgage.

These conditions next require the “contracting party” (i.e., oftentimes a party with little to no prior knowledge of the person) to determine whether the other party may fit into **the broad statutory definitions of an elderly person or a disabled adult**. As defined by such proposed legislation, these contracting parties need to determine whether the other contracting party is a disabled adult, or whether the contracting party is over 60 years old, and also suggests a cognitively determination. Should any of these broad definitions be met, the contracting party must next determine the primary language of the other party and present a contract in such language.

Requiring contracts to be presented in a client’s “**primary language**” is an unreasonable burden, as it introduces significant practical and financial challenges. First, determining a client’s true primary language is inherently uncertain—many individuals are multilingual, and language preference can vary by context. Without a standardized method for verification, businesses risk disputes over whether the correct language was used. Second, translating legal documents into multiple languages is costly, especially when accuracy and legal nuance are critical. Third, hiring multilingual staff or consultants to support this requirement further increases costs, particularly for small businesses that may not have the resources to accommodate a wide range of languages. While oral translation might seem like a flexible alternative, it carries risks of miscommunication or undue influence which could potentially undermine the enforceability of the contract. Collectively, these issues create uncertainty, increase liability, and impose substantial financial and undue administrative burdens on contracting parties.

If a person, of any age, should be protected from entering into a contract, then that person needs a guardianship or a power of attorney. This well-intentioned proposal should not act as a substitute. Consider, for example, a person that has been declared incapacitated, in whole or in part, under Chapter 744. If the person’s right to manage property and contract has been removed, then the

guardian needs to seek court approval to sign a deed or contract on behalf of the ward. In addition to this current safeguard, would such proposed legislation apply to the guardian acting under a court order and require application of this proposed statute?

If the contract involves the transfer or waiver of rights, there is a yet a further requirement that the **comprehensive review** must be **video recorded** and a detailed explanation of all terms and implications of the contract must be communicated to the elderly or disabled adult. The video must memorialize the elderly person's or disabled adult's understanding of an agreement to the contract and be **retained for at least 5 years** after the signing of the contract. Such a requirement is fiscally overwhelming on all contracting parties and could chill a business' desire to deal with an elderly or disabled adult.. Further, the proposed bill raises concerns if people (i) do not consent to the mandatory video recording or are coerced into consent (Consent of all parties is required under Florida law to record any oral or electronic communication in a private setting. See F.S. 934.03(2)(d)) or (ii) have to share private medical information with the contracting party.

Furthermore, property rights are protected by article I, section 2 of the Florida Constitution:

SECTION 2. Basic rights.--All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion or physical handicap.

“These property rights are woven into the fabric of Florida history. See Declaration of Rights, §§ 1, 18, Fla. Const. (1885) (as amended prior to the 1968 revision); Declaration of Rights, §§ 1, 17, Fla. Const. (1868); art. I, § 1, Fla. Const. (1865); art. I, § 1, Fla. Const. (1861); art. I, § 1, Fla. Const. (1838).

This common sense reading of the language in article I, section 2, leads to the conclusion that the right to devise property is a property right protected by the Florida Constitution. . . . Furthermore, by narrowly limiting the class of persons whose rights may be restricted by the legislature, i.e., aliens ineligible for citizenship, it is clear that the framers intended all other people, including testators, be free from unreasonable legislative restraint.

Of course, even constitutionally protected property rights are not absolute, and "are held subject to the fair exercise of the power inherent in the State to promote the general welfare of the people through regulations that are reasonably necessary to secure the health, safety, good order, [and] general welfare." *Golden v. McCarty*, 337 So.2d 388, 390 (Fla.1976); see also *Palm Beach Mobile Homes, Inc. v. Strong*, 300 So.2d 881, 884 (1974) (the degree of a constitutionally protected property right "must be determined in the light of social and economic conditions which prevail at a given time"); cf. *Department of Agric. & Consumer Servs. v. Mid-Florida Growers, Inc.*, 521 So.2d 101, 103 (Fla.) (a property regulation may be reasonable but still may require the state to compensate a landowner), cert. denied, 488 U.S. 870, 109 S.Ct. 180, 102 L.Ed.2d 149 (1988).

The question becomes whether the proposed legislation is reasonably necessary to limit the property rights guaranteed by article I, section 2 of the Florida Constitution." *Shriner's Hospitals for Crippled Children v. Zrillic*, 563 So.2d 64, 66 (Fla. 1990).

C. **Overly Broad Definitions and Directions Ripe for Litigation:**

SB 120 provides a definition of **Cognitive Impairment** as "a deficiency in cognitive functioning, including a person's short-term or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; judgment as it relates to safety awareness; or reading comprehension." While SB 120 defines cognitive impairment, it does not incorporate the term into

the definition of “elderly” person nor is it utilized anywhere else in SB 120. Additionally, assuming that “cognitive impairment” was intended to be a qualifying factor in the proposed statute, the proposal does not, however, provide any framework by which a contracting party would evaluate the other person’s level of cognition. That is, SB 120 does not set forth any guidance as to what evidence would sufficiently prove one’s cognitive impairment. Even if it had, it would be impractical if not impossible for any contracting party to reasonably determine whether an “elderly” person suffers from “cognitive impairment” without infringing upon the latter’s medical privacy rights. The definition of “cognitive impairment” is also very broad and could include a large number of people. The term “**transfer or waiver of rights**” is also vague and overly broad. SB 120 provides a list of certain contracts that are deemed to involve the transfer or waiver of rights. However, the list set forth in the proposed statute is minimal and the language in the statute is expansive setting up ambiguities for the contracting parties as to what contracts require a comprehensive review and which contracts do not.

Should a comprehensive review be required, the definition in the proposed statute is vague and provides little guidance to the contracting parties as to the legal requirements. SB 120 states that a “**comprehensive review**” must include a detailed explanation of all terms and implications of the subject contract. Would this require a full reading of the entire contract to the elderly or disabled adult? Would that satisfy the requirements of the proposed statute or would each term need to be explained? If so, how much detail would be necessary relating to each term in order to satisfy the statutory requirement? In addition to a possible unauthorized practice of law issue, the proposal creates practical issues as to who could provide this detailed explanation of terms and the potential costs to the contracting parties in order to comply with the rigid guidelines set forth in SB 120. Even if all terms are explained in detail to the elderly or disabled adult, there is a further

requirement that all implications of the contract must be explained. Again, this language is overly broad and vague. This requirement goes even further than just defining terms and would likely require some legal knowledge to address the wide range of ramifications the contract may have. Would this require a licensed attorney to explain all possible implications of the contract? Any contract requiring a comprehensive review may take hours to execute and require significant resources of the contracting parties if SB 120 is broadly interpreted.

The proposed statute's requirement video requirement is to “**ensure that such person is not under duress or undue influence during the contracting process.**” This language is also problematic. First, the term “ensure” implies a duty to the contracting party to guarantee that the elderly or disabled individual is entering into the contract freely and voluntarily. However, the statute provides no criteria, procedures, or evidentiary standards for how this assurance is to be achieved or documented. Without such guidance, the contracting party is left to guess at what constitutes sufficient assurance, which could vary widely depending on the circumstances and the subjective judgment of the parties involved. This ambiguity could expose the contracting party to legal liability if a contract is later challenged on the grounds of duress or undue influence. If a court finds that the contracting party failed to “ensure” voluntariness, even if they acted in good faith, they could be found in violation of the statute and subject to the penalties in 430.055(4)(a). This risk could deter parties from entering into contracts with elderly or disabled individuals, thereby limiting access to services or opportunities for those populations.

Furthermore, the statute is unclear as to what legal effect this assurance has on the contract in question following its execution. For example, assume that in the process of preparing a last will and testament for an “elderly” person, sufficient *Carpenter* factors are present to establish a presumption of undue influence and a shifting of the burden of proof. (See *In Re Estate of*

Carpenter, 253 So.2d 697 (1971).) The lawyer then records a video of themselves explaining the will to the elderly person, which the elderly person then executes in accordance with Florida’s will execution formalities. Following the elderly person’s death, a claim for undue influence is filed. Do the *Carpenter* factors still establish a presumption of undue influence sufficient to shift the burden of proof? Or does the video recording rebut that presumption, placing the burden of proof back on the claimant?

D. Potential Violation of the U.S. and Florida Constitutions

1. Excessive Fines Clause

SB 120 sets forth requirements that, should the contracting entity make an incorrect determination, it is subject to fines and possible civil remedies including rescission of the contract. Rather than take the risk of contracting with the elderly or obviously disabled adults, entities such as banks, realtors, brokers, and others may simply choose not to contract with risky clients. SB 120, intended to protect adults aged 60 and older, would instead discriminate against them by making it difficult, if not impossible, to enter into contracts. This proposal has the effect of treating all persons over the age of 60 as though they are incapacitated, without any of the due process protections inherent in an incapacity proceeding. The possible chilling effect could be disastrous to the very people this proposed bill seeks to protect.

Should any of the conditions in SB 120 not be met, there is an initial fine of \$10,000 and subsequent fines of \$25,000. SB 120 also includes the possibility of additional civil remedies as possible rescission of the contract. SB 120 puts the burden of these detailed requirements on the contracting party in order to “ensure” contracts with elderly and disabled adults legally enforceable.

Proposed Florida Statute Section 430.055 (4)(a) imposes a steep fine for non-compliance with SB 120's proposed requirements. A fine of up to \$10,000 is imposed for the first offense, and a \$25,000 fine is imposed for any subsequent offenses for failure to comply with the three requirements of the statute (language, verification of understanding, and video recording). By the proposed bill's express language, the imposition of a fine is intended to punish non-compliance. SB 120 separately sets forth civil remedies for individuals harmed by violations of the statute. Thus, it appears that the monetary fine in proposed Florida Statute Section 430.055 (4)(a) is purely punitive and not remedial.

Under decisional law concerning the Excessive Fines Clause of the U.S. and Florida Constitutions, the fines imposed by SB 120 appears to be excessive and grossly disproportionate to the gravity of the offense being punished. "A civil penalty implicates the Excessive Fines Clause if it constitutes a 'punishment for some offense.'" *State v. Jones*, 180 So. 3d 1085, 1088 (Fla. 4th DCA 2015) (citing *Austin v. United States*, 509 U.S. 602, 609-10, 113 S. Ct. 2801, 125 L. Ed. 2d 488 (1993)). "Fines may be excessive within the prohibitions of the constitution when they are so great or numerous as to shock the conscience of reasonable men, or are patently and unreasonably harsh or oppressive as penalties for the wrongs sought to be redressed, or so great or numerous as to intimidate persons in asserting their rights to test the validity of laws or regulations which they may be required to observe, and thereby to deny due process and equal protection of the laws." *Amos v. Gunn*, 84 Fla. 285, 363-64, 94 So. 615 (1922).

A fine only violates "the Excessive Fines Clause if it is grossly disproportional to the gravity of a defendant's offense." *Bajakajian*, 524 U.S. at 334. *Martinez v. City of Lantana*, 410 So. 3d 15, 18 (Fla. 4th DCA 2025) (quoting *Riopelle v. Dep't of Fin. Servs.*, 907 So. 2d 1220, 1223 (Fla. 1st DCA 2005)). "To determine whether a fine is grossly disproportional, a court considers:

'(1) whether the defendant falls into the class of persons at whom the criminal statute was principally directed; (2) other penalties authorized by the legislature . . . ; and (3) the harm caused by the defendant.'" *Martinez v. City of Lantana*, 410 So. 3d 15, 18 (Fla. 4th DCA 2025) (quoting *State v. Jones*, 180 So. 3d 1085, 1089 (Fla. 4th DCA 2015)); *see also Ficken v. City of Dunedin*, No. 21-11773, 2022 U.S. App. LEXIS 19445, 2022 WL 2734429, at *3 (11th Cir. July 14, 2022) (applying the grossly disproportional test in the context of code enforcement).

2. **Equal Protection and Due Process Rights.** Such proposed legislation raises concerns over Florida's equal protection and due process rights. Such proposed legislation treats all people in that age group as though they were incapacitated, without any due process protections inherent in a proceeding to determine capacity. It raises concerns over Florida's equal protection and due process rights when a person is subjected to unequal and burdensome laws based solely upon age. Further, the fines proposed appear to be excessive and grossly disproportionate to the gravity of the offense being punished.

The equal protection guarantees of Article I, Section 2 of the Florida Constitution, and the Fourteenth Amendment of the United States Constitution are instructive. "It is well settled under federal and Florida law that all similarly situated persons are equal before the law. *McLaughlin v. Florida*, 379 U.S. 184, 85 S.Ct. 283, 13 L.Ed.2d 222 (1964); *Haber v. State*, 396 So.2d 707 (Fla.1981); *Soverino v. State*, 356 So.2d 269 (Fla.1978). Moreover, without exception, all statutory classifications that treat one person or group differently than others must appear to be based at a minimum on a rational distinction having a just and reasonable relation to a legitimate state objective. *In re Greenberg's Estate*, 390 So.2d 40 (Fla.1980), appeal dismissed sub nom. *Pincus v. Estate of Greenberg*, 450 U.S. 961, 101 S.Ct. 1475, 67 L.Ed.2d 610 (1981); *Graham v. Ramani*, 383 So.2d 634 (Fla.1980); *Department of Health & Rehabilitative Services v. Heffler*, 382 So.2d

301 (Fla.1980). *Palm Harbor Special Fire Control Dist. v. Kelly*, 516 So.2d 249, 251 (Fla.1987). Equal protection analysis requires that classifications be neither too narrow nor too broad to achieve the desired end. Such underinclusive or overinclusive classifications fail to meet even the minimal standards of the rational basis test quoted above.” *Zrillic* at 69.

E. Inadvertent Invitation for the Unlicensed Practice of Law

SB 120, as currently proposed, presents concerns over the unlicensed practice of law in Florida. SB 120 requires that the “contracting party” conduct a comprehensive review and “detailed explanation of all terms and implications of the contract” before the elderly or disabled person signs. However, the bill does not define “contracting party” or limit this duty to licensed attorneys. Accordingly, in most transactions, including real estate, financial, or consumer contracts, the other party would likely be a non-lawyer individual or entity. This poses a concern about non-lawyers explaining the rights and obligations under a contract to the elderly. (*See The Florida Bar v. McPhee*, 195 So. 2d 552, 554 (Fla. 1967) (enjoining, as the unlicensed practice of law, title closing agents from providing opinions or advice related to the closing documents).)

In Florida, the practice of law includes the giving of legal advice and counsel to others as to their rights and obligations under the law and the preparation of legal instruments, including contracts, by which legal rights are either obtained, secured or given away, although such matters may not then or ever be the subject of proceedings in a court. The Florida Supreme Court, in analyzing the unlicensed practice of law, has already determined that the review of a document, like a living trust, with any client “should be performed by a lawyer.” *The Florida Bar re Advisory Opinion-Nonlawyer Preparation of Living Trusts*, 613 So. 2d 426, 427 (Fla. 1992).

If a non-lawyer attempts to explain what a document provision means or how it will operate, they are performing a function that requires legal expertise. For example, a nonlawyer might use an improper term or omit an important term. This poses a significant risk because it shifts the interpretation and application of legal concepts to the client's specific situation, demanding skill and knowledge, thereby affecting the client's important legal rights and property disposition. The comprehensive review of the contract by the other "contracting party" may well be the unlicensed practice of law under SB 120. (*See The Florida Bar v. McPhee*, 195 So. 2d 552, 554 (Fla. 1967) (enjoining, as the unlicensed practice of law, title closing agents from providing opinions or advice related to the closing documents)).

Current Florida law requires a duty to review a contract. This would alter Florida law and shift the burden on the contracting party to explain each provision of the contract. An independent lawyer, who owes a duty of loyalty to the client, should be the person reviewing the legal rights and obligations of a contract, not a non-lawyer who has an interest in the document being executed. In addition, SB 120, as written, presents conflict of interest concerns because the duties and obligations to explain the contractual terms are placed on the party "adverse" to the elderly adult who have an interest in the agreement being executed.

IV. RPPTL'S EFFORTS TO ADDRESS THESE CONCERNS AND OBJECTIONS

RPPTL believes that preventing exploitation of elderly and disabled persons is a very important goal. RPPTL has reached out to the bill sponsor(s) and its proponents to share technical advice and to communicate the aforementioned legal, constitutional, practical and policy concerns regarding SB 120. RPPTL remains hopeful that the bill sponsors and proponents will consider withdrawing or narrowly-tailoring the legislation to address the proponents' specific problems or concerns.

However, as drafted, the proposed legislation has far-reaching unintended consequences. Instead of providing increased protection for Florida's most vulnerable people, SB 120 would likely harm Florida's largest demographic by making it significantly more expensive and cumbersome for any person 60 years or older to sell their property, execute advance directives, make changes to their estate plan, operate a business, and conduct their lives on a day-to-day basis.

V. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS:

The proposed legislation will likely increase the load on Florida's court system due to increased litigation concerning the validity of executed instruments and will likely increase the number of incapacity and guardianship proceedings that are filed. The Proposal may increase investigation by The Florida Bar into unlicensed practice of law incidences thereby increasing costs and use of resources.

VI. CONSTITUTIONAL ISSUES:

The proposed legislation raises concerns over Floridian's rights (i) to voluntarily consent to the mandatory video recording and not be coerced into consent or (ii) not to share private medical information with the contracting party. It further raises concerns over Florida's constitutional equal protection and due process rights when a person is subjected to unequal and burdensome laws based solely upon age.

VII. DIRECT IMPACT ON THE PRIVATE SECTOR:

The proposed legislation would have a fiscal impact on the private sector because the terms of the proposal require all contracting parties to (i) translate each contract into numerous languages, (ii) pay to maintain and preserve significant data, including video files, for five years, and (iii) possibly hire translators to conduct "comprehensive reviews" in the foreign language. Further, the increased requirements in such proposed legislation will likely raise the costs to create these

alternatives to guardianship (e.g., Durable Power of Attorney, Health Care Surrogate) on all elderly and disabled adults.

VIII. OTHER INTERESTED PARTIES:

The Elder Law and Business Law Sections of The Florida Bar and the Florida Land Title Association have been contacted. The Florida Bankers Association is identified as an interested party.

1 A bill to be entitled
2 An act relating to contract protection for elderly
3 persons and disabled adults; creating s. 430.055,
4 F.S.; providing a short title; defining terms;
5 requiring that all contracts involving an elderly
6 person or a disabled adult be in that person's primary
7 language; requiring a contracting party to conduct a
8 comprehensive review of the contract before an elderly
9 person or disabled adult signs the contract; requiring
10 that the comprehensive review include certain
11 information; requiring a contracting party to record a
12 video that depicts the contracting process and the
13 elderly person or disabled adult signing the contract;
14 requiring that such video be stored by the contracting
15 entity for a specified amount of time after the
16 contract is signed; providing that the video may be
17 accessed only under certain circumstances; providing
18 penalties; authorizing harmed parties to seek civil
19 remedies; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 430.055, Florida Statutes, is created to
24 read:

25 430.055 Elderly and disabled adult contract protection.—

26 (1) SHORT TITLE.—This section may be cited as the "Elderly
27 and Disabled Adult Contract Protection Act."

28 (2) DEFINITIONS.—As used in this section, the term:

29 (a) "Cognitive impairment" means a deficiency in cognitive

30 functioning, including a person's short-term or long-term
31 memory; orientation as to person, place, and time; deductive or
32 abstract reasoning; judgment as it relates to safety awareness;
33 or reading comprehension.

34 (b) "Contract" means any agreement that affects an
35 individual's legal rights or property, including documents
36 conferring power of attorney or a deed instrument.

37 (c) "Disabled adult" means any person between 18 and 60
38 years of age who has one or more permanent physical or mental
39 limitations that restrict his or her ability to perform the
40 normal activities of daily living or impede his or her capacity
41 to live independently.

42 (d) "Elderly" means a person 60 years of age or older.

43 (e) "Primary language" means the language a person uses
44 most frequently and comfortably to communicate or the language
45 in which a person has the greatest literacy.

46 (3) REQUIREMENTS FOR CONTRACTING WITH ELDERLY PERSONS AND
47 DISABLED ADULTS.—

48 (a) Language requirements.—All contracts involving either
49 an elderly person or a disabled adult as a party must be in such
50 person's primary language.

51 (b) Verification of understanding.—

52 1. Before an elderly person or a disabled adult signs any
53 contract that involves the transfer or waiver of rights,
54 including, but not limited to, contracts related to powers of
55 attorney, deeds, financial records, or medical records, the
56 contracting party must conduct a comprehensive review of the
57 contract.

58 2. The comprehensive review must include a detailed

59 explanation of all terms and implications of the contract.

60 (c) Video recording requirement.—

61 1. The contracting party shall record a video of the
62 contracting process which depicts the contracting party
63 conducting the comprehensive review of the contract with the
64 elderly person or the disabled adult and the elderly person or
65 disabled adult signing the contract to ensure that such person
66 is not under duress or undue influence during the contracting
67 process. Such video must memorialize the elderly person's or
68 disabled adult's understanding of and agreement to the contract.

69 2. The video recording must be securely stored by the
70 contracting entity for a minimum of 5 years after the signing of
71 the contract.

72 3. The video may be accessed only with the consent of the
73 elderly person or the disabled adult or as required by law.

74 (4) ENFORCEMENT AND PENALTIES.—

75 (a) Failure to comply with this act constitutes a violation
76 punishable by a fine not exceeding \$10,000 for the first offense
77 and \$25,000 for subsequent offenses.

78 (b) Individuals harmed by violations of this act may pursue
79 civil remedies, including, but not limited to, the rescission of
80 the contract and damages.

81 Section 2. This act shall take effect July 1, 2026.

RPPTL Section Legislation Committee

Memorandum

To: Cary Wright, Chair
Jon Scuderi, Chair-Elect
Sancha Brennan, Director, Probate & Trust Division
Steve Mezer, Director, Real Property Division

From: Dresden Brunner and Lee Weintraub, Co-Chairs

Date: October 16, 2025

Re: Section Legislative Positions 2024-2026

This Memorandum is a recommendation to the RPPTL Section Executive Council to re-adopt and re-approve certain legislative positions of the Section for the **2026-2028 legislative biennium**. Attached is the list of the Section's legislative positions for the 2024-2026 legislative biennium (the "Section's positions"). All legislative positions expire at the conclusion of each legislative biennium.

The Section's By-Laws (Art. VIII (4)(f)) require this Committee to recommend those legislative positions to be renewed in even-numbered years "at the executive council meeting held in conjunction with the election meeting of the section". Please accept this Memorandum as such recommendation. Additionally, and in compliance with the Section's Strategic Plan (2024) (Section 2), which requires an annual review, this Committee has reviewed the Section's positions and presents this report.

Upon review, this Committee makes the following recommendations regarding the Section's positions:

1. Move Section position at item number 13 (d) from "Real Property / Property Rights" and renumber it as number 10 (d) and include under "Real Property / Foreclosures and Judicial Sales" where it is better suited:
 - d. Supports proposed legislation expanding applicability of §697.07 (Assignment of Rents) and §702.10 (Order to Make Payments During Foreclosure) to third parties who acquire properties subject to a mortgage.*

2. Re-adopt and re-approve all of the legislative positions of the Section set forth on the enclosed list *except* the following three Section positions, which should be removed as the specific purpose of each has been completed:

1 (f): “Probate, Trust & Guardianship / Estate Planning”

- f. Supports proposed legislation which would amend Section 117.201, Florida Statutes, to create a definition of “witness” (when used as a noun) for purposes of remote online notarization and witnessing of electronic documents.*

4 (h): “Probate, Trust & Guardianship / Trust”

- h. Support revisions to the Florida Community Property Trust Act (Sections 736.1501, et al., of the Florida Statutes) to fix language in the definitional section of the Act which was inadvertently included during the bill drafting process for the original Act (Section 736.1502(1)); to clarify that the Act applies to express trusts created, amended, restated or modified after July 1, 2021 (Section 736.1502(2)); and to clarify that the transfer of homestead property to a Florida Community Property Trust is not a change in ownership for purposes of Chapter 193 and does not trigger a reassessment of the value of the property (new Section 736.151.(3)). [Added 9/20/2024]*

13(c) “Real Property / Property Rights”

- c. Supports legislation to provide a statutory definition for Ejectment actions, provide for jurisdiction in the circuit courts for such actions, eliminate any ambiguity over whether pre-suit notice is required in such actions, and update the language in the existing Ejectment statute.*

Florida Bar Advocacy Essentials

The Florida Bar's legislative activities are addressed the **Rules Regulating The Florida Bar**, as promulgated by the Supreme Court of Florida. The Florida Bar's legislative program is further shaped by its own operational guidelines, in the **900 Series** of the **Standing Policies of the Board of Governors**.



Legislation of Interest to the Legal Profession

Staff in the Office of the General Counsel posts bills that advance or involve an official Florida Bar legislative position, and bills being monitored but not presently addressed by any official Florida Bar legislative position. If information is needed on bills of interest to any voluntary Florida Bar group, please **email Joni Hooks** with the bill number(s) and any additional information needed.

[View Legislation of Interest](#)

Master List of Legislative Positions

This master list of legislative positions includes all Bar, committee, special committee, section and division positions for the **2024-2026 legislative biennium**. All legislative positions expire at the conclusion of each legislative biennium.

Legislative positions of The Florida Bar and its committees are officially noticed in the *Bar News* edition immediately following approval by the Board of Governors. Under **Rule 2-9.3(b)-(e)**, Rules Regulating The Florida Bar, within 45 days of such notice, members may file a written objection to any of these positions that are funded by Bar membership fees. Objections are considered for a refund of that portion of mandatory fees applicable to any contested legislative position.

Section positions are advanced with the voluntary dues and separate resources of those groups — and in their name only.

2024-26 LEGISLATIVE POSITIONS, THE FLORIDA BAR

1. Supports adequate funding of the state courts system and associated offices that perform court-related functions.
2. Opposes amendments to the Florida Constitution that would alter the authority of the Supreme Court of Florida to regulate the admission of persons to the practice of law and the discipline of persons admitted.
3. Opposes amendment of Article V, Section 2(a) of the Florida Constitution that would restrict the Supreme Court’s authority to adopt rules for practice and procedure in all courts; opposes any amendment of the Florida Constitution that would change the manner by which rules of the judicial qualifications commission, the rules of judicial nominating commissions, and rules for practice and procedure in all courts may be repealed by the legislature.

2024-2026 LEGISLATIVE POSITIONS BY VOLUNTARY FLORIDA BAR BAR GROUPS

Use the “+” toggle to open all sections or use the search bar.

Search inside legislative positions by voluntary Florida Bar bar groups...



- + ADMINISTRATIVE LAW SECTION
- + ALTERNATIVE DISPUTE RESOLUTION
- + ANIMAL LAW SECTION
- + APPELLATE PRACTICE SECTION
- + BUSINESS LAW SECTION
- + CRIMINAL LAW SECTION
- + ELDER LAW SECTION
- + ENTERTAINMENT, ARTS & SPORTS SECTION
- + FAMILY LAW SECTION
- + GOVERNMENT LAWYER SECTION
- + HEALTH LAW SECTION
- + OUT OF STATE DIVISION
- + PUBLIC INTEREST LAW SECTION
- REAL PROPERTY, PROBATE AND TRUST LAW SECTION

1. PROBATE, TRUST & GUARDIANSHIP / ESTATE PLANNING

- a. Opposes the expansion of classes that are to serve as agents under a power of attorney beyond the current class of individuals and financial institutions with trust powers.

- b. Supports legislation to provide for alienation of plan benefits under the Florida Retirement System (§121.131 and §121.091 Florida Statutes) Municipal Police Pensions (§185.25 Florida Statutes) and Firefighter Pensions (§175.241 Florida Statutes) in a dissolution proceeding and authorizing such alienation of benefits in a dissolution of marriage under §61.076 Florida Statutes.
- c. Supports legislation to (1) change the titles of 222.11 Florida Statutes to clearly reflect that this statute applies to earnings and is not limited to “wages” (2) provide an expanded definition of “earnings” because the term “wages” is not the exclusive method of compensation and (3) add deferred compensation to the exemption statute.
- d. Supports enactment of new Section 151 to the Florida Statutes to: (1) permit an owner of personal property to create a tenancy by the entireties by a direct transfer to the owner and owner’s spouse, or a joint tenancy with right of survivorship by a direct transfer to the owner and another person or persons, without requiring an intermediate transfer through a strawman, (2) permit joint tenants to hold unequal shares or interests in personal property in a joint tenancy with right of survivorship while retaining the right of survivorship, (3) and facilitate proving the existence of tenancies by the entireties and joint tenancies with right of survivorship in personal property by codifying and clarifying existing common law evidentiary presumptions.
- e. Supports legislation to amend Stat. Sec 198.41 to render Chapter 198 (which imposes the Florida estate tax) ineffective for as long as there is no federal state death tax credit or no federal generation-skipping transfer tax credit allowable under the Internal Revenue Code of 1986, as amended.
- f. Supports proposed legislation which would amend Section 117.201, Florida Statutes, to create a definition of “witness” (when used as a noun) for purposes of remote online notarization and witnessing of electronic documents.

2. PROBATE, TRUST & GUARDIANSHIP / GUARDIANSHIP & ADVANCE DIRECTIVES

- a. Supports legislation to amend the Baker Act to include a provision under which a guardian may request that the court grant the guardian the authority to involuntarily hospitalize a ward pursuant to the Baker Act.
- b. Opposes the adoption of summary guardianship proceedings outside the protections of Chapter 744, Florida Statutes.
- c. Opposes amendments to F.S. §393.12 that would (i) remove the existing requirement that a guardian advocate for a developmentally disabled adult must be represented by an attorney if the guardian advocate is delegated authority to manage property, (ii) remove the existing requirement that the petition to appoint a guardian advocate must disclose the identity of the

- proposed guardian advocate, and (iii) expand the list of individuals entitled to receive notice of the guardian advocate proceedings.
- d. Supports clarification of the definition of “income” for calculating Veterans guardianship fees, including an amendment to §744.604, Fla. Stat.
 - e. Supports amendments to the Florida Guardianship Law to protect the interest of incapacitated persons, especially minor wards, by making settlements on their behalf confidential.
 - f. Opposes the expansion of chapter 709 to include the authority of a parent to assign the custody and control of a minor child through a power of attorney unless proper procedural safeguards are included to assure the proper care and welfare of the minor children are included.
 - g. Supports creation of new statutory procedures for the service of examining committee reports and deadlines for the service and filing of objections to such reports in incapacity proceedings, including revision to s. 744.331, F.S.
 - h. Supports proposed legislation to recognize Physician Orders for Life Sustaining Treatment (POLST) or Patient Directed Doctor’s Orders (PDDO’s) under Florida law with appropriate protections to prevent violations of due process for the benefit of the citizens of Florida and the protection of medical professionals and emergency responders who withhold or withdraw treatment based upon POLST, including the amendment of ss. 395.1041, 400.142, 400.487, 400.605, 400.6095, 401.35, 401.45, 429.255, 429.73, 765.205, 456.072, and the creation of s.401.46, F.S.; and opposes efforts to adopt POLST (Physician Ordered Life Sustaining Treatment) or Patient Directed Doctor’s Orders (PDDO’s) in Florida without appropriate procedural safeguards to protect the wishes of patients and prior advance directives made by the patient.
 - i. Opposes amendment to the Florida Constitution which would prevent removal of rights of a person based upon mental disability or mental incapacity unless appropriate safeguards to protect existing guardianship and mental health statutes are included and which would allow the legislature to establish laws which are intended to protect the welfare of the person and which comply with due process.
 - j. Supports amendment to Florida Statutes §744.3701 to clarify existing law on the standard for court’s ordering the production of confidential documents in guardianship proceedings and the parties who have the right to access confidential documents without court order.
 - k. Supports amendment to Florida Statutes, including Florida Statutes § 744.331, amending the current statutory procedure for dismissal of a petition to determine incapacity to require a unanimous finding by the examining committee that a person is not incapacitated and creating a new statutory procedure which would allow for the presentation of additional evidence before

a petition to determine incapacity is dismissed in the event that there is a unanimous finding of the examining committee that a person is not incapacitated.

- l. Supports amendment to Florida Statutes, including Florida Statutes § 744.1097, to specifically address venue for the appointment of a guardian in minor guardianships proceedings.
- m. Opposes Florida's adoption of the Uniform Guardianship and Protective Proceedings Jurisdiction Act (including the Florida Guardianship and Protective Proceedings Jurisdiction Act) unless the act is substantially revised to provide for better due process protections for incapacitated individuals more consistent with Florida's laws and rewritten with vocabulary consistent with Florida's guardianship laws.
- n. Supports a revision to Florida's Guardianship Law through the proposed Florida Guardianship Code to modernize Florida's current guardianship laws in order to increase the protections for incapacitated individuals in Florida, to reduce the cost and expense associated with guardianship proceedings, to increase review and oversight of private and professional guardians, and to install procedural components to allow for remote proceedings in light of the recent pandemic.
- o. Supports legislation that provides for the continued rights of a ward to receive visitors and communicate with others when such contact would not be potentially harmful to the ward and oppose legislation that would:
 - 1. allow for jury trials in proceedings initiated under Chapter 744,
 - 2. allow for trials in proceedings related to contesting the validity of wills or revocable trusts prior to the death of the testator/settlor, except as otherwise provided by law,
 - 3. require the re-evaluation of wards without the filing of a suggestion of capacity or the exercise of the court's discretion,
 - 4. require a guardianship proceeding to be transferred to a new judge after the establishment of a guardianship without a substantive basis, or
 - 5. provide for a blanket requirement that any and all family members of the ward related by blood, marriage or adoption have access to guardianship inventories, accountings, or other financial information of the ward.
- p. Supports legislation that allows a petitioner to voluntarily dismiss a petition to determine incapacity prior to the entry of an order determining the alleged incapacitated person to be incapacitated regarding any right. Additionally, revise Section 744.3031(4) to add the voluntary dismissal of a petition to determine incapacity as another triggering event to the expiration of an emergency temporary guardianship if an order has not been entered regarding any right.

[Added 12/13/24]

- q. Supports legislation that specifically authorizes the court to remove a professional guardian when the professional guardian's registration has been suspended or revoked by the Office of Public and Professional Guardians.
[Added 12/13/24]

3. PROBATE, TRUST & GUARDIANSHIP / PROBATE

- a. Opposes any efforts to enact a statutory will.
- b. Opposes amendment to 733.302, F. S., to expand the class of non-residents which may serve as personal representative because of a concern that any addition to the class may subject the entire statute to a renewed constitutional challenge.
- c. Supports clarification of a person's rights to direct disposition of his or her remains, providing guidance to courts and family members, especially when disputes arise, and absent specific directions, clarifying who is authorized to decide the place and manner of the disposition of a decedent's remains, including an amendment replacing S. § 732.804.
- d. Supports proposed legislation allowing a testator to deposit their original will with the clerk's office for safekeeping during their lifetime, and for other custodians to deposit original wills with the clerk for safekeeping when the testator cannot be located.
- e. Opposes legislation that would permit remote notarization or remote witnessing of all estate and incapacity planning instruments and related spousal waivers (including electronic wills, powers of attorney, living wills, advance directives, and trust instruments having testamentary aspects), unless such legislation is amended: (a) to safeguard the citizens of Florida from fraud and exploitation; (b) to include protections to ensure the integrity, security, and authenticity of a remotely notarized or remotely witnessed instrument; and (c) to require witnesses be physically present when such documents are executed or other procedures to protect the citizens of Florida, particularly vulnerable adults and the elderly who may have diminished mental capacity or be susceptible to fraud, undue influence, coercion, or duress.
- f. Opposes proposed legislation that would allow banks or other financial institutions in Florida to distribute funds from any account in the name of the decedent (with no pay- on- death or survivor designation) in the absence of an appropriate probate proceeding or other court proceeding, unless safeguards are put in place to protect the rights and interests of persons rightfully entitled to the proceeds, the constitutional rights of the decedent to direct the disposition of his or her property, and the rights of creditors to recover debts through a probate proceeding.

- g. Supports proposed legislation amending Section 733.610, Florida Statutes, by expanding the categories of entities and persons related to the personal representative for purposes of determining whether the personal representative, or someone sufficiently related to the personal representative for conflict purposes, hold a substantial beneficial or ownership interest that could create a conflict of interest when engaging in a sale, encumbrance, or other transaction.
- h. Supports proposed legislation relating to electronic wills and to the testamentary aspects of electronic revocable trusts, that retains the requirement that two subscribing witnesses sign in the physical presence of the testator and provides for protections to ensure the integrity, security, and authenticity of an electronically signed will or trust.
- i. Opposes amendments to the personal representative and trustee attorney fee compensation statutes contained in the Florida Probate Code and the Florida Trust Code unless the amendments preserve the policies currently reflected in each of those codes.
- j. Supports legislation clarifying existing Florida law by statutorily exempting title disputes arising under the Florida Uniform Disposition of Community Property Rights at Death Act (“Act”) from Florida’s probate creditor claims procedure; creating a new dispute resolution mechanism and 2-year statute of repose specifically designed for title disputes arising under the Act, and making narrowly focused modifications to the Act and other related provisions of the Florida Probate Code to reduce the risk of unintended forfeitures of the property rights the Act is intended to preserve.
- k. Opposes legislation that modifies or expands the role of curators or courts in probate administration proceedings unless such legislation is narrowly tailored to avoid conflicts with existing law, unnecessary probate filings, increased costs, or additional burdens on the court system. [Added 3/13/2025]

4. PROBATE, TRUST & GUARDIANSHIP / TRUST

- a. Opposes legislation abrogating a trustee’s duties of loyalty and duties of full and fair disclosure in connection with affiliated investments by a corporate trustee.
- b. Supports proposed amendments to F.S. Chapter 736, which provide much needed clarification and guidance regarding the applicability of constitutional devise restrictions and exemption from creditors’ claims provisions, as well as the timing and method of passage of title to homestead real property, when that homestead real property is devised through a revocable trust at the time of a settlor’s death, including amendment to F.S. §736.0103, the creation of F.S. §736.0508, and the creation of F.S. §736.08115.
- c. Supports proposed legislation which would amend s. 736.0708(1), F.S., to provide that when multiple trustees serve together as cotrustees, each cotrustee is

entitled to reasonable compensation and that the aggregate compensation charged by all the trustees may be greater than reasonable compensation for a single trustee.

- d. Supports proposed amendments to ss. 736.08135(3) and 736.1008(3), F.S., to clarify the duty of a Trustee to account to the qualified beneficiaries of a trust and the form and content of a trust accounting prepared on or after July 1, 2017, and to clarify that the period for which qualified beneficiaries can seek trust accountings.
- e. Supports proposed legislation to update Florida's Uniform Principal and Income Act, which generally follows the new Uniform Fiduciary Income and Principal Act, in order to achieve greater consistency among state laws, but including certain modifications that reflect Florida public policy choices.
- f. Supports providing the circumstances under which ademption by satisfaction applies to revocable trusts. [Added 9/20/2024]
- g. Supports revision of Section 736.04117 to clarify that the authorized trustee of the first trust will not be treated as the settlor of the second trust when applying s.736.04117, F.S. to the second trust; to expressly state that the trustee's power under the statute can be exercised by modifying the terms of the first trust; to clarify that notice of a proposed decanting is not a trust disclosure document; to clarify that the statute applies to all trusts governed by Florida law or that have a principal place of administration in Florida. [Added 9/20/2024]
- h. Support revisions to the Florida Community Property Trust Act(Sections 736.1501, et al., of the Florida Statutes) to fix language in the definitional section of the Act which was inadvertently included during the bill drafting process for the original Act (Section 736.1502(1)); to clarify that the Act applies to express trusts created, amended, restated or modified after July 1, 2021 (Section 736.1502(2)); and to clarify that the transfer of homestead property to a Florida Community Property Trust is not a change in ownership for purposes of Chapter 193 and does not trigger a reassessment of the value of the property (new Section 736.151.(3)). [Added 9/20/2024]
- i. Supports legislation that bars the ability of a successor fiduciary to bring a claim or action against a former trustee when the beneficiaries are barred from bringing such claim or action. [Added 12/13/24]
- j. Supports legislation creating a summary process allowing a trustee discharge in non-adversarial trust administrations without the need for judicial process. [Added 7/18/2025]

5. PROBATE, TRUST & GUARDIANSHIP / MISCELLANEOUS

- a. Opposes the amendment of Ch. 726, F.S., by replacing the Uniform Fraudulent Transfer Act with the Uniform Voidable Transactions Act (the "UVTA") unless

changes are made to protect the rights of Florida citizens to engage in certain sound and legitimate business, estate, and tax planning techniques and transactions which are currently permitted under Florida law; which do not hinder, delay or defraud creditors; and which do not enhance or diminish the utilization of self-settled spendthrift trusts or single-member limited liability companies by Florida citizens.

6. REAL PROPERTY / CONDOMINIUMS AND PLANNED DEVELOPMENTS

- a. Supports amendments to Chapter 718, Florida Statutes, Condominiums, and Chapter 719 Florida Statutes, Cooperatives, to require that engineers, architects and other design professionals and manufacturers warrant the fitness of the work they perform on condominiums or cooperatives.
- b. Opposes amendments to Chapter 720, F.S., that would require both pre-suit mediation and pre-suit arbitration before filing a civil action over homeowners' association disputes.
- c. Supports legislation providing for electrical elements to three-year warranty, extend subcontractor and supplier warranties to the contractor and to clarify start date for five-year warranty deadline set forth in F.S. §718.203(1)(e).
- d. Supports clarification of Ch 718, F.S.: to confirm that certain operational provisions do not apply to nonresidential condominium associations; to define "nonresidential condominiums;" to clarify that the Division's arbitration program only pertains to residential condominiums; to provide an effective date.
- e. Supports legislation to remove the requirement that statutory late fees must be set forth in a condominium or homeowners' association declaration or bylaws in order for those charges to be imposed, to allow for the collection of such fees by all condominium and homeowner associations, including amendments to F.S. §§718.116 & 718.3085.
- f. Supports legislation to differentiate the administration of nonresidential condominiums from residential condominiums and to eliminate for nonresidential condominium associations certain provisions not appropriate in a commercial setting, including amendments to F.S. Ch. 718.
- g. Opposes legislation that changes the definition of the practice of law to exclude from the definition a community association manager's interpretation of documents or statutes that govern a community association, determination of title to real property, or completion of documents that require interpretation of statutes or the documents that govern a community association, including opposition to SB1466, SB1496, HB7037 and CS/HB7039 (2014).
- h. Supports amending Florida Condominium law pertaining to the termination of condominiums to protect unit owners and provide certainty and predictability to the process.

- i. Opposes creation of criminal penalties for violations of statutes pertaining to condominium association official records and condominium association elections, as well as any change to create criminal penalties for any violation of the Florida Condominium Act for which a criminal penalty does not already exist, including changes to §718.111(12) F.S., and creation of new statutory provisions within Ch. 718 F.S., or otherwise.
- j. Supports replacing mandatory presuit arbitration with the Division of Condominiums for certain disputes between a condominium association and unit owner with mandatory presuit private mediation, including a change to Fla. Stat. 34.01, 718.013, 718.112, 718.117, 718.1255, 718.303, 720.303, 720.306 and 720.311.
- k. Opposes continuing to allow fines in excess of \$1,000 in homeowner associations to become liens for non-monetary damages against the parcel that can be foreclosed, including a change to Fla. Stat. 720.305(2).
- l. Supports legislation to clarify that a condominium association has the right to represent its unit owner members in a class action defense, including when an association challenges ad valorem assessments on behalf of its unit owner members to the value adjustment board, and the property appraiser subsequently appeals the VAB's decision to increase owners' taxes. In such instance, the association may represent its unit owner members as a group pursuant to F.R.C.P. 1.221 and Florida Statutes §718.111(3).
- m. Supports legislation amending Section 718.113 and Section 718.115 to clarify and enhance the ability of condominium associations and condominium unit owners to use hurricane shutters and other types of hurricane protection to protect condominium property, association property and the personal property of unit owners, and reduce insurance costs for condominium associations and unit owners.
- n. Supports legislation resolving technical inconsistencies and errors within Chapters 718 and 720, Florida Statutes, that have arisen due to multiple revisions of the Chapters and to provide additional clarification as to how Chapters 718 and 720 are to be applied.
- o. Supports legislation permitting condominium unit owners to "finance" special assessments in the form of a payment plan with interest. [Added 9/20/2024]
- p. Supports legislation authorizing community associations to borrow money or levy special assessments notwithstanding any requirement for membership approval in furtherance of the association's performance of necessary maintenance, repairs and replacements, including capital replacements. [Added 9/20/2024]
- q. Supports legislation allowing any association that must obtain a Structural Integrity Reserve Study (SIRS) to utilize an alternative funding method which (i)

may reasonably be expected to fully satisfy the association's reserve funding obligations and (ii) is approved by the Division. [Added 9/20/2024]

- r. Supports modifications to the Condominium Act, Chapter 718, to make applicable to non-residential condominiums some of the provisions provided in the Act that apply to residential condominiums. [Added 12/13/24]
- s. Supports legislation to revise director elections and recall procedures in community associations and authorize execution of certain documents by electronic means. [Added 12/13/24]
- t. Supports changes to condominium and homeowners statutes to clarify confusion and address criminal penalties for administrative acts. [Added 12/13/24]

7. REAL PROPERTY / CONTRACTS AND DISCLOSURES

- a. Opposes legislation requiring multiple disclosures by sellers of real property, creating contract rescission rights for buyers and seller liability for damages.
- b. Opposes legislation requiring parties to record notices, warnings or reports regarding the physical condition of land or improvements in the public records regarding the title to real property.

8. REAL PROPERTY / CORPORATIONS AND LLCS

- a. Opposes legislation requiring a Florida corporation or limited liability company to publish notice of its proposed sale of assets other than in regular course of business, or to publish notice of dissolution, including changes to F.S. §607.1202 and §608.4262.

9. REAL PROPERTY / COURTS

- a. Oppose the creation of "pilot" court divisions without funding, evaluation criteria, rules of procedure, and competency criteria for magistrates without consideration for current alternate dispute resolution processes.
- b. Supports procedures to preserve due process by providing courts with authority to appoint attorney, administrator and guardian ad litem to serve on behalf of known persons, or unknown persons, having claims by, though, under or against a person who is deceased or whose status is unknown, and confirming the sufficiency of prior proceedings in which ad litem have been appointed, including amendment of F.S. §49.021.

10. REAL PROPERTY / FORECLOSURES AND JUDICIAL SALES

- a. Oppose legislation which would require a foreclosing creditor to notify the debtor that filing a bankruptcy petition before the foreclosure sale may permit

- the debtor to retain the property and reorganize the indebtedness.
- b. Opposes any amendment to existing Florida law governing real property foreclosures unless those amendments carefully preserve and protect the property rights and due process rights of the holders of interests in or affecting Florida real property.
 - c. Supports legislation that will expand the finality of foreclosure judgments provided by §702.036 Fla. Stat. (2021) to include liens other than mortgage foreclosures, such as community association liens and construction liens.

11. REAL PROPERTY / LIENS AND ENCUMBRANCES

- a. Opposes efforts to create a lien on real property for work that does not add value to the property, and would permit liens against the property of a person other than the party owing a debt.
- b. Supports amendment to F.S. §695.01 and ch 162 to reduce problems regarding hidden liens by: (i) requiring all governmental liens (other than taxes, special assessments and those for utility services) to be recorded in the official records and to state their priority; (ii) clarifying the priority of liens asserted by local governments; and (iii) expanding the homestead determination mechanisms of F.S. §222.01 to apply to other types of liens.
- c. Supports amendments: to s. 95.11(2) and (5), F.S., as to the statute of limitations for actions on payment bonds; to s. 713.08(3) (the statutory form for a claim of lien) to include the separate statement required by F.S. 713.08(1)(c); to s. s. 713.13, F.S. to delete the requirement that the notice of commencement be verified and to clarify the timing of the expiration date of the notice of commencement; to s. 713.18, F.S. as to electronic confirmation of delivery through the U.S. Postal Service.
- d. Supports amendment of: F.S. §713.10(2)(b) to provide that a blanket notice recorded by a landlord remains valid and the landlord's property interest will not be liable for liens arising from tenant improvements even if the leases contain different versions of the lien prohibition language or no lien prohibition language at all, under certain circumstances; and F.S. §713.10(3) to require inclusion of specific language in any claim of lien premised on a landlord's failure to comply so as to provide record notice of the basis of such a claim by a lienor, and to provide that any lien will not take effect as to third parties without notice until 30 days after the recording of the claim of lien.
- e. Opposes selective increase of recording expense to only construction claims of lien, adding additional filing requirements, and concluding that filing a lien beyond the statutory 90-day period is an act of fraud, including opposing amendments to F.S. §§28.24 & 713.08.

- f. Supports the passage of an amendment to existing s. 713.132(3), F.S. to allow termination of a notice of commencement, provided for under s. 713.135, F.S., at any time whether or not construction has ceased as required under existing law.
- g. Supports proposed legislation to: (1) clarify that the interest of a lessor is not subject to improvements made by the lessee of a mobile home lot in s. 713.10, F.S.; and (2) eliminate ambiguity regarding whether the expiration date on a notice of commencement may be less than one year from the date of recording, including an amendment to s.713.13, F.S.
- h. Supports legislative changes to construction lien law in the state of Florida, including changes to Fla. Stat. Ch. 255 and 713.
- i. Opposes legislation which removes lien rights from all entities other than the contractor as long as the owner pays the contractor, even if the contractor doesn't pay its downstream lienors, unless the bill is modified to provide a balanced approach that is more fair to all parties. [Added 3/13/2025]
- j. Supports clarification of homestead laws to make clear that a lessee owning a leasehold interest of 98 years or more may still claim homestead even if the leasehold interest terminates upon his or her death. [Added 7/18/2025]

12. REAL PROPERTY / MISCELLANEOUS

- a. Opposes abolishment of causes of action for architect, engineer, surveyor and mapper professional negligence and other professional breaches of duty.
- b. Opposes legislation authorizing the use of security deposit replacement products (aka fees in lieu of security deposits) unless such legislation includes consumer protection provisions that safeguard tenants from predatory practices.
- c. Supports revisions to section 95.11(3)(b), Florida Statutes (2023) establishing the statutes of limitations and repose for design and construction defect actions, to add statutory triggers for when the statutes begin to run. [Added 12/13/24]

13. REAL PROPERTY / PROPERTY RIGHTS

- a. Opposes any legislation limiting property owners' rights or limiting attorneys' fees in condemnation proceedings.
- b. Opposes legislation expanding the definition of sovereign beaches, public beaches or beach access rights over privately owned property without due process of law or compensation for taking of private property rights.
- c. Supports legislation to provide a statutory definition for Ejectment actions, provide for jurisdiction in the circuit courts for such actions, eliminate any ambiguity over whether pre-suit notice is required in such actions, and update the language in the existing Ejectment statute.

- d. Supports proposed legislation expanding applicability of §697.07 (Assignment of Rents) and §702.10 (Order to Make Payments During Foreclosure) to third parties who acquire properties subject to a mortgage.

14. REAL PROPERTY / RECORDING

- a. Opposes legislation that impairs the integrity of the recording system in the State of Florida.

15. REAL PROPERTY / TITLE INSURANCE

- a. Opposes any portion of the National Association of Insurance Commissioners Title Insurers Model Act and Title Insurance Agent Model Act that may adversely affect Florida attorneys' ability to participate in real estate closing and the issuance of title insurance.
- b. Opposes adoption of a "file and use" system for the determination of title insurance rates in the State of Florida, supplanting a promulgated rate system in which the state regulatory agency determines rates based on actuarial analysis of statutorily determined criteria.
- c. Opposes elimination of the requirement that title insurance agencies deposit securities having a value of \$35,000 or a bond in that amount for the benefit of any title insurer damaged by an agency's violation of its contract with the insurer.

+ TAX SECTION

+ TRIAL LAWYERS SECTION

+ WORKERS' COMPENSATION SECTION



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

(850) 561-5600
www.FLORIDABAR.org

REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
 - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
 - If comments have been received from another interested group, the comments must be included.
 - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
 - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
 - The proposal will then need to be presented at the Division Round Table.
 - Then, published as an Information Item to the Executive Council.
 - Then, published as an Action Item to the Executive Council.

General Information

Submitted by: *(name of Section Committee)* The Trust Law Committee of the Real Property, Probate and Trust Law Section of the Florida Bar.

Contact: *(Name of Committee Chair(s), address and phone number)*
Travis Hayes, Gunster, 5551 Ridgewood Dr, Suite 501, Naples, FL 34108-2719, (239)-514-1000

(Name of Sub-committee Chair, if any, address and phone number, if any)
Jeffrey S. Goethe, Barnes Walker, Goethe, Perron, Shea & Johnson, PLLC, 3119 Manatee Avenue West, Bradenton, FL 34205, (941) 827-2210 (direct line) and (941) 741-8224 (main office line).

Proposed Advocacy

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

1. Proposed Wording of Legislative Position for Official Publication

Support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust.

2. Political Proposal

N/A

3. Reasons For Proposed Advocacy

a. Per SBP 9.50(a), does the proposal meet all three of the following requirements? *(select one)* Yes No

- It is within the group’s subject matter jurisdiction as described in the Section’s Bylaws;
- It is beyond the scope of the Section/Bar’s permissible legislative or political activity, **or** within the Section/Bar’s permissible scope of legislative or political activity **and** consistent with an official Section/Bar position on that issue; **and**
- It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar’s membership.

b. Additional Information: _____

Referrals to Other Committees, Divisions & Sections/Voluntary Bar Groups

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List** all Bar committees, divisions, sections and voluntary bar **groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose.

The proposal has been shared with the Probate Law and Procedure Committee during meetings in July 2023, November 2023, February 2024, May 2024, July 2024, February 6, 2025, August 21, 2025, and prior meetings of the Real Property, Probate and Trust Law Section. Once approved, the committee will provide copies of the position materials to the legislative liaisons with the Elder Law Section, the Business Law Section, and the Family Law Section.

Contacts

Legislation Committee Appearance *(list name, address and phone #)*

Sancha K. Brennan, Legislation Committee Co-Chair, 545 Delaney Avenue, Hovey Court, Bldg. 1, Orlando, FL 32801, Telephone: (407) 893-7888

Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 3301-1876, Telephone: (954) 985-4147

Appearances before Legislators *(list name and phone # of those having direct contact before House/Senate committees)*

Martha J. Edenfield, Martha J. Edenfield, P.A., 1700 North Monroe Street, Suite 11-174, Tallahassee, FL 32303-0501, Telephone 850-556-8611; and H. French Brown, Jones Walker, LLP, 106 East College Ave., Suite 1200, Tallahassee, FL 32301-7741, Telephone 850-214-5075

Meetings with Legislators/staff *(list name and phone # of those having direct contact with legislators)*

1 A bill to be entitled

2 An act relating to estates; providing a short title; amending s. 732.302;
3 providing for the extension of a pretermitted child's rights to assets
4 transferred at death by the parent's will and trust; amending s. 736.0201;
5 providing that a child's pretermitted share of assets subject to the
6 deceased parent's revocable trust may be determined in a probate
7 proceeding.

8
9 Be It Enacted by the Legislature of the State of Florida:

10 Section _____. Section 732.302, Florida Statutes, is hereby amended to
11 read:

12 732.302 Pretermitted children.—

13 (1) ~~When a testator omits to provide by will for any of his or her~~
14 ~~children born or adopted after making the will and the child has not~~
15 ~~received a part of the testator's property equivalent to a child's part by way~~
16 ~~of advancement, decedent does not devise any portion of his or her~~
17 pretermitted estate to a child of the decedent born or adopted after the
18 decedent executed a testamentary instrument, the child shall receive a
19 share of the decedent's pretermitted estate equal in value to ~~that which~~
20 the share the child would have received if the decedent had died intestate
21 as to the decedent's entire pretermitted estate, unless:

22 (1) ~~It appears from the will that the omission was intentional; or~~

23 (2) ~~The testator had one or more children when the will was~~
24 ~~executed and devised substantially all of the estate to the other parent of~~
25 ~~the pretermitted child and that other parent survived the testator and is~~
26 ~~entitled to take under the will.~~

27 (a) The child has received a part of the decedent's
28 property equal to or greater than a pretermitted share by way of
29 advancement;

30 (b) It appears from the decedent's testamentary
31 instrument that the omission was intentional; or

32 (c) The decedent had one or more children when the
33 testamentary instrument was executed and devised substantially all the
34 pretermitted estate to the other parent of the pretermitted child and that
35 other parent survived the decedent and is entitled to take under the
36 testamentary instrument.

37 (2) For purposes of this section, the pretermitted estate includes
38 consists of assets subject to the testamentary instrument, including assets
39 subject to the testamentary instrument as a result of the decedent's death.

40 (3) As used in this section, the term "testamentary instrument"
41 means any will or trust instrument, read together as if all beneficiaries
42 were taking under a common governing instrument.

43 (4) As used in this section, the term "trust instrument" is limited to
44 a trust instrument that contains the terms of a trust described in s.
45 733.707(3).

46 (5) The pretermitted status of the child shall be determined based
47 on the date the decedent executed the most recent testamentary
48 instrument.

49 (6) The share of the pretermitted estate that is credited to the
50 pretermitted child shall be determined in accordance with s. 733.805.

51 (7) In determining the satisfaction of the pretermitted share and
52 contribution required under s. 733.607(2), subsection (2) of this section
53 and s. 736.05053(2) shall be applied as if the beneficiaries under the

54 testamentary instrument, other than the estate or revocable trust itself,
55 were taking under a common instrument.

56 (8) Unless a petition to determine pretermitted share was filed in
57 the probate proceeding within two years of the decedent's death, the
58 decedent's estate, the assets devised by the trust instrument, the personal
59 representative or trustee of the trust, and the beneficiaries of the
60 decedent's probate estate or trust shall not be liable for any claim or cause
61 of action brought under this section. Unless a petition to determine
62 pretermitted share was filed in the probate proceeding within two years of
63 the decedent's death, any claim or cause of action brought under this
64 section is barred.

65 Section __. Section 736.0201, Florida Statutes, is hereby amended
66 to read:

67 736.0201 Role of court in trust proceedings.—

68 (1) Except as provided in subsections (5), (6), ~~and (7)~~, and (8)
69 and s. 736.0206, judicial proceedings concerning trusts shall be
70 commenced by filing a complaint and shall be governed by the Florida
71 Rules of Civil Procedure.

72 (2) The court may intervene in the administration of a trust to the
73 extent the court's jurisdiction is invoked by an interested person or as
74 provided by law.

75 (3) A trust is not subject to continuing judicial supervision unless
76 ordered by the court.

77 (4) A judicial proceeding involving a trust may relate to the
78 validity, administration, or distribution of a trust, including proceedings to:

- 79 (a) Determine the validity of all or part of a trust;
80 (b) Appoint or remove a trustee;

- 81 (c) Review trustees' fees;
- 82 (d) Review and settle interim or final accounts;
- 83 (e) Ascertain beneficiaries; determine any question arising
- 84 in the administration or distribution of any trust, including questions of
- 85 construction of trust instruments; instruct trustees; and determine the
- 86 existence or nonexistence of any immunity, power, privilege, duty, or right;
- 87 (f) Obtain a declaration of rights; or
- 88 (g) Determine any other matters involving trustees and
- 89 beneficiaries.

90 (5) A proceeding for the construction of a testamentary trust may

91 be filed in the probate proceeding for the testator's estate. The proceeding

92 shall be governed by the Florida Probate Rules.

93 (6) Rule 1.525, Florida Rules of Civil Procedure, shall apply to

94 judicial proceedings concerning trusts, except that the following do not

95 constitute taxation of costs or attorney fees even if the payment is for

96 services rendered or costs incurred in a judicial proceeding:

97 (a) A trustee's payment of compensation or reimbursement

98 of costs to persons employed by the trustee from assets of the trust.

99 (b) A determination by the court directing from what part of

100 the trust fees or costs shall be paid, unless the determination is made

101 under s. 736.1004 in an action for breach of fiduciary duty or challenging

102 the exercise of, or failure to exercise, a trustee's powers.

103 (7) A proceeding to determine the homestead status of real

104 property owned subject to a trust instrument may be filed in the probate

105 proceeding for the settlor's estate if the settlor was treated as the owner of

106 the interest held subject to the trust under s. 732.4015. The proceeding

107 shall be governed by the Florida Probate Rules.

108
109
110
111
112
113
114
115
116
117

(8) A proceeding to determine a child's pretermitted share, including a determination that
(a) the assets subject to the decedent's trust instrument are included in the calculation of the pretermitted share, and
(b) the trust assets are necessary to satisfy the pretermitted share.
shall be filed in the probate proceeding. The proceeding shall be governed by the Florida Probate Rules. As used in this section, the term "trust" is limited to a trust instrument described in s. 733.707(3), including any amendment to the trust instrument.

WHITE PAPER

AMENDMENTS TO S. 732.202 AND S. 736.0201, FLA. STAT. CONCERNING PRETERMITTED CHILDREN

I. SUMMARY

This legislation concerns the rights of pretermitted children under the Florida Probate Code and extends those rights to the assets passing under a deceased parent's revocable trust. A pretermitted child is a child who is born after the parent makes a last will and testament. The bill does not have a fiscal impact on state funds, but may indirectly benefit the state by protecting a minor child born after a parent makes a will or trust and ensuring that such children have inheritance rights.

II. SECTION BY SECTION ANALYSIS

A. Section 732.302

1. Current Situation

Section 732.302, Fla. Stat., currently provides a share of a deceased parent's estate for a child who was born or adopted after the parent made a will. The birth or adoption of a child after the parent executes a will does not revoke the prior will.¹ The protection is limited to assets passing under the decedent's will. It does not include assets passing under the parent's revocable trust.

2. Effect of Proposed Changes

The proposed amendment to § 732.302 would add the assets subject to the decedent's revocable trust to the calculation of a child's pretermitted share. It would also resolve the inconsistency that occurs when a decedent dies intestate, because he or she did not have a will, but had a revocable trust that included a gift for the child.

a. Description of the Person Executing a Testamentary Instrument.

A testator is a person who makes a will. The terms "grantor," "settlor," and "trustor" describe a person who creates a trust.² Since trusts are included in the proposed legislation the term "decedent" is used because the pretermitted child's rights are considered after the parent's death.

b. Testamentary Instruments. A last will and testament is not the only testamentary instrument that should be considered in determining the pretermitted status of a child born or adopted after the execution of an instrument taking effect at the parent's death. The text of the proposed legislation would address wills and trusts: "When a decedent does not devise any portion of his or her pretermitted estate...[under] a testamentary instrument that controls the disposition of the decedent's pretermitted estate at death...."

¹ §732.507(1), Fla. Stat.

² § 731.201(19), Fla. Stat.

c. Timing Issues. The current law addresses situations where the deceased parent failed to update his or her will after the birth or adoption of a child and, therefore, did not include the child in the will.

- The phrase “testamentary instrument that controls the disposition of the decedent’s pretermitted estate at death” recognizes that the decedent’s will and trust instrument, including codicils and amendments, should be read together as a whole to determine whether the decedent provided for a child born after the execution of the last testamentary instrument.
- If prior wills, codicils, trusts, or amendments provided for the child, but an amendment removed the devise to the child, then the child would not be considered a pretermitted child. The decedent considered the child at one point during the planning process, but then decided to exclude the child.³

d. “Provide for” and “Devise.” The term “devise” includes a gift under a will or trust.⁴ The current statute uses the phrase “provide by will.” Whether the child received a devise is a more appropriate test for determining pretermitted status when the decedent’s revocable trust is included.

e. Pretermitted Estate. The term “pretermitted estate” is used to recognize that both the decedent’s probate estate (assets subject to the decedent’s will and assets passing by intestacy) and the decedent’s trust estate (assets subject to the decedent’s revocable trust instrument) should be considered in determining the child’s pretermitted share.

f. Advancements. The current text of §732.302 addresses advancements as applied to wills in subsection (1). Since advancements can be applied to satisfy a pretermitted share, the proposed legislation would move the text concerning advancements to subsection (1)(a). The Florida Probate Code defines advancements in §733.806.

B. Section 736.0201

1. Current Situation

Proceedings involving the administration of a decedent’s estate, whether testate or intestate, are generally governed by the Florida Probate Rules.⁵ In some instances, such as elective share

³ The best practice is to identify the children of a person making a will or trust and to specify if there is an intention to exclude a child. This satisfies the exception in §732.302(1), Fla. Stat.

⁴ § 731.201(11), Fla. Stat.

⁵ §§ 731.011, 731.104, 731.110, 731.201 (subsections (18) and (22)), 731.301, 732.107, 732.2151, 732.805, 733.212(3), 733.6171, and 733.705, Fla. Stat.

proceedings,⁶ determination of homestead rights,⁷ estate tax apportionment,⁸ and the payment of creditor claims,⁹ assets outside the probate estate, including assets passing subject to the decedent's revocable trust instrument, are considered in the determination of the rights of heirs, family members, and creditors. These proceedings are all subject to the Florida Probate Rules.

Trust proceedings, on the other hand, are subject to the Rules of Civil Procedure.¹⁰ Section 736.0201 provides a few limited exceptions. Because the current provisions for a child's pretermitted share are located only in the Florida Probate Code, it is practical to determine a child's pretermitted share within a probate proceeding, subject to the Florida Probate Rules, even when assets subject to the decedent's trust instrument may be involved. In proceedings to determine a surviving spouse's elective share rights, creditor claims, administration expenses, and the rights of beneficiaries under the decedent's will and revocable trust affect the amount and satisfaction of the elective share. If the child's pretermitted share will now include assets held subject to the decedent's revocable trust, then the Trust Code should be amended to allow those proceedings to be incorporated into the probate administration, subject to the Florida Probate Rules, instead of requiring a separate action under the Florida Trust Code and the Rules of Civil Procedure.

2. Effect of Proposed Changes

The proposed amendment to § 736.0201(8), Fla. Stat. would require that proceedings to determine a child's pretermitted share be handled in conjunction with the administration of the decedent's probate estate.

III. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

This proposal will not have a fiscal impact on state or local governments. The proposal could indirectly have a positive impact on state and local government by ensuring that a child is not accidentally disinherited under a will or trust made before the child's birth or adoption, which could reduce instances where a minor child or the minor child's surviving parent or caretaker is dependent upon state resources for support.

IV. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

This proposal will not have an economic impact on members of the private sector.

V. CONSTITUTIONAL ISSUES

This proposal does not have any impact on constitutional issues. Article I, section 2, of the Florida Constitution has been interpreted to recognize the right of Floridians to determine the

⁶ § 732.2035, Fla. Stat.

⁷ § 736.0201(7), Fla. Stat.

⁸ § 733.817(3)(e), Fla. Stat.

⁹ § 733.707(3), Fla. Stat.; 736.05053(1), Fla. Stat.

¹⁰ § 736.0201(1), Fla. Stat.

distribution of their property upon death, but the states interest in protecting families permits reasonable limits of the right of testamentary freedom.¹¹

V. OTHER INTERESTED PARTIES

The Elder Law Section of the Florida Bar

The Business Law Section of the Florida Bar

The Family Law Section of the Florida Bar

¹¹ *Shriners Hosp. for Crippled Children v. Zrillic*, 563 So. 2d 64 (Fla. 1990); *Via v. Putnam*, 656 So. 2d 460 (Fla. 1995); *Magee v. Magee* 988 So. 2d 1 (Fla. 2007).



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

(850) 561-5600
www.FLORIDABAR.org

REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
 - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
 - If comments have been received from another interested group, the comments must be included.
 - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
 - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
 - The proposal will then need to be presented at the Division Round Table.
 - Then, published as an Information Item to the Executive Council.
 - Then, published as an Action Item to the Executive Council.

General Information

Submitted by: (name of Section Committee): RPPTL Trust Law Committee

Contact: (Name of Committee Chair(s), address and phone number: M. Travis Hayes, c/o Gunster, 5551 Ridgewood Drive, Suite 501, Naples, FL 34108 (239-514-1000)

(Name of Sub-committee Chair, if any, address and phone number): Robert H. Trudeau, c/o Purcell, Flanagan & Hay, 1548 Lancaster Terrace, Jacksonville, FL 32204 (904-355-0355)

Proposed Advocacy

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

1. Proposed Wording of Legislative Position for Official Publication

Support revision to Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard.

2. Political Proposal

N/A.

3. Reasons For Proposed Advocacy

- a. Per SBP 9.50(a), does the proposal meet all three of the following requirements? (select one) Yes No
- It is within the group's subject matter jurisdiction as described in the Section's Bylaws;
 - It is beyond the scope of the Section/Bar's permissible legislative or political activity, **or** within the Section/Bar's permissible scope of legislative or political activity **and** consistent with an official Section/Bar position on that issue; **and**
 - It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar's membership.
- b. Additional Information: N/A

Referrals to Other Committees, Divisions & Sections/Voluntary Bar Groups

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List** all Bar committees, divisions, sections and voluntary bar **groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your

submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose. The subcommittee has not identified any Bar committees, divisions, sections or voluntary bar groups which would be interested in this proposal.

Contacts

Legislation Committee Appearance *(list name, address and phone #)*

S. Dresden Brunner, c/o Harrison, LLP, American Momentum Bank Building
8625 Tamiami Trail North, Suite 202 Naples, FL 34108 (239-580-8104)

Appearances before Legislators *(list name and phone # of those having direct contact before House/Senate committees)*

Peter M. Dunbar, Martha J. Edenfield, and H. French Brown, IV
c/o Jones Walker, 106 E. College Avenue, Suite 1200, Tallahassee, FL 32301-7741
(850-214-5100)

Meetings with Legislators/staff *(list name and phone # of those having direct contact with legislators)*

1 An act relating to trusts; amending s. 736.0502;
2 affirming that spendthrift provisions are not
3 invalid because a beneficiary has discretion over
4 distributions based upon an ascertainable
5 standard to or for the benefit of the
6 beneficiary.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (5) is added to section 736.0502, Florida
11 Statutes, to read:

12 (5) A spendthrift provision is not invalid solely because the
13 beneficiary, as trustee or otherwise, has discretion to distribute
14 trust property based upon an ascertainable standard to or for the
15 benefit of the beneficiary.

16
17 Section 2. The amendment made by this act to s. 736.0502,
18 Florida Statutes, is remedial and applies to trusts created before,
19 on, or after the effective date of this act that are governed by
20 the laws of this state or that have a principal place of
21 administration within this state.

22
23 Section 3. This act shall take effect upon becoming law.
24

TRUST LAW COMMITTEE
REAL PROPERTY, PROBATE AND TRUST LAW SECTION OF THE FLORIDA BAR
WHITE PAPER ON PROPOSED ADDITION TO FLORIDA STATUTE SECTION 736.0502

I. SUMMARY

The proposed legislation originates from the Trust Law Committee (the "Committee") of the Real Property, Probate and Trust Law Section of The Florida Bar. The Committee has identified a tangible risk whereby a spendthrift provision could be invalidated if a beneficiary of a Florida irrevocable trust serves as a trustee. This creates a further risk that a general creditor could obtain a writ of garnishment against a Florida irrevocable trust that is properly designed as a spendthrift trust and a discretionary trust when a beneficiary serves as trustee. This latent risk appears to be unique to Florida (at least among those states that have adopted a version of the Uniform Trust Code) and contradicts the common understanding of Florida law among practitioners. Since this risk could subject a Florida irrevocable trust to the claims of a beneficiary's general creditors to some extent, this issue could also arguably trigger a general power of appointment under Internal Revenue Code ("IRC") §2041, thereby causing estate tax inclusion of the trust assets in the beneficiary's estate (which would defeat the grantor's original intent with respect to the trust).

The proposed legislation clarifies Florida law and eliminates this risk by adding a new subsection (5) to F.S. §736.0502 to ensure a spendthrift provision is not rendered invalid solely because the beneficiary, as trustee or otherwise, has discretion to distribute trust property based upon an ascertainable standard to or for the benefit of the beneficiary. The proposed legislation does not impact the rights of those commonly referred to as "exception creditors," which includes former spouses and children with support orders. Specifically, the proposed legislation has no impact on the holding in *Berlinger v. Casselberry*, 133 So. 3d 961 (2d DCA 2013).

II. CURRENT SITUATION

Statutory Analysis

General Rule Regarding Creditor Claims – F.S. §736.0501 provides the general rule that a "court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's interest by attachment of present or future distributions to or for the benefit of the beneficiary or by other means..." As a starting point, the Florida Trust Code ("FTC") provides creditors, via court authorization, with general authority to reach a beneficiary's interest in a trust, including by garnishment (i.e., "by attachment of present or future distributions"). However, this general rule is then limited by the protections set forth in F.S. §736.0502 (spendthrift protection) and F.S. §736.0504 (discretionary trust protection).

Spendthrift Trusts – The first exception to general creditor access to trust assets is spendthrift protection. If a trust is subject to a valid spendthrift provision, F.S. §736.0502 provides that a creditor generally may not: (1) reach the beneficiary's interest in the trust; or (2) reach a trust distribution before receipt by the beneficiary. Under F.S. §736.0102(22), the term "spendthrift provision" is defined to include any "term of a trust that restrains both voluntary and involuntary transfer of a beneficiary's interest."

Exception Creditors – F.S. §736.0503 provides that spendthrift provisions are not enforceable against certain protected categories of creditors, most notably former spouses and children with support orders. As noted above, these preferred classes of creditors to whom spendthrift provisions do not apply are commonly referred to as "exception creditors."

Discretionary Trusts – The second exception to general creditor access to trust assets is discretionary trust protection. A discretionary trust is simply a trust that empowers the trustee to make distributions in the trustee's discretion. If a beneficiary's right to distributions is subject to the discretion of the trustee, F.S. §736.0504(2) states that a creditor may not: (1) compel a distribution; or (2) attach or reach the beneficiary's interest in the trust. The protection of F.S. §736.0504 extends even to the claims of exception creditors. Further, F.S. §736.0504(3) continues to apply when the beneficiary is serving as trustee, provided the exercise of discretion is limited by an "ascertainable standard" (as defined in IRC §2041(b)(1)(A) and §2514(c)(1)). Thus, a creditor of a beneficiary who is also serving as trustee may not reach or compel a distribution except to the extent that the interest would be subject to the claim if the beneficiary were not acting as trustee (provided the discretionary authority to distribute to himself or herself is limited by an ascertainable standard).

A plain reading of the above statutes has led many Florida practitioners to provide counsel to Florida residents to adopt planning strategies that should reasonably be expected to protect against garnishment from general creditors provided: (1) the trust contains a valid spendthrift provision; and (2) the discretionary authority to distribute funds to oneself is limited by an ascertainable standard. In particular, many Florida practitioners frequently counsel Florida residents that the beneficiary of a trust may serve as trustee without subjecting such trust to the claims of the beneficiary's creditors or to estate tax liability (provided that a spendthrift provision is included in the trust agreement, and the beneficiary/trustee's discretion to distribute trust assets is limited by an ascertainable standard). However, when analyzed in conjunction with the Florida case law discussed below, that confidence may be misplaced.

Application of Caselaw

In *Croom v. Ocala Plumbing & Electric Co.*, 57 So. 243 (Fla. 1911), the beneficiaries were permitted an unrestricted right to demand distribution of trust property. The Florida Supreme Court determined that this gave the beneficiaries effective dominion and control over the trust assets, which invalidated the spendthrift provision.

Dollinger v. Bottom (In re Bottom), 176 B.R. 950 (Bankr. N.D. Fla. Dec. 14, 1994), held that spendthrift protection cannot exist when a beneficiary serves as trustee. The Bankruptcy Court quoted *Croom* for what is now often-cited language: "[a] spendthrift trust is defined to be those trusts that are created with a view of providing a fund for the maintenance of another, and at the same time securing it against his own improvidence or incapacity for self-protection." The Bankruptcy Court further stated that because "Wayne Bottom is named as the sole Trustee of his own trust, the only one that can guard Bottom from his own improvidence is Bottom himself. It is for this reason that the trustee and the sole beneficiary cannot be one in the same under Florida law."

The holding of *In re Bottom* that spendthrift protection is lost simply because a beneficiary serves as trustee is inconsistent with Florida law, particularly after the enactment of the FTC.

Croom did not deal with a beneficiary serving as trustee, but rather, a beneficiary who had a right not subject to an ascertainable standard to direct the trustee to distribute trust property. In fact, in the Florida Trust Code Scrivener's Summary, the drafters of the FTC noted specifically in footnote 202 that the "rationale of [*Croom*] would not appear to apply to powers subject to an ascertainable standard." Therefore, *In re Bottom* inappropriately extended the logic of *Croom* to invalidate a spendthrift provision in any circumstance when a beneficiary serves as trustee, without consideration of the standard for distributions. While *In re Bottom* preceded the FTC, it has been cited after FTC enactment for the proposition that a spendthrift provision can be invalidated if a trust provides a beneficiary with too great of control. See, e.g. *Miller v. Kresser*, 34 So. 3d 172 (Fla. 4th DCA 2010); *In re Givans*, 631 B.R. 930 (Bankr. M.D. Fla. May 28, 2021).

If a trust's spendthrift provision is invalidated because the beneficiary serves as trustee, the beneficiary's interest in the trust should still enjoy discretionary trust protections under F.S. §736.0504. However, this protection is not absolute. In *Berlinger v. Casselberry*, 133 So. 3d 961 (2d DCA 2013), the court held that writs of garnishment could be issued against discretionary trusts created under Florida law to enforce a former spouse's support order for unpaid alimony. The court further held that F.S. §736.0504 does not prohibit a former spouse with a valid support order from garnishing a trust. As noted above, the discretionary trust protections apply even against exception creditors. Thus, the *Berlinger* holding that F.S. §736.0504 does not protect against garnishment could not have been attributable to the fact that it was a former spouse seeking a writ of garnishment. Rather, the holding could only have been attributable to the court's determination that the protection in §736.0504 against a creditor attaching or reaching a beneficiary's interest in a trust does not cover garnishment.

Based on the analysis above, it appears even a general creditor could obtain a writ of garnishment against a Florida irrevocable trust that is properly designed as a spendthrift and discretionary trust if the beneficiary serves as trustee. This is because: (a) F.S. §736.0501 generally authorizes creditors to garnish a beneficiary's interest in a trust; (b) pursuant to *In re Bottom*, spendthrift protection under F.S. §736.0502 is invalidated when a beneficiary serves as trustee; and (c) pursuant to the logic of *Berlinger*, discretionary trust protection under F.S. §736.0504 does not apply with respect to garnishment. Since this risk subjects a Florida irrevocable trust to the claims of a beneficiary's general creditors to some extent, this issue could also arguably trigger a general power of appointment under IRC §2041, thereby causing estate tax inclusion of the trust assets in the beneficiary's estate.

III. EFFECT OF PROPOSED CHANGES

A. Generally

The effect of the proposed legislation is to eliminate the risk that a spendthrift provision could be invalidated if a beneficiary, as trustee or otherwise, has discretion to distribute trust property based upon an ascertainable standard to or for the benefit of the beneficiary. This further eliminates the risk that a general creditor could obtain a writ of garnishment against a Florida irrevocable trust that is properly designed as a spendthrift and discretionary trust solely based on the beneficiary's service as trustee. Since a spendthrift provision is not enforceable against exception creditors under F.S. §736.0503, this legislation in no way impacts the rights of former spouses and children with support orders (et. al.). Specifically, this legislation has no impact on the *Berlinger*

holding.

B. Specific Legislation

This legislation adds a new subsection (5) to F.S. §736.0502, to read as follows:

"(5) A spendthrift provision is not invalid solely because the beneficiary, as trustee or otherwise, has discretion to distribute trust property based upon an ascertainable standard to or for the benefit of the beneficiary."

IV. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

Adoption of the proposed legislation by the Florida Legislature should not have a fiscal impact on state and local governments. It should be revenue neutral.

V. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

The added certainty and predictability that the proposed legislation will lend to the operation of trusts will benefit the private sector.

VI. CONSTITUTIONAL ISSUES

Adoption of the proposed legislation raises no known constitutional issues.

V. OTHER INTERESTED PARTIES

Other groups that may have an interest in the legislative proposal include the Tax Law Section, Family Law Section, and Business Law Section of the Florida Bar.

Real Property, Probate and Trust Law Section of The Florida Bar

SB 116 (2026): Title Fraud Prevention for Specified Adults

White Paper

PROPOSED LEGISLATIVE POSITIONS RELATED TO: 1) RESTRICTIONS ON CONVEYANCE OF REAL PROPERTY; 2) DELAYS IN RECORDING INSTRUMENTS CONVEYING REAL PROPERTY; AND 3) IMPOSING ADDITIONAL RESTRICTIONS ON WITNESSES TO INSTRUMENTS

I. SUMMARY

Real property deed fraud is a serious problem and the Florida Legislature is currently proposing various legislative solutions which, if passed, may have significant impacts on how real property is conveyed and how such conveyances are recorded in the public records. While the Real Property, Probate and Trust Law Section of the Florida Bar (“RPPTL”) agrees deed fraud must be addressed, RPPTL is concerned that any proposed bill by the Florida Legislature should be drafted carefully to also protect the freedom of contract of all citizens, regardless of age, avoid delays in recording instruments conveying title or any interest therein so as not to impact the certainty of property title for those who search the public record for information regarding same, and avoid imposing additional restrictions on witnesses to any such instrument not directly bearing on the issue of deed fraud.

II. CURRENT SITUATION

Currently, there are no statutes establishing a maximum age for a seller of property or requiring a “cooling off” delayed period after signing a deed to real property before the deed can be recorded. Under current law, the only requirement for a witness of someone’s signature on a deed is that as to subscribing witnesses found in section 689.01 of the Florida Statutes.

In an apparent attempt to combat deed fraud, the Florida Legislature is currently considering several bills to combat title fraud involving “vulnerable adults”, including SB 116 (2026). This bill automatically and arbitrarily considers any person over the age of 65 to be a “vulnerable adult”, inhibiting the ability of such persons to convey real property or an interest therein, such as an easement or a mortgage. SB 116 also prevents the clerk of the court from timely recording deeds or other instruments conveying interests in real property and imposes

additional requirements upon the qualification of witnesses to the execution of conveyance instruments involving vulnerable adults.

III. CONCERNS WITH THE PROPOSED ACT

SB 116 (2026) automatically and arbitrarily considers any person over the age of 65 or a “vulnerable adult” to be in need of limitations in their ability to convey real property or an interest therein, such as an easement or a mortgage. SB 116 also prevents the Clerk from timely recording deeds or other instruments conveying interests in real property and imposes additional requirements upon the qualification of witnesses to the execution of conveyance instruments involving persons over the age of 65 or vulnerable adults.

A. Chilling Effect on Real Property Transactions

As forth in greater detail below, the proposed legislative position is problematic because:

- a. It constrains, based solely and arbitrarily on the age of the grantor, the ability of a person to convey an interest in real property even where under other applicable law that person has the legal capacity to do so;
- b. It requires the Clerk to delay the recording of an instrument conveying an interest in real property, thereby reducing the reliability of public record title searches when the searcher has no knowledge of a pending conveyance held in abeyance during the mandatory cooling off period;
- c. It imposes requirements for witnesses to any instrument which conveys an interest in real property, based solely on the arbitrary standard that the grantor has reached or surpassed a certain age, without a corresponding demonstration that the grantor has diminished capacity and requires the Clerk to determine whether the witnesses are “independent” prior to recording the instrument; and,
- d. It treats every conveyance by a grantor over the age of 65 as though it were fraudulent despite the fact that the vast majority of such conveyances are valid and legitimate.

Persons to whom Proposed SB 116 (2026) Applies

SB 116 applies to any natural person over 65 years of age or any “vulnerable adult” as defined in section 415.102 Florida Statutes.

Section 415.102(28) defines a vulnerable adult as a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide

for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

There is no practical way the Clerk can determine whether a grantor who is less than 65 years of age is a vulnerable adult. This makes the application of this bill very problematic.

Constraints on Conveyancing

While proposed SB 116 (2026) is well-intentioned, it and legislation like it will have a chilling effect on real estate transactions which most economists agree is a lynchpin for a healthy economy, and it discriminates against all persons over the age of 65. The bill treats all people over 65 years of age as though they were incapacitated, without any of the due process protections inherent in a proceeding to determine capacity. Existing guardianship and similar statutes already provide procedures to address the concern of incapacitated persons conveying real property or an interest therein.

Mandatory Delay in Recording Conveyances

Under the proposed legislation, the Clerk may not record any deed or other instrument executed by a specified adult during a mandatory 72-hour “cooling off” period. If the grantor has provided the Clerk with the name and contact information for a “trusted person”, the Clerk must contact that trusted person during the required cooling off period. The trusted person may object to recording the deed or instrument, which triggers an *additional* 72-hour cooling off period. Further, upon receipt of an objection, the Clerk must refer the matter to a not-for-profit legal aid organization to investigate whether the deed or other instrument was obtained through fraudulent or exploitive means. The not-for-profit legal aid organization may request additional time to investigate the matter. The Clerk is barred from recording the instrument until the not-for-profit legal aid organization “makes a finding” that the instrument was not obtained through fraudulent or exploitative means. There is no time deadline by which this finding must be made.

The recording of an instrument in the public records is constructive notice to all persons as to that instrument. If the Clerk is precluded from recording an instrument, based solely on the age of the grantor or an unverifiable concern that the grantor is a vulnerable adult, searches of the public records regarding title and encumbrances to real property will no longer be reliable, which has legal significance for conveyance of marketable and insurable title in the state and real property financing.

Additional Requirements for Witnesses to Conveyances

SB 116 would require that any specified adult who is executing a deed or instrument purporting to convey real property or an interest therein, must do so before an “independent witness”, defined as persons 18 years of age or older, of sound mind, who is not a party to the conveyance and who has no financial interest in the conveyance.

This requirement of an “independent witness” puts an impossible burden on the Clerk to determine the age and capacity (the witnesses must be of “sound mind”) of the witnesses as well as whether the witnesses may gain some benefit from the conveyance (and thus have a financial interest in the conveyance). For example, licensed Florida attorneys, licensed Florida title agents and agencies, and their respective employees acting in their official, for-fee function could be deemed to have a financial interest that disqualifies them from acting as an “independent witness” to the conveyance.

Blanket Application of SB 116

While deed fraud is a problem, SB 116 treats *every* attempted conveyance by a specified adult as fraudulent. The vast majority of such transactions, which are valid and legitimate, will also be encumbered by this bill.

B. Inconsistencies with Existing Statutes

SB 116 would create new statutory provisions that conflict with existing Florida law. Chapters 689 and 695 of the Florida Statutes contain requirements as to conveying real property and the recording of conveyances in the public records. Chapters 393, 415, 744 and 825 already contain specifically crafted provisions to identify, protect, and preserve the rights of people of any age who are unable to make the decisions necessary to manage their personal and business affairs, whether due to vulnerability, incapacity or developmental disability or are the victim of a fraudulent conveyance. These statutes also have provisions to help restore title to the rightful owner in the event of a fraudulent transaction.

More specifically, the proposed definition of “specified adult” is excessively broad and includes *any person* aged 65 years of age or older, even those with no physical or mental infirmity. The definition also includes a vulnerable adult as defined in section 415.102(28), Florida Statutes. A vulnerable adult under this existing statute is, however, often already legally unable to convey an interest in real property.

Pursuant to SB 116, the witnesses to a conveyance must be “independent witnesses”. This is inconsistent with the requirements of section 689.01 Florida

Statutes, which only requires two “subscribing witnesses” for conveyances of real estate. It is further inconsistent with the requirements of sections 732.502(1) and 736.0403(2)(b), Florida Statutes, which require that a will or a revocable trust with testamentary aspects be signed in the presence of at least two “attesting witnesses”.

IV. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

The proposal potentially has a substantial fiscal impact on state or local governments if the proposed legislative positions are adopted because the Clerk will need additional staffing to assess if the “independent witness” requirement is satisfied, as well as the added burden of contacting “trusted persons”.

V. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

The proposal may have a direct economic impact on the private sector to the extent it will chill the conveyance of real property, which most economists agree is a lynchpin for a healthy economy, and it reduces the reliability of real property public title searches, which will similarly chill real estate transactions. The mandatory 72-hour delay in recording will impact real property financing.

VI. CONSTITUTIONAL ISSUES

The proposed bill raises concerns over Florida’s equal protection and due process rights. The bill arbitrarily treats all people over 65 years of age as though they were incapacitated, without any of the due process protections inherent in a proceeding to determine capacity; this is age discrimination. It deprives all people over 65 years of age of the right to freely transfer real property or an interest therein. It requires the Clerk to refrain from timely recording legitimate conveyances during the mandatory 72-hour cooling off period, which may be extended while a non-profit organization investigates the grantor’s capacity based on an insufficient underlying predicate.

V. OTHER INTERESTED PARTIES

None of which we are aware.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

(850) 561-5600
www.FLORIDABAR.org

REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
 - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
 - If comments have been received from another interested group, the comments must be included.
 - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
 - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
 - The proposal will then need to be presented at the Division Round Table.
 - Then, published as an Information Item to the Executive Council.
 - Then, published as an Action Item to the Executive Council.

LEGISLATIVE POSITION
REQUEST FORM

GOVERNMENTAL AFFAIRS OFFICE

Date Form Received _____

GENERAL INFORMATION

Submitted by: (name of Section Committee) Real Property, Probate and Trust Law
Section of the Florida Bar

Contact: (Name of Committee Chair(s), address and phone number) _____
Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800,
Ft. Lauderdale, FL 33301 Telephone 954-985-4147

S. Dresden Brunner, Legislation Committee Co-Chair, 8625 Tamiami Trail North, Suite 202,
Naples, FL 34108 Telephone 239-316-1400

(Name of Sub-committee Chair, if any, address and phone number, if any) _____

PROPOSED ADVOCACY

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

1. Proposed Wording of Legislative Position for Official Publication

- a. Oppose any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated, to convey property or an interest therein.
- b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.

- c. Oppose any legislation which sets requirements for the witnesses to any instrument which conveys real property or an interest therein which requirements apply only to transactions where the grantor is a natural person who has reached or surpassed a certain age.

2. Political Proposal

3. Reasons For Proposed Advocacy

- a. Per SBP 9.50(a), does the proposal meet all three of the following requirements? (select one) Yes No

- It is within the group's subject matter jurisdiction as described in the Section's Bylaws;
- It is beyond the scope of the Section/Bar's permissible legislative or political activity, **or** within the Section/Bar's permissible scope of legislative or political activity **and** consistent with an official Section/Bar position on that issue; **and**
- It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar's membership.

- b. Additional Information: _____

REFERRALS TO OTHER COMMITTEES, DIVISIONS & SECTIONS/VOLUNTARY FLORIDA BAR GROUPS

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List** all Bar committees, divisions, sections and voluntary bar **groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose.

_____ Elder Law Section and Business Law Section of the Florida Bar. Florida Land Title Association. Clerks of the Court.

CONTACTS

Legislation Committee Appearance *(list name, address and phone #)*

Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 33301 Telephone 954-985-4147

S. Dresden Brunner, Legislation Committee Co-Chair, 8625 Tamiami Trail North, Suite 202, Naples, FL 34108 Telephone 239-316-1400

Appearances before Legislators *(list name and phone # of those having direct contact before House/Senate committees)*

Peter M. Dunbar, Martha J. Edenfield and H. French Brown, IV
c/o Jones Walker LLP, 106 E. College Avenue, Suite 1200, Tallahassee, FL 32301

Meetings with Legislators/staff *(list name and phone # of those having direct contact with legislators)*

Judicial Management Council

Workgroup on
Uncontested Probate Proceedings

Final Report and
Recommendations

July 15, 2025

TABLE OF CONTENTS

I.	Workgroup Members.....	8
II.	Executive Summary.....	9
III.	Background.....	11
A.	Administrative Order & Workgroup Meetings.....	11
B.	Present Situation.....	13
1.	Probate Proceedings in Florida.....	13
2.	Adversary vs. Uncontested Probate Proceedings in Florida.....	14
3.	Florida’s Alternatives to Formal Administration.....	15
a.	Summary Administration.....	15
b.	Disposition Without Administration.....	17
4.	Role of the Court and Magistrates.....	18
5.	Local Practices and Procedures.....	20
6.	Florida Probate Data Review.....	22
a.	Case Filings.....	22
b.	Clearance Rates.....	23
c.	Timing and Value of Summary Administration Cases.....	24
d.	Uncontested Probate Proceedings.....	25
7.	50-State Survey – Alternatives to Formal Administration.....	26
a.	Uniform Probate Code.....	26
b.	Independent Administration.....	26
c.	Small Estate Procedures.....	27
d.	Specialized Probate Courts and Clerks.....	27
8.	In-Depth Review – Reforms from Other States.....	28
a.	Independent Administration.....	28
b.	Enhanced Clerk Roles.....	29
c.	Virginia Small Estate Affidavit Procedures.....	30
d.	Fraud Prevention.....	31
9.	Outreach.....	32

a.	Individual Member Outreach	32
b.	Public Meeting.....	33
c.	Representatives from High-Performing Florida Counties	34
d.	Experts from Other States	35
IV.	Findings	36
V.	Recommendations	38
A.	Administrative Probate	39
B.	Referral to Magistrates.....	43
C.	Standardized Checklists, Forms, and Proposed Orders	46
1.	Checklists	46
2.	Standardized Forms	49
a.	Mandatory Forms	50
b.	Permissive Form.....	51
3.	Template Proposed Orders.....	51
D.	Updating Thresholds for Small Estate Procedures	52
E.	Letters of Administration	53
F.	Financial Accounts and Institutions.....	55
G.	Clerk Resources.....	57
H.	Notice Requirements.....	58
I.	Estate Tax Affidavit – Time Standards.....	59
J.	Education And Training Opportunities.....	60
VI.	Conclusion	61
VII.	Appendices	64
Appendix A.....		66
Responses of the Probate Rules Committee.....		66
Appendix B.....		80
Memorandum on Delegation of Judicial Power		80
Appendix C.....		87
Circuit Survey - Summary of Local Probate Administrative Orders, Practices and Procedures, and Checklists		87
Appendix D		118

Data Compilation.....	118
Appendix E.....	189
50-State Survey – Alternatives to Formal Administration.....	189
Appendix F.....	208
Independent Probate Administration Research Summary.....	208
Appendix G.....	222
Expanded Clerk Duties.....	222
Appendix H.....	229
Comparative Analysis of Probate Affidavit Procedures: Florida & Virginia	229
Appendix I.....	239
Memorandum on Probate Fraud Prevention Strategies.....	239
Appendix J.....	245
Written Submissions.....	245
Appendix K.....	301
Summary of Testimony – Public Meeting.....	301
Appendix L.....	306
Summary of Testimony from Representatives of High-performing Florida Counties and Experts from Other States.....	306
Appendix M.....	315
Proposed Amendment to Florida Rule of General Practice and Judicial Administration 2.215.....	315
Appendix N.....	327
Proposed Amendment to Florida Probate Rule 5.200.....	327
Appendix O.....	333
Proposed Amendment to Florida Probate Rule 5.024.....	333
Appendix P.....	337
Proposed Amendment to Florida Probate Rule 5.095.....	337
Appendix Q.....	343
Checklists Developed by the Workgroup.....	343
Appendix R.....	357

Proposed Amendment to Florida Probate Rule 5.020	357
Appendix S	362
Proposed New Part VI of the Florida Probate Rules	362
Appendix T	364
Form 5.9XX - Petition for Summary Administration (testate)	364
Appendix U	370
Form 5.9XX - Petition for Summary Administration (Intestate)	370
Appendix V	376
Form 5.9XX - Petition For Disposition of Personal Property Without Administration.....	376
Appendix W	381
Form 5.9XX – Petition to Determine Exempt Property	381
Appendix X.....	386
Form 5.9XX - Notice to Creditors (summary administration)	386
Appendix Y	389
Form 5.9XX - Motion for Referral to Magistrate	389
Appendix Z.....	392
Form 5.9XX - Affidavit for Disposition without Administration of Intestate Personal Property	392
Appendix AA.....	399
Proposed Amendment to Florida Probate Rule 5.010	399
Appendix BB	404
Proposed Amendment to Florida Probate Rule 5.406	404
Appendix CC	408
Proposed Amendment to Florida Probate Rule 5.420	408
Appendix DD	412
Proposed Amendment to Florida Probate Rule 5.425	412
Appendix EE	417
Proposed Amendment to Florida Probate Rule 5.530	417
Appendix FF.....	423
Form 5.9XX - Notice of Hearing Before General Magistrate.....	423

Appendix GG	427
Proposed Amendment Part V of the Florida Probate Rules	427
Appendix HH	429
Form 5.9XX - Order Admitting Will to Probate and of Summary Administration (testate)	429
Appendix II	432
Form 5.9XX - Order of Summary Administration (intestate)	432
Appendix JJ	435
Form 5.9XX - Order for Disposition of Personal Property without Administration.....	435
Appendix KK	438
Form 5.9XX - Order Determining Exempt Property	438
Appendix LL	441
Form 5.9XX - Order of Referral to Magistrate	441
Appendix MM	444
Form 5.9XX - Letters of Administration.....	444
Appendix NN	447
Form 5.9XX - Order for Disposition without Administration of Intestate Personal Property in Small Estates	447
Appendix OO	450
Proposed Amendment to Florida Probate Rule 5.235	450
Appendix PP	454
Chart of Inflation Adjusted Thresholds.....	454
Appendix QQ	458
Proposed Amendment to Section 735.201, Florida Statutes.....	458
Appendix RR	460
Proposed Amendment to Section 735.304, Florida Statutes.....	460
Appendix SS.....	463
Proposed Amendment to Section 735.302, Florida Statutes.....	463
Appendix TT	465
Proposed Amendment to Section 735.303, Florida Statutes.....	465

Appendix UU	470
Summary of Research on Safe-Deposit Boxes.....	470
Appendix VV	473
Proposed Amendment to Section 655.933, Florida Statutes.....	473
Appendix WW	475
Proposed Amendment to Section 655.936, Florida Statutes.....	475
Appendix XX	477
Proposed Amendment to Section 733.603, Florida Statutes.....	477
Appendix YY	479
Proposed Amendment to Section 733.612, Florida Statutes.....	479
Appendix ZZ	483
Proposed Amendment to Section 733.6171, Florida Statutes.....	483
Appendix AAA	488
Proposed New Section 733.6125, Florida Statutes.....	488
Appendix BBB	490
Proposed Amendment to Section 28.241, Florida Statutes.....	490
Appendix CCC	497
Proposed Amendment to Florida Probate Rule 5.065.....	497
Appendix DDD	501
Proposed Amendment to Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(D)	501

I. WORKGROUP MEMBERS

Mr. Benjamin F. Diamond, Attorney at Law, Saint Petersburg

The Honorable Gregory C. Harrell, Clerk of the Circuit Court and Comptroller,
Marion County

Ms. Darby Jones, Professional Fiduciary, Saint Petersburg

Mr. Theodore S. Kypreos, Attorney at Law, West Palm Beach

Mr. Laird A. Lile, Attorney at Law, Naples

The Honorable Michael T. McHugh, Circuit Court Judge, Twentieth Judicial
Circuit

The Honorable Edwin A. Scales, III, Appellate Judge, Third District Court of
Appeal

The Honorable Bertila A. Soto, Circuit Court Judge, Eleventh Judicial Circuit

Mr. Zackary T. Zuroweste, Attorney at Law, Clearwater

Staff support was provided by the Office of the State Courts Administrator.

II. EXECUTIVE SUMMARY

The Florida Supreme Court established the Workgroup on Uncontested Probate Proceedings in April 2024 to make recommendations to redesign and improve the efficiency and effectiveness of uncontested probate proceedings. Uncontested matters, which constitute over 94% of Florida's probate caseload, often experience delays, despite their non-adversarial nature, due to inconsistent local practices, extralegal procedural requirements, and underutilized case-management tools.

The Workgroup conducted a comprehensive review of Florida's probate framework, probate laws in other states, probate data trends, and feedback from extensive stakeholder outreach. Key findings include:

- **Administrative Burden on Judiciary:** Judges routinely handle uncontested matters requiring minimal judicial discretion, diverting valuable judicial resources from cases involving genuine legal disputes.
- **Underutilized Magistrates:** The requirement for express party consent to magistrate referral restricts the use of magistrates in uncontested proceedings and contributes to inefficiencies.
- **Local Practice Inconsistencies:** Inconsistent filing requirements among circuits complicate routine probate administration.
- **Extralegal Procedural Burdens:** Unnecessary and inconsistent requirements, not grounded in law or rule, frequently delay case resolution.
- **Outdated Thresholds and Time Standards:** Monetary thresholds for expedited small estate procedures have not kept pace with inflation, limiting access to simplified processes and shifting more cases into formal administration. In addition, obsolete time standards continue to reference estate tax filing requirements that no longer apply to most estates.
- **Resistance from Financial Institutions:** Personal representatives frequently encounter procedural barriers imposed by financial institutions, delaying estate administration.
- **Inadequate Related Case Notification:** Courts are not consistently notified when related civil suits or ancillary administrations are resolved, hindering effective case management and timely closure.
- **Clerk Resources:** Appropriate funding and support should be provided for expanded clerk responsibilities, such as assisting

unrepresented persons with completing Supreme Court–approved forms, through adjustments to the re-open fee schedule.

- **Education and Training Opportunities:** Many practitioners remain unaware of procedures that could expedite case resolution. For example, the affidavit of no estate tax due is no longer required in most cases. Education is needed for both the bench and bar on streamlined processes and applicable statutory authority.

To address these findings, the Workgroup recommends:

- **Creation of Administrative Probate:** Establish a new streamlined procedure—administrative probate—in which routine functions (such as admitting wills, appointing personal representatives, issuing letters of administration, and entering uncontested orders) are performed by a “probate magistrate” rather than a circuit judge. This process provides an automatic referral of eligible cases, requires each circuit to appoint at least one experienced probate magistrate, and preserves judicial oversight through court review and final discharge.
- **Referral to Magistrates:** Amend Florida Probate Rule 5.095 to adopt an implied consent model, allowing routine uncontested matters to be efficiently referred to magistrates unless a timely objection is filed. The Workgroup envisions a system in which most uncontested probate proceedings are handled by magistrates.
- **Standardized Filing Practices:** Adopt Supreme Court–approved checklists, mandatory forms for common probate proceedings, and template proposed orders to promote uniform application of procedural requirements statewide.
- **Updated Monetary Thresholds:** Amend statutes and rules to raise monetary thresholds for small estate affidavit procedures and summary administration to keep pace with inflation and expand access to simplified processes.
- **Uniform Expiration of Letters of Administration:** Establish a statewide 12-month expiration period for letters of administration to encourage timely case resolution, with provisions for extensions when appropriate.
- **Strengthened Authority with Financial Institutions:** Amend statutes to clarify and enhance the authority of personal representatives in dealing with financial institutions, reducing unnecessary judicial intervention.
- **Enhanced Clerk Support:** Provide funding and resources to support expanded clerk responsibilities, such as assisting unrepresented

persons with completing Supreme Court-approved forms, through adjustments to the re-open fee schedule.

- **Notice of Conclusion Requirement:** Amend procedural rules to require parties to file notice when related civil actions or ancillary proceedings conclude, improving case management and facilitating timely closure of probate cases.
- **Modernization of Time Standards:** Update probate time standards to reflect current practice by removing obsolete references to the estate tax affidavit.
- **Educational Initiatives:** Develop and distribute educational materials for judges, practitioners, and personal representatives addressing expedited procedures, recent statutory amendments, personal representative authority, and best practices for interacting with financial institutions.

These recommendations aim to streamline probate procedures, reduce delays, optimize judicial resources, and enhance consistency statewide, with the goal of making probate administration more timely, efficient, and accessible.

III. BACKGROUND

A. ADMINISTRATIVE ORDER & WORKGROUP MEETINGS

In re: Workgroup on Uncontested Probate Proceedings, Fla. Admin. Order No. AOSC24-20 (April 30, 2024), established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council (JMC) to make recommendations to redesign and improve the efficiency and effectiveness of this state's processes and procedures for uncontested probate proceedings. The administrative order charged the Workgroup with the following:

- Examine this state's practices, rules of court, and laws for uncontested probate proceedings;
- Review processes and procedures for addressing uncontested probate proceedings in other states to identify reforms that may improve the efficient and effective resolution of such proceedings in this state; and
- Make recommendations, if warranted, to improve the processes and procedures for uncontested probate proceedings and propose any revisions to practices, rules of court, or statutes that are needed to implement the Workgroup's recommendations.

The administrative order also directed the Workgroup to submit its findings and recommendations to the Probate Rules Committee of The Florida Bar for comment.

The Workgroup, consisting of one appellate judge, two circuit court judges, one clerk of circuit court and comptroller, four private attorneys, and one professional fiduciary, met 18 times prior to the completion of this report. The first two meetings focused on comparing Florida probate laws with those of other states. Subsequent meetings included detailed discussions on inefficiencies, data analysis, and input from practitioners, interest groups, and representatives from high-performing Florida counties. The Workgroup also conducted in-depth research on other states' practices and engaged experts in those states' processes for additional insights. At its December meeting, the Workgroup completed its substantive review and began formulating its findings and recommendations.

The next four meetings were devoted to refining the recommended statutory and rule amendments, including the development of standardized checklists, forms, and template proposed orders. In accordance with AOSC24-20, the Workgroup sought input from the Probate Rules Committee of The Florida Bar (PRC) on its preliminary findings and recommendations. The Workgroup submitted its preliminary recommendations¹ to the PRC on March 21, 2025, and received the PRC's response on April 23, 2025. The PRC supplemented its response on June 26, 2025.² A copy of the PRC's responses are included in this report as Appendix A.

The PRC's feedback focused on the proposed checklists, forms, and related rule amendments, which are discussed in Section V.C., below. While expressing general support for the Workgroup's goal of improving efficiency and consistency in probate practice, the PRC also provided substantive comments, offered to collaborate on refining the proposed materials, and has already begun developing statewide checklists for use in probate proceedings.

The Workgroup reviewed and considered the PRC's comments at its next meeting. The remainder of the Workgroup's efforts focused on finalizing its recommendations and preparing this report for submission to the JMC.

¹ Following submission of its preliminary findings and recommendations to the PRC, the Workgroup developed additional recommendations relating to administrative probate (Section V.A.), notices of conclusion (Section V.H.), and time standards (Section V.I.). The PRC has not had an opportunity to comment on these latest recommendations.

² Because the PRC's supplemental response was received shortly before the Workgroup's submission deadline, the Workgroup did not have an opportunity to thoroughly review the proposed checklist or provide recommendations in response.

B. PRESENT SITUATION

1. Probate Proceedings in Florida

The Florida Probate Code governs how a person’s property is distributed after they die. When decedents die with a valid will, their property is distributed according to the instructions in that will.³ If there is no will—a situation known as dying "intestate"—Florida law determines who receives the property.⁴ The property transferred through the probate process is called the estate.⁵ Estate property, also referred to as probate assets, typically includes property owned solely by the decedent.⁶

To begin a formal administration for any estate, whether testate or intestate, an interested person⁷ must file a petition for administration with the circuit court.⁸ The court then appoints a personal representative to handle the estate, giving priority to the person named in the will, followed by a person selected by a majority in interest of those entitled to the estate, or, if neither is available, a person chosen by the judge.⁹ Once appointed, the personal representative receives an official document called letters of administration. The letters give the personal representative the legal authority to manage the estate, including gathering assets, paying debts, and distributing what remains

³ § 732.6005, Fla. Stat. (2024).

⁴ In most intestate estates, the surviving spouse inherits everything if there are no children or other descendants. § 732.102(1), Fla. Stat. If the person who died had children, the estate is divided based on whether those children are also the children of the surviving spouse, and whether the surviving spouse has children from a different relationship. § 732.102(2)-(4), Fla. Stat. If there are no children or spouse, the estate usually goes to the person’s parents. § 732.103(2), Fla. Stat. If the parents are no longer living, it goes to the next closest family members. § 732.103, Fla. Stat. If no eligible relatives can be found, the estate becomes the property of the state. § 732.107, Fla. Stat.

⁵ § 731.201(14), Fla. Stat. (2024).

⁶ The Florida Bar, *Consumer Pamphlet: Probate in Florida*, <https://www.floridabar.org/public/consumer/pamphlet026/> (last visited Jan. 29, 2025).

⁷ “Interested person” means any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved. § 731.201(23), Fla. Stat.

⁸ See § 733.202, Fla. Stat.; see also Art. V, § 5(b), Fla. Const. (“The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals when provided by general law.”); § 26.012(2)(b), Fla. Stat. (“Circuit Courts shall have exclusive original jurisdiction [o]f proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate.”).

⁹ § 733.301, Fla. Stat. (2024).

to the beneficiaries.¹⁰ The personal representative must also notify beneficiaries, creditors, and others who may be affected, giving them a set amount of time to challenge the will or take other legal steps.¹¹ The personal representative must publish a notice in a local newspaper, advising that claims must be filed within three months.¹² If the personal representative or another interested person is uncertain who is entitled to a probate asset, either person may request the court to determine the beneficiaries.¹³

Personal representatives must be represented by an attorney unless they are the sole interested person in the estate.¹⁴ However, this requirement does not extend to other interested persons, beneficiaries, or creditors, who may appear without legal representation.¹⁵ As a result, judges presiding over probate proceedings often interact with a mix of represented and unrepresented persons, increasing the need for clear procedures, standardized forms, and user-friendly resources to ensure fair and efficient administration.

2. Adversary vs. Uncontested Probate Proceedings in Florida

A probate proceeding is considered “contested” or “adversary” when there is a disagreement about a key issue, such as whether the will is valid, how property should be divided, or who should serve as the personal representative.¹⁶ Although the rules do not define “uncontested,” the case is treated as uncontested or “non-adversary” when no party raises a legal challenge.

While all probate cases follow the same general rules, additional procedures apply when a case becomes adversary.¹⁷ Adversary cases often take longer to finish and are more expensive than uncontested cases.¹⁸ As discussed in Section III.B.6.d., below, over 94% of probate proceedings in Florida are uncontested.

¹⁰ § 733.602, Fla. Stat. (2024).

¹¹ §§ 733.212, 733.2121, Fla. Stat. (2024).

¹² § 733.2121, Fla. Stat. (2024).

¹³ Fla. Prob. R. 5.385; § 733.105, Fla. Stat. (2024).

¹⁴ Fla. Pro. R. 5.030(a).

¹⁵ *Id.* (requiring representation only for guardians and personal representatives who are the sole interested person); *McGhee v. Estate of McGhee*, 373 So. 3d 417, 418 (Fla. 2d DCA 2023) (noting that an heir participated in the probate proceeding for two years without counsel).

¹⁶ Fla. Prob. R. 5.025(a).

¹⁷ *Id.*

¹⁸ *Consumer Pamphlet: Probate in Florida*, *supra* note 6 (stating the length of probate depends on the facts of the situation and that adversarial proceedings, amongst other things, can lengthen the process of administration).

3. Florida's Alternatives to Formal Administration

Florida offers two alternatives to formal probate: summary administration and disposition without administration. These procedures are intended to reduce administrative burdens and expedite asset distribution; however, outdated monetary thresholds and restrictive eligibility criteria have limited their broader utility.

a. Summary Administration

Summary administration is a simplified alternative to formal administration for estates valued under \$75,000, excluding property exempt from creditor claims,¹⁹ or when the decedent has been deceased over two years.²⁰ Summary administration is not permitted if the will specifically requires formal administration.²¹

Any beneficiary, or person nominated as the personal representative in the will, may file a petition for summary administration.²² The petition must be signed and verified by the surviving spouse, if any, and any beneficiaries, except for beneficiaries who will receive their full distributive share under the proposed distribution.²³ Otherwise, beneficiaries who do not join the petition must be notified and given the opportunity to respond.²⁴

After filing the petition, the petitioner submits a proposed order, which the court reviews to determine whether the estate qualifies for summary administration.²⁵ If so, the court will enter an order distributing the estate's assets and identifying the person entitled to receive each one, without the need for further administration.²⁶ This process avoids many of the steps required in formal administration—such as appointing personal representatives and filing

¹⁹ Exempt property includes: (1) up to \$20,000 in household furniture, furnishings, and appliances in the decedent's home as of the date of death, (2) two personal motor vehicles under 15,000 pounds each, (3) all qualified tuition programs authorized by section 529 of the Internal Revenue Code, and (4) all benefits paid pursuant to section 112.1915, Florida Statutes (teachers and school administrators; death benefits). § 732.402, Fla. Stat. (2024).

²⁰ § 735.201(2), Fla. Stat. (2024).

²¹ § 735.201(1), Fla. Stat. (2024).

²² § 735.203(1), Fla. Stat. (2024).

²³ *Id.*

²⁴ *Id.*

²⁵ Fla. Prob. R. 5.530(d).

²⁶ *Id.*

inventories—and typically results in a faster and more cost-effective distribution of property.²⁷

Under Florida’s “non-claim” statute, creditors’ claims are barred two years after the decedent’s death.²⁸ A summary administration that is commenced more than two years after the decedent’s death does not need to address creditors’ claims.²⁹ If the death occurred less than two years before the petition is filed, the petitioner must search for creditors, notify those who are known or reasonably ascertainable, and set aside assets to pay valid claims if possible.³⁰ Claims from unknown creditors are barred unless filed within three months of a published notice.³¹ Once the court enters the order of summary administration, the beneficiaries are entitled to the assets immediately.³² One of the key advantages of summary administration is that it allows beneficiaries to receive their inheritance quicker than in formal administration.³³

Recipients of estate property remain responsible for any valid claims against the decedent for up to two years after the date of death.³⁴ Creditors or beneficiaries who were improperly omitted from the summary administration may still pursue their rights.³⁵ If successful, they may also recover reasonable attorney’s fees and costs.³⁶

Although summary administration is intended to be simpler than formal administration, it can sometimes present challenges. Unlike formal administration, it requires the petitioner to identify and value all assets at the outset of the case.³⁷ For example, when financial institutions refuse to provide account information, petitioners may be unable to determine whether the estate qualifies, effectively forcing them to pursue formal administration.

²⁷ Compare § 735.206(3), Fla. Stat. (“The court may enter an order of summary administration allowing immediate distribution of the assets to the persons entitled to them.”), with Fla. Prob. R. 5.400(5) (requiring the personal representative in a formal administration to prepare a plan of distribution prior to distributing the decedent’s assets).

²⁸ § 733.710, Fla. Stat. (2024).

²⁹ *Id.*

³⁰ § 735.206(2), Fla. Stat. (2024).

³¹ § 735.2063, Fla. Stat. (2024).

³² § 735.206(3), Fla. Stat. (2024).

³³ See footnote 27, *supra*.

³⁴ § 735.206(4)(d)-(f), Fla. Stat. (2024).

³⁵ § 735.206(4)(d), Fla. Stat. (2024).

³⁶ § 735.206(4)(g), Fla. Stat. (2024).

³⁷ Compare Fla. Prob. R. 5.530 (requiring a petition for summary administration to include a description of all assets in the estate and the estimated value of each, and a separate description of any protected homestead and exempt property); with Fla. Prob. R. 5.200 (requiring a petition for formal administration to include a statement of the approximate value and nature of the assets).

b. Disposition Without Administration

Disposition without administration allows limited transfers of personal property without going through either formal or summary administration, provided statutory conditions are met.³⁸ This process is available only when the decedent's estate consists solely of:

- Exempt personal property under section 732.402, Florida Statutes, such as household items valued up to \$20,000 and up to two motor vehicles;³⁹
- Personal property exempt from creditors under the Florida Constitution, valued at \$1,000 or less;⁴⁰ and
- Non-exempt personal property with a value that is less than the combined amount of preferred funeral expenses⁴¹ and final medical or hospital costs from the decedent's last 60 days of illness.⁴²

To begin the process, an interested person can submit an informal request to the court, usually in the form of a letter or an affidavit.⁴³ If the court finds the estate qualifies, the judge may issue a written order authorizing the payment or transfer of property to the person set forth in the request.⁴⁴ Once the property is transferred according to the court's directive, any business that or individual who transferred the property is released from liability.⁴⁵ The petitioner remains liable to creditors or other persons rightfully entitled to the funds, to the extent the payment exceeded the portion rightfully belonging to the petitioner.⁴⁶

Under section 735.304, Florida Statutes, affidavit procedures are also available for small intestate estates when the decedent has been deceased for more than one year and left only exempt property and a limited amount of non-

³⁸ § 735.301(1), Fla. Stat. (2024).

³⁹ *Id.*

⁴⁰ *Id.*; Art. X, § 4(a)(2), Fla. Const.

⁴¹ § 735.301(1), Fla. Stat. (2024). Under Florida law, the payment of estate expenses follows a statutory order of priority. Section 733.707, Florida Statutes, establishes a hierarchy for satisfying obligations of the estate, beginning with administrative expenses and certain priority claims. "Preferred funeral expenses" refers to reasonable funeral and burial costs that are granted priority under this statute. These expenses are paid before general claims and distributions to beneficiaries or heirs, ensuring that essential end-of-life costs are addressed early in the estate administration process.

⁴² § 735.301(1), Fla. Stat. (2024).

⁴³ § 735.301(2), Fla. Stat. (2024).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ § 735.303(3)(g), Fla. Stat. (2024).

exempt property. The total value of the non-exempt property must not exceed \$10,000, excluding the cost of preferred funeral and final medical expenses.⁴⁷ Although similar to other affidavit procedures, small intestate estate affidavits are subject to additional notice and consent requirements.⁴⁸

Two other types of assets may also be distributed using affidavit procedures. First, a surviving heir may claim a decedent's unclaimed federal income tax refund of up to \$2,500 by affidavit, provided that the decedent was not indebted, provision has been made for the payment of the decedent's debts, or the entire estate is exempt from the claims of creditors, and that no administration of the estate has been initiated or planned.⁴⁹ Additionally, no earlier than six months after the death of an intestate decedent, a surviving family member may obtain up to \$1,000 on deposit in a financial institution from an account titled solely in the decedent's name, provided that no personal representative has been appointed, and the funds are claimed by affidavit. The financial institution is discharged from liability upon making the payment in good faith reliance on the affidavit, but the affiant remains liable to any person legally entitled to the funds in the qualifying account.⁵⁰

4. Role of the Court and Magistrates

Circuit courts have exclusive original jurisdiction over probate matters, including the admission of wills and the administration of estates.⁵¹ This means that only circuit courts are authorized to adjudicate such matters in the first instance, and no other court may do so. While "exclusive jurisdiction" refers to the sole authority to hear a particular class of cases,⁵² "original jurisdiction" denotes the authority to hear a case at its inception rather than on appeal.⁵³

The court's central role in probate is to ensure the orderly distribution of assets, both for the benefit of those entitled to inherit and in the broader interest of public welfare.⁵⁴ Circuit judges also have the authority to take

⁴⁷ § 735.304(1), Fla. Stat. (2024).

⁴⁸ For example, the affidavit must be served in the manner of formal notice on all heirs at law who have not joined in the affidavit; all known or reasonably ascertainable creditors; and, if the decedent at the time of death was over the age of 55 years of age, upon the Agency for Health Care Administration. § 735.304(2), Fla. Stat. (2024).

⁴⁹ § 735.302, Fla. Stat. (2024).

⁵⁰ § 735.303, Fla. Stat. (2024).

⁵¹ See footnote 8, *supra*; § 26.012(2)(b), Fla. Stat. (2024).

⁵² *Seaboard Air Line R. Co. v. Gay*, 68 So. 2d 591, 593 (Fla. 1953).

⁵³ See *State v. Sullivan*, 116 So. 255, 259 (Fla. 1928).

⁵⁴ *In re Williamson's Est.*, 95 So. 2d 244, 246 (Fla. 1956).

actions that protect the estate's assets and ensure they are preserved for the people entitled to receive them.⁵⁵ In formal administration, three steps occur in every case: (1) the court admits the will to probate, if one exists;⁵⁶ (2) appoints a personal representative;⁵⁷ and (3) discharges the personal representative after the estate is fully administered.⁵⁸ Between those universal steps, the court may issue additional orders based on the specifics of the estate. These may include orders resolving disputes,⁵⁹ approving accountings,⁶⁰ authorizing asset sales,⁶¹ and determining the rights of heirs and beneficiaries.⁶²

Probate dockets are largely driven by uncontested filings and are administrative in nature. Because more than 94% of probate cases statewide are uncontested,⁶³ they typically do not require many hearings.⁶⁴ As a result, probate matters may receive less judicial attention than other case types with stricter deadlines or more courtroom activity. Some judges view probate assignments as document-heavy and routine, offering fewer opportunities for traditional judicial tasks like hearing live testimony or weighing witness

⁵⁵ *Delbrouck v. Eberling*, 177 So. 3d 66, 70 (Fla. 4th DCA 2015) (quoting *Conger's Estate v. Conger*, 414 So. 2d 230, 233 (Fla. 3d DCA 1982)); *Wise v. Schmidek*, 649 So. 2d 336 (Fla. 3d DCA 1995).

⁵⁶ § 733.201, Fla. Stat. (2024).

⁵⁷ Fla. Prob. R. 5.235(a)(1).

⁵⁸ § 733.901, Fla. Stat. (2024).

⁵⁹ See Fla. R. Prob. 5.025 (adversary proceedings).

⁶⁰ See Fla. Prob. R. 5.345(e) (disposition of objections and approval of accountings).

⁶¹ See Fla. Prob. R. 5.370(b) (requiring court order authorizing the public or private sale of real property).

⁶² *Ullendorff v. Brown*, 24 So. 2d 37, 40 (Fla. 1945); see also Fla. Prob. R. 5.385(c) (determination of beneficiaries and shares).

⁶³ See Florida's Clerks of Court and Comptrollers, Adversarial and Non-Adversarial Data: 2019 – 2024, Comprehensive Case Management System D-36, D-18-D-35 (distributed to Workgroup on Oct. 9, 2024) (attached to this report in Appendix D and on file with the Off. of the St. Cts. Admin'r).

⁶⁴ Under the Florida Probate Code and Florida Probate Rules, hearings are generally required only to resolve disputes or address contested matters. Even then, a hearing is not categorically required. For example, proceedings to determine the compensation of a personal representative or their agent occur only "if required" and may be resolved without a hearing depending on the circumstances. § 733.6175(2), Fla. Stat. Similarly, when a caveat is filed, the court may not act until the caveator has had an opportunity to participate in the proceeding. § 731.110(3), Fla. Stat. A caveat is a formal filing by an interested person, other than a creditor, requesting advance notice before a will is admitted to probate, or a personal representative is appointed. This opportunity to participate does not necessarily include a hearing. *Id.*; Fla. Prob. R. 5.260.

credibility. To manage these caseloads more efficiently, some circuits refer probate proceedings to magistrates under Florida Probate Rule 5.095.⁶⁵

Florida courts began employing masters—now referred to as magistrates—to assist judges in resolving cases as early as the mid-1800s.⁶⁶ Magistrates have been described as “highly important and responsible officer[s] of the court, acting for and under the appointment of the court, and vested with considerable authority of a judicial nature....”⁶⁷ Although the Florida Constitution grants the circuit courts exclusive original jurisdiction over probate matters, judicial powers may be reasonably delegated if the delegation is properly limited and subject to the court supervision.⁶⁸ As part of its review, the Workgroup analyzed the permissible scope of such delegation, as summarized in Appendix B. The Workgroup concluded that magistrates are underutilized in probate proceedings and recommends a series of reforms to expand and enhance their role, as discussed in Section V.B., below.

5. Local Practices and Procedures

While Florida's circuit courts follow the same fundamental legal framework, local practices and procedures vary significantly among judicial circuits, and even among judges within the same circuit. These differences influence how probate cases are processed, scheduled, and resolved. The Workgroup reviewed the practices of every judge assigned to a probate division in Florida.⁶⁹ A summary of local procedures is included as Appendix C to this report and key takeaways are described below.

Perhaps the most significant local variation involves the use of checklists to guide probate filings. Checklists are intended to ensure that all required information is submitted so the court can act on the request for relief. Typically published on the circuit's website, they identify the information required for a particular filing. However, checklist practices are not uniform across the state. Some circuits, such as the First (Santa Rosa and Escambia counties) and the Second (Leon and Jefferson counties), require checklists for petitions to open or

⁶⁵ See Circuit Survey, *infra* note 70, at C-4 (Third Circuit), C-10 (Eighth Circuit), C-17 (Twelfth Circuit), and C-27 (Twentieth Circuit).

⁶⁶ See *Slatcoff v. Dezen*, 74 So. 2d 59, 62 (Fla. 1954); 21 Fla.L.Prac. Reference §21 (1964).

⁶⁷ *Burns v. Burns*, 13 So. 2d 599, 602 (Fla. 1943).

⁶⁸ *Larson v. State*, 572 So. 2d 1368, 1371 (Fla. 1991).

⁶⁹ The judicial assignments and procedures reflect those in effect on July 22, 2024.

close formal administration.⁷⁰ Others, like the Ninth Circuit, extend checklist use to homestead determinations and affidavits of heirs in intestate cases.⁷¹ By contrast, other circuits, including the Third, impose no checklist requirements at all.⁷²

In many counties, checklists are generated or updated by case managers, sometimes without notice to the parties. This practice is often the cause of significant delays. For example, practitioners reported being required to obtain notarized waivers from all beneficiaries—even in an uncontested case where a surviving spouse or trustee had already consented—despite no statutory requirement for such waivers. In some cases, estates remained unopened for over a month while petitioners complied with checklist demands. Although these local practices may promote administrative consistency for a particular judge, they also lead to confusion and delay when they impose requirements not found in statute or rule.

Case management policies also differ across circuits. Some courts, like the Eighth Circuit, require case management conferences if an estate remains open longer than eight months.⁷³ Others, like Volusia County, trigger show cause orders if deadlines are missed.⁷⁴ Special dockets and *ex parte* days are common for brief, uncontested matters, though their availability and formats vary.⁷⁵

Bond requirements and supporting documentation vary across the state. Some circuits provide structured bond schedules with opportunities for waiver, while others require detailed affidavits of heirs and notarized filings.⁷⁶

Practices for closing and reopening probate cases differ as well. Miami-Dade and Orange counties, for instance, take different approaches to cases that exceed time standards.⁷⁷ In Orange County, letters of administration in

⁷⁰ Off. of the St. Cts. Admin'r, Circuit Survey – summary of local probate administrative orders, judge/division procedures, and checklists C-1, C-1–C-2 (July 22, 2024) (attached to this report as Appendix C and on file with the Off. of the St. Cts. Admin'r) [hereinafter Circuit Survey].

⁷¹ *Id.* at C-11.

⁷² For example, in the Seventh Circuit, Flagler provides checklists to filers for the most common probate pleadings, but Volusia County provides worksheets for the clerk's use. *Id.* at C-8–C-9.

⁷³ *Id.* at C-10.

⁷⁴ *Id.* at C-8.

⁷⁵ *Id.* at C-11–C-13, C-14–C-17, and C-23–C-24.

⁷⁶ *Compare* Circuit Survey, *supra* note 70 at C-17 *with* Circuit Survey, *supra* note 70 at C-8.

⁷⁷ Uncontested probate proceedings should generally be concluded within one year from the issuance of letters of administration, while contested proceedings should

uncontested cases expire after 12 months, and estates may be subject to sanctions—including dismissal without prejudice—for failing to timely distribute assets or to seek an extension. Miami-Dade County, by contrast, issues an “order to progress,” similar to an order to show cause, to prompt action in stalled cases.

These variations demonstrate the importance of understanding local court expectations. Probate practice in Florida often involves navigating a patchwork of procedures, many of which are not set forth in statute or statewide rule. These differences can affect timelines, increase costs, and complicate what would otherwise be a relatively routine process, especially in uncontested cases.

6. Florida Probate Data Review

To properly assess the effectiveness and efficiency of Florida’s probate processes, the Workgroup reviewed available probate data from the Office of the State Courts Administrator and the Florida Clerks of Court and Comptrollers’ Comprehensive Case Information System. The data compilations reviewed by the Workgroup are included in this report as Appendix D.⁷⁸ Key takeaways are summarized below.

a. Case Filings

Probate filings have shown a steady upward trend over the past five years, meanwhile circuit criminal case filings in Florida have generally declined⁷⁹ and circuit civil filings have fluctuated.⁸⁰ The growth in probate

be resolved within two years from the date of filing. Fla. R. Gen. Prac. & Jud. Admin. 2.250(a)(1)(D).

⁷⁸ Meaningful comparisons between circuits require data that is collected and reported consistently at the county level. While most of the data reviewed by the Workgroup supported county-level comparisons, several metrics, such as time since death and estate value, are not uniformly collected or reported statewide. Clerks of court who provide this enhanced level of detail are exceeding current data reporting requirements. However, inconsistencies in data quality and reporting practices may limit the precision of certain findings and should be considered when interpreting circuit- or county-specific trends.

⁷⁹ Circuit criminal case filings in Florida peaked in 2018-19 with 177,641 filings and fell 152,742 filings in 2023-24. Off. of the State Cts. Admin’r. *Florida’s Trial Courts Statistical Reference Guide – FY 2023-24*, 3-1 (Jan. 2025) <https://www.flcourts.gov/content/download/2445355/file/2023-24-srg-chapter-3-circuit-criminal-20250130.pdf>.

⁸⁰ Circuit civil case filings reached 208,437 filings in 2018-19 and then fell to 146,534 new filings in 2021-22 before peaking at 236,484 filings in 2022-23. Off. of the State Cts. Admin’r. *Florida’s Trial Courts Statistical Reference Guide – FY 2023-24*, 4-1 (Jan. 2025) <https://www.flcourts.gov/content/download/2445356/file/2023-24-srg-chapter-4-circuit-civil-20250130.pdf>.

filings appears to be driven in part by Florida's aging⁸¹ and expanding⁸² population.

Statewide probate filings increased from 57,997 in fiscal year 2019–20 to 71,282 in 2023–24, an overall rise of 22.9%. The sharpest increase occurred between 2019–20 and 2021–22, when filings rose to 77,344 cases, a 33.3% increase in just three years.⁸³

Several counties experienced especially notable growth. In Miami-Dade County, probate filings increased from 4,085 in 2019–20 to 5,971 in 2021–22, a 46% rise in three years.⁸⁴ Over the five-year period, Wakulla and Charlotte Counties saw dramatic increases of 91.4% and 88.7%, respectively.⁸⁵ Smaller and rural counties accounted for many of the most significant percentage gains.

These trends underscore the rising demand on Florida's probate system and highlight the importance of streamlining procedures to manage increasing caseloads efficiently.

b. Clearance Rates

Clearance rates, calculated by dividing the number of case dispositions by the number of filings in a given year, serve as a key performance indicator of whether courts are keeping pace with their caseload.⁸⁶ A clearance rate of 100% indicates that a court is resolving as many cases as it receives, while rates below 100% may signal the accumulation of a backlog.⁸⁷

⁸¹ In 2010, approximately 17.3% of Florida's population was 65 years of age or older. By 2020, the percentage had risen to over 21%, and it is projected to increase to nearly 25% by the year 2030. *Florida Population by Age Group*, Off. of Econ. and Demog. Resch. (2024), https://edr.state.fl.us/Content/population-demographics/data/Pop_Census_Day-2023.pdf (last visited May 16, 2025).

⁸² In 2010, Florida's total population was approximately 18.8 million people, and the population increased to over 21.5 million in 2020. It is projected to continue increasing, reaching nearly 25 million by 2030. *Id.*

⁸³ Off. of the St. Cts. Admin'r, *Statewide Probate and Guardianship Filings by County and Fiscal Year – Fiscal Years 2019-20 through 2023-24 D-1, D-6* (last modified July 9, 2025) (attached to this report in Appendix D and on file with the Off. of the St. Cts. Admin'r).

⁸⁴ *Id.* at D-4.

⁸⁵ *Id.* at D-1, D-6.

⁸⁶ Clearance Rate Dashboard, Florida Courts, ("The clearance rate is an indicator of whether a court is "keeping up" with its incoming caseload."). <https://www.flcourts.gov/Publications-Statistics/Statistics/Clearance-Rate-Dashboard> (last modified Apr. 7, 2025).

⁸⁷ *Id.* ("If a court's clearance rate is continually less than 100 percent over an extended period of time, the court will develop a backlog.").

Statewide probate clearance rates fluctuated over the five-year period but consistently remained below the 100% benchmark.⁸⁸ The average statewide probate clearance rate over the five-year period was approximately 93.7%,⁸⁹ indicating a shortfall between case filings and resolutions. The lowest statewide performance occurred in 2020-21, when the clearance rate dropped to 86.5%.⁹⁰

Nevertheless, several counties consistently maintained high clearance rates, reflecting effective case management and timely resolution of filings. The top performers included:

- Miami-Dade (111.1%), Okeechobee (109.5%), Okaloosa (102.1%), and Charlotte (100.1%),⁹¹ each of which exceeded the 100% benchmark, indicating successful reduction of pending caseloads.
- Other high-performing counties included Palm Beach (99.3%), Brevard (98.3%), Escambia (98.3%), St. Johns (98.1%), Volusia (97.2%), Martin (96.9%), St. Lucie (95.9%), Bradford (95.7%), Orange (95.3%), Hernando (94.4%), Gadsden (94.4%), Osceola (94%), and Broward (93%).⁹²

In contrast, a small number of counties reported unusually low clearance rates.⁹³ These figures may reflect localized processing challenges, such as staffing shortages, docketing delays, or the lack of probate-specific judicial assignments. Alternatively, they may result from inconsistent data reporting or procedural issues that keep cases open longer, such as unresolved collateral claims. These disparities also highlight the limitations of relying solely on clearance rates to assess court performance.

c. Timing and Value of Summary Administration Cases

Although data on the time since death and estate value are not collected statewide, some counties report this information in connection with summary administration filings.⁹⁴ Available data indicate that most summary

⁸⁸ Florida's Clerks of Court and Comptrollers, Clearance Rates, Comprehensive Case Management System D-13, D-17 (distributed to Workgroup on Oct. 9, 2024) (attached to this report in Appendix D and on file with the Off. of the St. Cts. Admin'r).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.* at D-15-D-16.

⁹² *Id.* at D-13-D-16.

⁹³ For example, the following counties reported notably low five-year average clearance rates: Hamilton County, 17.5%; Lafayette County, 21%; Gilchrist County, 32.5%; and Madison County, 40.8%. *Id.* at D-14-D15.

⁹⁴ Florida's Clerks of Court and Comptrollers, Time Deceased Data: 2019 – 2024, Comprehensive Case Management System D-50, D-50-D-67 (distributed to Workgroup on Oct. 9, 2024) (attached to this report in Appendix D and on file with the

administration cases are filed within two years of the decedent's death⁹⁵ and typically involve estates valued between \$1,000 and \$75,000.⁹⁶ These trends appear consistent across counties of varying size.

However, due to the relatively low threshold for reported estate value and variations in reporting practices across counties, the utility of this data is limited. Notably, neither the time elapsed since death nor the reported estate value appears to influence whether a case becomes adversarial, over 99% of summary administration cases remain uncontested across both categories.

d. Uncontested Probate Proceedings

Over the past six years, uncontested probate proceedings have consistently accounted for the vast majority of probate filings statewide, with most counties reporting rates of 94% or higher.⁹⁷ Many counties, particularly smaller or rural ones such as Bay, Charlotte, and Monroe, reported no contested filings at all.⁹⁸

However, contested cases are disproportionately concentrated in larger, more affluent jurisdictions. Counties such as Miami-Dade and Broward, reported the highest absolute numbers of adversarial proceedings.⁹⁹ This pattern suggests that economic and demographic factors may influence the likelihood of an adversarial proceeding. Wealthier counties may see more disputes due to higher estate values, more complex estate plans, or greater access to legal counsel.

In uncontested cases, the time to resolution is relatively consistent across the state. Approximately 64% of uncontested proceedings are resolved within six months to one year, while roughly 20% are resolved in under six months. The remaining 16% take longer than one year.¹⁰⁰ These timelines

Off. of the St. Cts. Admin'r); Florida's Clerks of Court and Comptrollers, Estate Value Data: 2019 – 2024, Comprehensive Case Management System D-38, D-38–D-49 (distributed to Workgroup on Oct. 9, 2024) (attached to this report in Appendix D and on file with the Off. of the St. Cts. Admin'r). Those counties include Alachua, Citrus, Gulf, Lee, Marion, Martin, Okaloosa, Osceola, Polk, Putnam, St. Johns, Sarasota, Sumter, Union, Volusia, and Walton.

⁹⁵ Time Deceased Data: 2019 – 2024, *supra* note 94.

⁹⁶ Estate Value Data: 2019 – 2024, *supra* note 94.

⁹⁷ Florida's Clerks of Court and Comptrollers, 6-Year Average of Uncontested Probate Cases, Comprehensive Case Management System, D-36, D-36 (distributed to Workgroup on Oct. 9, 2024) (attached to this report in Appendix D and on file with the Off. of the St. Cts. Admin'r).

⁹⁸ *Id.* at D-36–D-37.

⁹⁹ *Id.* at D-36.

¹⁰⁰ *Id.*

reflect both the efficiency of streamlined probate processes and the occasional delays due to administrative or case-specific issues.

7. 50-State Survey – Alternatives to Formal Administration

As directed by AOSC24-20, the Workgroup conducted a survey of probate laws in other states to identify potential reforms that could improve Florida’s probate system. A chart summarizing this research is included in this report as Appendix E and key takeaways follow.

a. *Uniform Probate Code*

The Workgroup reviewed provisions of the Uniform Probate Code (UPC), a model law adopted in part or in full by many states to modernize and simplify probate procedures.¹⁰¹ Florida has adopted some UPC provisions¹⁰² but has not implemented its alternatives to formal administration, specifically “informal probate” and “unsupervised administration.”¹⁰³

Under the UPC, “informal probate” allows a will to be admitted and a personal representative to be appointed without a hearing,¹⁰⁴ typically through an *ex parte* process handled by a registrar or clerk.¹⁰⁵ “Unsupervised administration” permits the personal representative to manage and close the estate without ongoing court involvement.¹⁰⁶

Because Florida has not fully adopted the UPC, the Workgroup focused its review on probate reforms implemented in other non-UPC states.

b. *Independent Administration*

Several other high-population states that have not adopted the UPC, such as Texas, Illinois, and California, have developed their own versions of “unsupervised administration,” which is often referred to as “independent administration.”¹⁰⁷ These systems allow a personal representative to manage

¹⁰¹ Legal Information Institute, *Uniform Probate Code*, Cornell Law School (last visited on Apr. 30, 2025) https://www.law.cornell.edu/wex/Uniform_Probate_Code.

¹⁰² Wm. Fletcher Belcher, *Belcher’s Redfearn Wills and Administration in Florida*, § 1:5. History of Wills and Probate Laws of Florida (updated Nov. 2024).

¹⁰³ See UPC § 3-301 (Informal Probate); see also UPC § 3-501 (Supervised Administration).

¹⁰⁴ See UPC § 3-302 (Informal Probate; Duty of Registrar; Effect of).

¹⁰⁵ Alaska Stat. Ann. § 13.16.085; Ariz. Rev. Stat. Ann. § 14-3302; Colo. Rev. Stat. Ann. § 15-12-302; Haw. Rev. Stat. Ann. § 560:3-302.

¹⁰⁶ UPC § 3-704 (Personal Representative to Proceed Without Court Order; Exception).

¹⁰⁷ Tex. Est. Code Ann. § 402.001-402.002; 755 ILCS 5/28-1-5/28-2; Cal. Prob. Code § 10450.

and settle an estate with minimal court oversight, provided certain conditions are met.

Typically, independent administration is permitted when it is authorized in the decedent's will, agreed to by all beneficiaries, or approved by the court with no objections from creditors.¹⁰⁸ These requirements act as guardrails to ensure that the process remains appropriate for uncontested and straightforward cases. By minimizing routine court involvement, independent administration reduces both the time and expense associated with settling an estate, while still preserving legal protections for interested parties.¹⁰⁹

As discussed in Section III.B.8.a., below, the Workgroup examined independent administration in depth, recognizing its potential to streamline probate while maintaining essential safeguards.

c. Small Estate Procedures

Many states offer simplified probate procedures for estates valued below certain monetary thresholds, including summary administration and affidavit-based transfers,¹¹⁰ which are similar to the comparable provisions available under Florida law.¹¹¹ However, eligibility limits for these procedures vary widely. For example, Rhode Island caps small estate procedures at \$15,000, while Wyoming permits summary administration for estates valued up to \$200,000.¹¹²

As discussed in Section III.B.8.c., below, the Workgroup conducted an in-depth review of these small estate procedures, recognizing their potential to facilitate estate resolution outside of formal administration.

d. Specialized Probate Courts and Clerks

Some states have created specialized probate courts to improve consistency and efficiency in estate proceedings. For example, Ohio, Alabama, and South Carolina assign probate matters to elected judges who focus

¹⁰⁸ See e.g., Tex. Est. Code Ann. §§ 402.001-.402003; Cal. Prob. Code § 10452; 755 ILCS 5/28-2.

¹⁰⁹ *Est. of Savana*, 529 S.W.3d 587, 593 (Tex. App.—Houston 2017) (“An independent administration frees the independent executor to administer the estate and distribute it with a minimum of cost and delay.”).

¹¹⁰ See, e.g., Ala. Code §§ 43-2-690-696 (summary administration); Ark. Code §§28- 41-101-102 (summary administration); Miss. Code Ann. § 91-7-322 (affidavit); S.D. Codified Laws §§ 29A-3-1201-1202 (affidavit); Nev. Rev. Stat. §§ 146.070, 146.080 (both); Utah Code §§ 75-3-1201-1204 (both).

¹¹¹ § 735.201-.2063, Fla. Stat (2024).

¹¹² R.I. Gen. Laws §§ 33-24-1-2; Wyo. Stat. § 2-1-201.

exclusively on this area of law.¹¹³ This specialization helps build subject-matter expertise and allows for more consistent handling of complex estate issues.

In contrast, states like Maryland and Arkansas give broader authority to clerks or registrars, who are permitted to issue letters of administration and perform other key probate functions.¹¹⁴ Delegating these responsibilities helps streamline uncontested cases by reducing the need for direct judicial involvement.

8. In-Depth Review – Reforms from Other States

Following the 50-state survey, the Workgroup identified several alternative probate processes and reforms that warranted closer examination. The Workgroup conducted targeted research into specific provisions of other states' probate laws that appeared particularly effective or innovative in addressing uncontested proceedings.

The Workgroup narrowed its focus to four primary areas: (1) independent administration procedures in Illinois, Maryland, Michigan, Minnesota, and Texas; (2) expanded clerk responsibilities in North Carolina, Pennsylvania, and Virginia; (3) small estate affidavit procedures in Virginia; and (4) fraud prevention measures in probate proceedings across the country.

a. Independent Administration

The Workgroup reviewed independent administration procedures in Illinois, Maryland, Michigan, Minnesota, and Texas. These states authorize personal representatives to manage estates with minimal court involvement, often eliminating the need for formal hearings or judicial approval for routine estate tasks.¹¹⁵ In several states, the process begins through an informal application or *ex parte* petition and ends with simple notice-based closure procedures.¹¹⁶ A summary of independent administration procedures in these states is included in this report as Appendix F.

While the specific requirements and safeguards vary across jurisdictions, the central goal is consistent: to streamline estate administration while protecting the rights of beneficiaries and creditors. Common features include

¹¹³ OH Const. Art. IV, § 4(c); Ala. Code § 12-13-30; S.C. Code Ann. § 14-23-30.

¹¹⁴ Md. Code Ann., Est. & Trusts § 5-302; Ark. Code Ann. § 28-48-102.

¹¹⁵ See 755 Ill. Comp. Stat. Ann. 5/28-1-5/28-12; Md. Code Ann., Est. & Trusts §§ 5-301-5-304; Mich. Comp. Laws Ann. §§ 700.3301-700.3311; Minn. Stat. Ann. §§ 524.3-301-524.3.311; Tex. Est. Code Ann. §§ 401.001-405.012.

¹¹⁶ See, e.g., Md. Code Ann., Est. & Trusts § 5-401; 755 Ill. Comp. Stat. Ann. 5/28-2(b); Tex. Est. Code Ann. §§ 401.001-401.003; Minn. Stat. Ann. § 524.3-501; Mich. Comp. Laws Ann. § 700.3303.

broad authority to settle claims, sell property, and distribute assets without court orders, unless a dispute arises, or judicial intervention is requested.¹¹⁷

Florida law already grants many of these same powers to personal representatives. Once appointed, personal representatives are authorized by section 733.603, Florida Statutes, to act independently in administering the estate, except as otherwise specified in the Florida Probate Code or ordered by the court. Formal court approval is not required for most routine, day-to-day estate functions, such as paying debts, selling property, or distributing assets in accordance with the will or the laws of intestate succession.

Rather than recommending structural changes on this front, the Workgroup concluded that Florida's existing probate framework already supports independent administration. However, greater awareness is needed. Judges, attorneys, and personal representatives should be educated on the broad authority granted to personal representatives under Florida law to independently administer the estate and to minimize unnecessary court involvement in uncontested probate proceedings.

b. Enhanced Clerk Roles

The Workgroup reviewed the role of probate clerks in North Carolina, Virginia, and Pennsylvania, where clerks or “registers of wills” exercise significantly broader authority than their counterparts in Florida. In these states, clerks or registrars may admit wills to probate, issue letters of administration, and manage much of the estate process with limited or no judicial oversight. A summary of these enhanced duties is included in Appendix G.

In North Carolina, clerks serve as *ex officio* judges of probate with original jurisdiction over estate administration.¹¹⁸ Virginia circuit court clerks exercise comparable authority under a constitutional delegation from the General Assembly.¹¹⁹ In Pennsylvania, the register of wills—an elected official in some jurisdictions—independently handles the admission of wills and appointments.¹²⁰

These models promote efficiency by reducing judicial workload and streamlining uncontested cases. However, Florida's constitutional framework

¹¹⁷ 755 Ill. Comp. Stat. Ann. 5/28-8; Md. Code Ann., Est. & Trusts § 7-401; Mich. Comp. Laws Ann. § 700.3715; Minn. Stat. Ann. § 524.3-715; Tex. Est. Code Ann. §§ 308.051, 401.002, 401.006.

¹¹⁸ N.C. Gen. Stat. Ann. § 28A-2-1.

¹¹⁹ VA Const. Art. 6, § 8.

¹²⁰ 20 Pa.C.S.A. § 901.

does not allow for similar delegation of judicial authority to clerks,¹²¹ particularly given the other roles and responsibilities of Florida’s clerks and comptrollers.¹²² As a result, while these practices informed the Workgroup’s analysis of national trends, they were not considered viable for direct implementation in Florida.

c. Virginia Small Estate Affidavit Procedures

The Workgroup closely examined Virginia’s affidavit procedures following testimony received at the public meeting, as described in Section III.B.9.b., below. A detailed comparison is included in Appendix H. Like Florida, Virginia allows small estates to be settled by affidavit rather than formal probate.¹²³ However, the scope and requirements differ significantly between the two states.

Virginia imposes a 60-day waiting period, limits eligibility to estates valued under \$50,000, and allows asset distribution without court involvement if statutory conditions are met.¹²⁴ Florida, by contrast, permits affidavits without a waiting period, requires court approval, and excludes certain exempt property from valuation limits.¹²⁵

While Virginia’s model offers some enhanced procedural efficiency, it raises concerns about notice to creditors, handling of real property, and protections for interested persons. The Workgroup concluded that these risks outweighed the potential benefits of adopting Virginia’s broader approach in Florida.

Ultimately, as explained in Section V.D., below, the Workgroup recommends adjusting Florida’s monetary threshold for affidavit procedures. No changes were proposed based on the Virginia model.

¹²¹ See *e.g.*, *Jones v. State*, 749 So. 2d 561, 562 (Fla. 2d DCA 2000) (potential jurors improperly excused by the clerk of court); see also Memorandum from Dustin Metz, Chief of Innov. and Outreach, Off. of the St. Cts. Admin'r, to the Workgroup on Uncontested Probate Proceedings (June 7, 2025) (attached to this report as Appendix B and on file with the Off. of the St. Cts. Admin'r).

¹²² Art. V, §16, Art. VIII, §1(d), Fla. Const. (clerks of court may also *serve ex officio* clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds).

¹²³ See §§ 735.301, 735.304, Fla. Stat. (2024); § 64.2-601, Va. Code.

¹²⁴ §§ 64.2-601(A)(1)-(2) (estate value and waiting period), 64.2-604 (funeral expenses), 64.2-600 (defines small asset), Va. Code.

¹²⁵ §§ 735.301 (disposition without administration), 732.402 (exempt property), Fla. Stat. (2024).

d. *Fraud Prevention*

The Workgroup identified fraud as a significant concern in Florida probate proceedings. While longstanding safeguards—such as will execution formalities,¹²⁶ fiduciary duties,¹²⁷ and judicial resolution of disputes¹²⁸—help deter misconduct, certain types of fraud remain difficult to detect or redress.

Florida already maintains one of the most comprehensive probate fraud prevention frameworks in the country.¹²⁹ Recent legislative reforms have expanded remedies for elder abuse,¹³⁰ strengthened guardianship oversight,¹³¹ and recognized tort-based claims such as intentional interference with an inheritance.¹³² Taken together, these provisions offer more robust protections than those available in many other states.

Despite these protections, the Workgroup concluded that the court’s ability to identify fraud is limited by the absence of adversarial parties and investigatory tools. Judges are not empowered to conduct independent inquiries and must rely on parties to raise concerns through pleadings or formal objections.¹³³ This constraint may allow certain forms of fraud, particularly those occurring outside the judicial record, to go undetected.

As part of its review, the Workgroup examined relevant laws in other states, as summarized in Appendix I. This review identified a potential deterrence gap in Florida law, namely, the absence of a specific criminal penalty for concealing or destroying a valid will. After careful consideration, however, the Workgroup concluded that creating a new offense is unnecessary.

¹²⁶ Mark Glover, *Decoupling the Law of Will-Execution*, 88 St. John's L. Rev. 597, 628 (2014).

¹²⁷ § 733.602, Fla. Stat. (2024); § 733.609, Fla. Stat. (2024).

¹²⁸ § 733.107, Fla. Stat. (2024); Fla. Prob. R. 5.275.

¹²⁹ See Memorandum from Dustin Metz, Chief of Innov. and Outreach, Off. of the St. Cts. Admin'r, to the Workgroup on Uncontested Probate Proceedings (Oct. 16, 2024), I-2-I-4, (attached to this report as Appendix I and on file with the Off. of the St. Cts. Admin'r).

¹³⁰ § 415.1111, Fla. Stat. (2024).

¹³¹ Ch. 2020-35, Laws of Florida (an act expanding protections for seniors under a guardian’s care, oversight of guardians, and reporting requirements).

¹³² *DeWitt v. Duce*, 408 So. 2d 216, 218 (Fla. 1981) (“The rule is that if adequate relief is available in a probate proceeding, then that remedy must be exhausted before a tortious interference claim may be pursued.”); *Carlton v. Carlton*, 575 So. 2d 239, 240 (Fla. 2d DCA 1991) (“Florida has for some time recognized the right to a cause of action based upon the tort of intentional interference with an expected gift or inheritance.”).

¹³³ Fla. Code Jud. Conduct, Canon 3B(7). (“A judge must not independently investigate facts in a case and must consider only the evidence presented.”); *In re Guardianship of O.A.M.*, 124 So. 3d 1031, 1032 (Fla. 3d DCA 2013).

Existing civil and criminal remedies are sufficient to address and deter such conduct when discovered.

9. Outreach

To comprehensively assess Florida's uncontested probate proceedings, the Workgroup engaged in extensive outreach to gather input from a broad range of stakeholders. These efforts involved targeted outreach directed to private practitioners, judges, legal aid organizations, and subject matter experts from within and outside the state. As directed by AOSC24-20, the Workgroup submitted its preliminary findings and recommendations to the PRC, which provided feedback on the Workgroup's proposed checklists, forms, and related rule amendments, which are discussed in Section V.C., below.

Outreach methods also included individual conversations, both in-person and by e-mail, as well as presentations, committee discussions, and public forums. A compilation of the messages and other written submissions received by the Workgroup is attached to this report as Appendix J.

Feedback received by the Workgroup was instrumental in identifying recurring challenges and potential reforms. Overall, stakeholders emphasized the need for standardized procedures, increased efficiency, and reduced judicial workload. Key insights, suggestions, and concerns that emerged from this outreach are summarized below.

a. Individual Member Outreach

Workgroup members held discussions with judges, practitioners, and other stakeholders to identify root causes of inefficiency in probate proceedings. These conversations revealed practical challenges and yielded thoughtful suggestions for reform.

A common theme was inconsistency in local practices. Procedures often vary not only between circuits but also among judges within the same circuit, creating confusion, especially for unrepresented persons. Local practices that contradict statutory requirements were a common complaint. Many stakeholders recommended standardized, court-approved forms and checklists to improve clarity, predictability, and alignment with statutes and rules.

Obtaining access to safe-deposit boxes and financial accounts was another common complaint. Even with valid letters of administration, banks sometimes deny access based on internal policies that may conflict with Florida law. Some attorneys reported issuing subpoenas to gain access, increasing time and expense. Stakeholders supported clarifying statutory authority and possibly authorizing fee awards when financial institutions improperly reject valid letters.

Fraud was another concern, particularly in a state with a large elderly population. While oversight is necessary to prevent abuse, excessive scrutiny can delay straightforward cases. Stakeholders emphasized the need to strike a balance between fraud prevention and procedural efficiency.

Court inefficiency was also frequently cited. Judges often come from litigation backgrounds and face a steep learning curve in probate, which is specialized, distinct from civil litigation, and unique in that it typically does not involve adversarial parties. The document-intensive nature of probate practice often engages judges in uncontested matters that do not benefit from judicial intervention, as their training and skills are primarily focused on resolving adversarial disputes. Suggested solutions included assigning probate-specific judges where feasible and expanding the use of magistrates and case managers.

b. Public Meeting

Early in its term, the Workgroup recognized the importance of public input in shaping its findings and recommendations. At its second meeting, the Workgroup agreed to solicit public feedback during a public meeting, and a notice was published in *The Florida Bar News* on August 9, 2024, inviting comments on strategies to improve the efficiency and effectiveness of Florida's uncontested probate processes.¹³⁴

The public meeting was held via Zoom on September 11, 2024, with six speakers, including a clerk of court, attorneys, and legal aid representatives. The meeting was viewed by 31 participants online. A summary of the testimony is provided in Appendix K, with key takeaways outlined below.

Participants strongly supported the development of standardized forms to assist unrepresented persons and promote uniformity across circuits. Several speakers emphasized the need to eliminate procedural inconsistencies and unnecessary requirements, such as affidavits of heirs. Other attorneys focused on streamlining probate for lower-wealth estates, recommending unsupervised asset distribution, simplified affidavit procedures, and enhanced support for unrepresented persons.

Legal aid representatives described the role of volunteer attorneys in assisting with probate cases and educating clients about deadlines that disproportionately affect vulnerable populations. They also referenced efforts,

¹³⁴ The Florida Bar News. Florida Workgroup Invites Input on Streamlining Uncontested Probate Proceedings, <https://www.floridabar.org/the-florida-bar-news/florida-workgroup-invites-input-on-streamlining-uncontested-probate-proceedings/> (last visited May 6, 2025).

such as partnerships with law schools, to protect heirs' property rights and improve access to legal information.

Finally, one practitioner focused on section 733.603, Florida Statutes, which directs personal representatives to expedite estate settlement without court involvement. He noted that the statute aligns with the Workgroup's goals and could be more effectively leveraged to improve efficiency. As discussed in Section III.B.8.a., above, the Workgroup agrees that Florida law already provides a foundation for independent administration.

c. Representatives from High-Performing Florida Counties

After reviewing the data summarized in Section III.B.6., above, the Workgroup identified several Florida circuits with consistently strong performance in probate matters. To gain insight into effective practices, the Workgroup invited testimony from judges serving in those circuits. On November 20, 2024, four judges testified via Zoom, sharing practical strategies for enhancing efficiency and consistency in uncontested probate proceedings. A summary of their testimony is included in Appendix L, with key takeaways outlined below.

One judge described implementing expiration dates for letters of administration as a tool to address delays stemming from inaction. By setting an administrative deadline for case activity, the court incentivizes progress. The judge also emphasized the value of expanding magistrates' authority to handle uncontested probate matters and using early case management orders to streamline contested issues.

Another judge highlighted her circuit's shift to a judicially driven case management model, supported by a dedicated probate team and technology. The system includes standardized templates, a probate director, and case managers to monitor filings and proactively identify issues. These tools have enhanced transparency and reduced delays, while forms tailored for unrepresented persons have improved accessibility. Despite these improvements, the judge stressed that attorney compliance with procedural rules remains a critical component of success.

Another judge addressed concerns about reducing judicial oversight. She cautioned against transferring too much authority to non-judicial officers, citing fraud risks, particularly in matters involving homestead property. She underscored the importance of judicial review in verifying the accuracy of pleadings and called for stronger mechanisms to ensure attorney accountability.

Another judge offered practical recommendations for improving efficiency, such as using standardized checklists, adopting uniform orders, and

incorporating expiration dates for letters of administration. She acknowledged that limited technological resources in smaller circuits may pose challenges but encouraged broader adoption of proven tools and procedures from larger circuits to promote statewide consistency.

d. Experts from Other States

After reviewing selected provisions of other states' probate laws discussed in Section III.B.7., above, the Workgroup invited six¹³⁵ out-of-state experts to describe how uncontested probate is handled in their jurisdictions. A summary of their testimony is provided in Appendix L, with key takeaways below.

Clerk James Mixson of Iredell County, North Carolina, explained that clerks of the superior court serve as *ex officio* probate judges, handling both contested and uncontested matters. Larger counties employ assistant clerks with judicial authority, while elected clerks handle all duties in smaller counties. Estates under \$10,000 can be resolved through an affidavit process, while standard administration typically lasts about a year. Clerks manage all probate finances but do not serve as county recorders or comptrollers.

Jonathan Sokoloff, a Pennsylvania attorney, described the role of the Register of Wills, who typically issues short certificates to executors immediately upon presentation of a will, death certificate, and identification. Most wills are self-authenticating, and court involvement is rare unless a dispute arises. Estate administration operates efficiently and at low cost under minimal regulation, with fewer than 5% of cases requiring referral to the Orphans' Court to resolve a dispute. Despite its informality, fraud is reportedly rare, and there is little public demand for reform.

Judge Doug Reeder of Morris County, Texas, discussed the state's use of independent administration, which covers over 90% of probate cases. Executors typically serve without bond or court supervision, and a hearing to appoint the executor is generally held within two weeks of filing the will. Although the process is efficient, contested matters are transferred to the district court. Some cases that begin as uncontested require later judicial involvement due to emerging disputes or executors who become overwhelmed.

Illinois attorney Susan Snyder described two simplified probate alternatives: independent administration and a small estate affidavit procedure for estates under \$100,000 with no real property. Independently administered estates may close after six months without court supervision, provided proper notice and accounting are given to interested parties. Financial institutions

¹³⁵ Of the six individuals invited to present, one did not attend; therefore, this section summarizes five presentations.

generally accept affidavits, and fraud concerns are minimal. Ms. Snyder noted ongoing discussions about raising the affidavit threshold to \$250,000.

Court Administrator and Magistrate Jennifer A. Alexander of Cuyahoga County, Ohio, described a self-help probate clinic launched in 2019 to assist unrepresented persons with small estates, guardianships, and name changes. The clinic operates through a hybrid model of in-person and telephonic appointments and has served over 4,000 individuals. It is funded through a special project fund, and participating attorneys are compensated. Self-represented litigants must sign disclaimers acknowledging that no attorney-client relationship is established. Common issues addressed by clinic volunteers include asset classification, form completion, and navigating out-of-state financial institutions. While fraud is rare, problems frequently arise from poorly drafted wills. Alexander emphasized the need to expand low-bono legal services to better support unrepresented persons.

IV. FINDINGS

The Workgroup identified numerous recurring challenges in Florida's uncontested probate proceedings that contribute to inefficiencies, delays, and inconsistent outcomes statewide. Key findings are:

- *Judicial Resource Strain:* More than 94% of probate cases are uncontested, yet judges often devote significant time on procedural matters that do not require the exercise of legal judgment. The document-intensive nature of uncontested probate practice diverts judicial resources from cases that involve traditional adversarial disputes.
- *Limited Use of Magistrates:* Magistrates are underutilized in probate proceedings. Referring probate proceedings—particularly those that are routine and uncontested—to magistrates would improve efficiency. However, the express consent requirement in Florida Probate Rule 5.095 restricts courts' ability to efficiently refer such matters to magistrates, contributing to delays in case resolution.
- *Lack of Uniformity:* Probate practices vary widely across circuits, including differences in filing requirements, scheduling procedures, and the use of forms and checklists. These inconsistencies create confusion for unrepresented persons and attorneys practicing in multiple circuits.
- *Imposition of Extra-Legal Requirements:* Some circuits impose procedural requirements not grounded in statute or rule, such as unnecessary affidavits, notarization requirements, and bank account restrictions, which complicate formal administration and contribute to

unnecessary delays. Although often adopted in response to historically problematic cases, and well-intended to protect the public, these local practices increase costs and impose filing obligations that are not required by law.

- *Notarization*: The PRC observed that notarization requirements for waivers, consents, renunciations, and receipts vary widely across circuits and can result in substantial delays in probate administration. Even when all interested persons are willing to consent to a particular action or waive specific rights,¹³⁶ the logistics of obtaining notarized signatures can be burdensome—particularly when beneficiaries reside abroad, are homebound, or face mobility or technological barriers. In such cases, notarization may be impractical or impossible, resulting in delays. The Workgroup concurs with the PRC’s assessment.
- *Restricted Accounts*: The PRC also expressed concern about the inconsistent and burdensome use of restricted estate accounts across circuits. Requiring such accounts can significantly delay routine estate administration and increase costs, particularly when court approval or consents are required for each transaction. The PRC emphasized that restricted accounts should not be imposed as a blanket policy; rather, the need for such restrictions must be evaluated on a case-by-case basis. The Workgroup concurs with this assessment and further concludes that restricted accounts are not appropriate in uncontested proceedings.¹³⁷
- *Local Practices and Procedures*: Inconsistent filing requirements across circuits complicate routine probate administration. Uncontested probate proceedings should be straightforward and efficient; additional barriers that hinder the smooth resolution of these cases undermine the goals of the Workgroup and should be strongly discouraged.
- *Underutilization of Personal Representative Authority*: Section 733.603, Florida Statutes, authorizes personal representatives to act expeditiously without further court approval. However, many

¹³⁶ Such as those addressed in Florida Probate Rule 5.180.

¹³⁷ *Goodstein v. Goodstein*, 263 So. 3d 78, 80 (Fla. 4th DCA 2019) (admonishing the trial court for applying a blanket policy requiring restricted depositories in all cases, contrary to the individual assessment required under section 69.031(1), Florida Statutes).

practitioners remain unaware of the scope of this authority, underscoring the need for improved education and training.

- *Outdated Thresholds and Time Standards:* Statutory thresholds for alternatives to formal administration have not kept pace with inflation, excluding many estates from simplified procedures. In addition, obsolete time standards continue to reference estate tax filing requirements that no longer apply to most estates.
- *Barriers to Asset Access:* Personal representatives frequently encounter resistance from financial institutions that refuse to recognize valid letters of administration or impose extralegal requirements, causing delays in estate administration.
- *Inadequate Related Case Notification:* Courts are not consistently notified when related civil suits or ancillary administrations are resolved, hindering effective case management and timely closure.
- *Clerk Resources:* Appropriate funding and support should be provided for expanded clerk responsibilities, such as assisting unrepresented persons with completing Supreme Court–approved forms, through adjustments to the re-open fee schedule.
- *Education and Training Opportunities:* Many practitioners remain unaware of procedures that could expedite case resolution, for example, the affidavit of no estate tax due is no longer required in most cases. Education is needed for both the bench and bar on streamlined processes and applicable statutory authority.

V. RECOMMENDATIONS

The Workgroup developed its final recommendations based on stakeholder testimony, input from the PRC, comparative legal research, and the collective experience of its members. Because uncontested proceedings account for more than 94% of all probate cases in Florida, many of the Workgroup’s recommendations are designed to apply broadly to probate practice.

The recommendations aim to improve the efficiency, consistency, and accessibility of probate administration statewide. They address procedural and substantive barriers identified in Section IV and focus on the following key areas:

- Establishing “administrative probate,” as a new method of administration for uncontested proceedings, presided over by at least one dedicated probate magistrate in each judicial circuit with experience in estate administration;

- Referring routine, uncontested probate proceedings to magistrates under an implied consent model;
- Adoption of standardized checklists, forms, and template proposed orders;
- Updating outdated monetary thresholds for small estate procedures;
- Establishing expiration dates for letters of administration to promote timely case resolution;
- Clarifying the authority of personal representatives when interacting with financial institutions;
- Identifying sustainable funding sources to support clerks of court;
- Enhancing case management through notice of conclusion requirements;
- Removing antiquated references from the time standards for probate proceedings; and
- Developing targeted education and training initiatives for the bench and bar.

Together, these reforms are intended to reduce unnecessary delays, ease administrative burdens, and ensure probate proceedings are handled in a timely, consistent, and just manner across all Florida circuits. While many recommendations are expected to yield long-term efficiencies, initial investment may be required for training, technology upgrades, staffing, and form development.

A. ADMINISTRATIVE PROBATE

To streamline uncontested probate proceedings and reduce judicial workload, the Workgroup recommends the creation of a new procedure known as “administrative probate.” This process promotes efficiency by minimizing judicial labor while preserving appropriate judicial oversight.

“Administrative probate” is a streamlined method of estate administration in which routine functions—such as admitting a will to probate, appointing a personal representative, issuing letters of administration, and entering orders based on consent by all interested persons—are handled by a “probate magistrate” rather than a circuit judge. The process is established in proposed new Florida Probate Rule 5.024 and supported by related amendments to Rules 2.215, 5.095, and 5.200.

Key features of the administrative probate process include:

- *Mandatory Appointment and Qualifications:* The chief judge of each judicial circuit will be required to appoint at least one probate magistrate to preside over administrative probate in the circuit, except when resources are unavailable. Each probate magistrate will be required to be a member of The Florida Bar in good standing with at least five years of experience in probate and estate administration. If the chief judge finds that a probate administrator's workload is not equivalent to the workload of a full-time judge assigned to probate, the probate magistrate may be referred adversary probate and non-probate proceedings.
- *Authority of the Probate Magistrate:* During an administrative probate the probate magistrate may enter orders admitting wills to probate and appointing personal representatives, issue letters of administration, and grant other uncontested relief—duties typically handled by circuit judges. The probate magistrate will be required to take an oath and may be required by the court to give bond or surety conditioned for the proper payment of all money that may come into their hands and for the due performance of their duties. At the conclusion of the estate administration, the probate magistrate will be required to submit a report and recommendation to the court for final discharge of the personal representative.
- *Automatic Referral:* A petition for administration will be automatically referred to a probate magistrate for administrative probate unless the petitioner believes the proceeding will be contested or opts out of administrative probate.
- *Withdrawal and Termination:* After commencement, the proceeding may be withdrawn from administrative probate by the petitioner. Additionally, the probate magistrate may terminate the administrative probate upon determining the proceeding is no longer appropriate for the process.
- *Objection:* If an interested person files an objection to specific relief requested in the proceeding, only the objected-to matter will be removed from administrative probate. The judge will preside over the contested issue in accordance with existing procedures,¹³⁸ which may

¹³⁸ A probate proceeding is often a series of related but distinct procedural events, all taking place within the umbrella of the estate administration. See Fla. Prob.

include referral to a magistrate.¹³⁹ Unless the court orders otherwise, the remainder of the proceeding will continue under administrative probate.

- *Judicial Review and Oversight:* The probate magistrate will manage routine aspects of uncontested estate administrations. If a dispute arises, access to a judge remains available at any time. Final discharge of the personal representative remains a judicial function, reinforcing the circuit judge's role in the ultimate resolution of the case and preserving oversight consistent with the requirements of the Florida Constitution.¹⁴⁰

Administrative probate differs from traditional magistrate referral in two significant ways:

- *Reduced Judicial Involvement:* Under current practice, magistrates are typically referred contested matters to assist the court in resolving discrete issues that arise during estate administration. These referrals generally direct the magistrate to conduct a hearing and issue a report and recommendation on the specific issue referred. However, Florida Probate Rule 5.095 and relevant case law limit the court's ability to refer broader matters or the entire proceeding to a magistrate. As discussed in Section V.B, the rule's consent requirement precludes the referral of probate proceedings without the agreement of all interested persons. Additionally, case law prohibits magistrates from deciding issues beyond the scope of the referral, and any unauthorized action is treated as a nullity.¹⁴¹ Administrative probate addresses these constraints in two significant ways. First, it

R. 5.025 Committee Notes (1992) (providing a form caption to facilitate the clerk's and court's ability to segregate a particular adversary proceeding from other adversary proceedings and from the main estate administration).

¹³⁹ The Workgroup's recommended reforms to the magistrate referral process, discussed in Section V.B., are intended to enhance the efficient use of magistrates in probate proceedings.

¹⁴⁰ See *Quincoces v. Quincoces*, 10 So. 3d 657, 659 (Fla. 3d DCA 2009) (holding the trial court has a constitutional duty to evaluate the evidence and make its own determination as to whether it is justified in entering the recommended judgment because the trial judge alone has the right to determine a litigant's case).

¹⁴¹ E.g., *Horner v. Horner*, 423 So.2d 605 (Fla. 3d DCA 1982); *Sniffen v. Sniffen*, 382 So.2d 823, 824 (Fla. 4th DCA 1980); *Waszkowski v. Waszkowski*, 367 So.2d 1113 (Fla. 3d DCA 1979); *McGinnis v. Kanevsky*, 564 So. 2d 1141, 1143 (Fla. 3d DCA 1990) (abrogated on other grounds by *Hayes v. Guardianship of Thompson*, 952 So. 2d 498 (Fla. 2006)); See also, *In re Russo*, 516 So. 2d 101, 102 (Fla. 4th DCA 1987); *Ashe v. State*, 582 So. 2d 759, 760 (Fla. 1st DCA 1991).

materially reduces judicial workload at case initiation by automatically referring uncontested proceedings to a probate magistrate. This process eliminates the need for the court to review each case for referral suitability and confirm consent. Second, by expressly authorizing referral of the entire proceeding—other than final discharge—to a probate magistrate, administrative probate allows the magistrate to manage most aspects of the case without an order of referral specifically delineating the matters referred. This structure will significantly reduce judicial involvement in uncontested proceedings and conserve court resources.

- *Enhanced Qualifications:* To promote public trust and confidence in the administrative probate process, and to facilitate efficient administration of uncontested proceedings, each probate magistrate must possess at least five years of experience in probate and estate administration.

The administrative probate framework balances judicial efficiency with procedural safeguards. By delegating limited, noncontroversial duties to qualified probate magistrates, it preserves judicial oversight while allocating judicial resources to legal disputes requiring resolution through traditional adversarial proceedings. Nothing in the proposed framework alters the substantive requirements for estate administration or limits the court's authority to refer other probate proceedings to general or special magistrates.

To implement this recommendation, the Workgroup proposes the following rule changes, which are included as Appendices M, N, O, and P, respectively:

- Rule 2.215: Require each chief judge to appoint at least one probate magistrate, accounting for disparate local resources.
- Rule 5.200: Require the petition for administration to indicate whether the petitioner believes the proceeding will be uncontested, and if so, whether the petitioner declines to proceed with administrative probate.
- Rule 5.024: Adopt a new rule governing the procedures for administrative probate and the authority of the probate magistrate.
- Rule 5.095: Clarify that the general and special magistrate rule does not apply to administrative probate.

Upon adoption by the Supreme Court, administrative probate may be implemented immediately in circuits that currently employ at least one magistrate with five years of probate experience. The Workgroup concludes that these circuits should not be required to wait for a new appropriation to take advantage of this streamlined process.

However, the Workgroup recognizes that fully implementing this recommendation statewide will require resources for probate magistrates, even as the process reduces judicial workload. Accordingly, the Workgroup recommends that the Florida Supreme Court refer the issue of fiscal impact to the Trial Court Budget Commission (TCBC) for further evaluation, including an assessment of the funding necessary to appoint at least one qualified probate magistrate in each judicial circuit. This evaluation should also account for the reduced demands on judges, who would only engage in the proceeding at the conclusion of an administrative probate proceeding.

If the Court adopts this recommendation, the Workgroup respectfully requests that its term be extended to provide comments to the TCBC during its evaluation of fiscal impact; to draft a petition to amend or create Rules 2.215, 5.024, 5.095, and 5.200; to consult with the PRC; to respond to any comments received during the rules petition case; and to participate in oral argument, if scheduled.

B. REFERRAL TO MAGISTRATES

Although administrative probate is expected to enhance the efficiency of uncontested probate proceedings, it addresses only a portion of the probate docket. Broader reforms to the magistrate referral process are necessary to improve the resolution of adversary as well as uncontested proceedings in circuits that initially lack the resources to implement administrative probate. This section of the report proposes amendments to Florida Probate Rule 5.095 designed to promote more effective use of magistrates across a wide range of probate proceedings. The proposed amendments are intended to operate independently of administrative probate and do not govern proceedings handled under Florida Probate Rule 5.024.

The Workgroup recommends transitioning Florida toward a system in which most probate proceedings may be referred to a magistrate. This approach would allow judicial circuits to allocate limited resources more effectively by enabling judges to focus on cases involving genuine legal disputes. The supervised and consensual referral of probate proceedings to a magistrate constitutes a constitutionally permissible delegation of judicial

authority, provided the court retains ultimate decision-making authority.¹⁴² In the context of estate administration, the entire probate proceeding may be referred to a magistrate, with the exception the final order of discharge.¹⁴³

As noted by a representative from a high-performing court, expanding the role of magistrates in probate proceedings enhances efficiency by reducing judicial workload and expediting the resolution of routine matters. Magistrates are well suited to handle uncontested probate proceedings, permitting judges to concentrate on more complex or adversarial cases.

Florida Probate Rule 5.095 became effective on January 1, 2008, and has not been amended since its adoption.¹⁴⁴ It was modeled after Florida Rule of Civil Procedure 1.490, which authorizes the use of magistrates in civil litigation. However, civil litigation differs fundamentally from probate practice. Civil actions are inherently adversarial,¹⁴⁵ whereas probate proceedings are overwhelmingly uncontested.¹⁴⁶ Hearings are also far more common in civil litigation than in probate, which is largely document driven. The Workgroup concludes that Rule 1.490 was designed to support an adversarial system and has limited applicability to the distinctive features of probate practice.

Moreover, Rule 5.095 requires the consent of all parties before a matter may be referred to a magistrate. Unlike civil litigation, where the parties are clearly identified throughout the case,¹⁴⁷ probate proceedings are more fluid. In probate, the designation of an interested person as a petitioner or respondent depends upon the relief requested and may shift during the course of a proceeding.¹⁴⁸ For example, the person who files the petition for administration may later object to a subsequent request for relief. In the former instance, they are considered a petitioner; in the latter, a respondent—despite being the same person.

¹⁴² *Seigler v. Bell*, 148 So. 3d 473 (Fla. 5th DCA 2014); *Lyon v. Lyon*, 54 So. 2d 679 (Fla. 1951).

¹⁴³ Memo (June 7, 2025), *supra* note 121, at B-5-B-6.

¹⁴⁴ *In re Amendments to The Florida Prob. Rules*, 959 So. 2d 1170 (Fla. 2007).

¹⁴⁵ See *Lee v. Lang*, 192 So. 490, 491–92 (1939) (defining a civil action as a proceeding in a court of justice between citizens to redress private wrongs and enforce individual rights).

¹⁴⁶ See data analysis *supra* Section III.B.6.d.

¹⁴⁷ *Brecht v. Bur-Ne Co.*, 108 So. 173, 176 (1926) (“There can be no suit without parties, and, where it is uncertain who are the persons called to answer, the suit is fundamentally defective. It is a defect not of form but of substance.”).

¹⁴⁸ *Wheeler v. Powers*, 972 So. 2d 285, 288 (Fla. 5th DCA 2008) (the definition of “interested person” is fluid and “may vary from time to time and must be determined according to the particular purpose of, and matter involved in, any proceedings.” (quoting *Hayes v. Guardianship of Thompson*, 952 So.2d 498, 507 (Fla. 2006)).

In practice, the consent requirement in Rule 5.095 effectively precludes the referral of probate proceedings to magistrates, particularly when unrepresented persons fail to respond to the referral. Given the difficulty of identifying parties in probate proceedings—many of whom are unrepresented or have a minimal interest in the estate—the requirement of party consent has proven itself to be unworkable. The current rule is also silent as to whether consent, once given, may be withdrawn.

To address these challenges, the Workgroup recommends amending Rule 5.095 to adopt an implied consent framework. Under this approach, the court may refer an entire proceeding to a magistrate—except for the final order of discharge—and a party’s failure to timely object would be deemed consent to the referral.¹⁴⁹ Once consent is given or deemed, it may be withdrawn only for good cause. With this framework in place, and subject to the availability of sufficient resources, the Workgroup recommends that all uncontested proceedings be referred in their entirety to a general magistrate, excluding the order of discharge.

Importantly, the proposed amendment to the consent requirement is not contingent on the adoption of the administrative probate framework. Each recommendation independently supports the broader goal of improving judicial efficiency. The amended magistrate rule would apply to both contested and uncontested matters and can be used in circuits that are not initially able to implement administrative probate. In these circuits, the revised Rule 5.095 will serve as a critical tool for enhancing efficiency while funding is secured for dedicated probate magistrate positions.

This amendment would align the probate rule more closely with Florida Family Law Rule of Procedure 12.490(b),¹⁵⁰ which has operated on the basis of implied consent since its adoption in 1995¹⁵¹ and has been applied by appellate courts without objection to its validity.¹⁵² It is intended to promote broader utilization of magistrates in probate proceedings and does not alter any underlying statutory requirements governing estate administration. The proposed amendment to Rule 5.095 is included as Appendix P.

¹⁴⁹ Although the identification of parties in probate proceedings can be fluid, existing Rule 5.095 does not differentiate between “parties” and “interested persons.” To address this issue, the Workgroup borrowed language from Rule 5.041, which expressly deems an interested person to be a party for purposes of that rule.

¹⁵⁰ Family Law Rule of Procedure 12.490(b) provides, in part, that “[c]onsent may be express or may be implied in accordance with the requirements of this rule.” It further states that “[f]ailure to file a written objection within the applicable time period [provided in the rule] is deemed to be consent to the order of referral.”

¹⁵¹ *In re Family Law Rules of Procedure*, 663 So. 2d 1049, 1074 (Fla. 1995).

¹⁵² *Humphrey v. Humphrey*, 296 So. 3d 536, 538-539 (Fla. 1st DCA 2020).

In addition, the proposed amendments require parties to use the standardized forms and template proposed orders developed by the Workgroup, as discussed in detail in Section V.C., below. While the Workgroup acknowledges that these forms and templates require further refinement, the proposed amendment to the consent requirement in Rule 5.095 can be adopted independently of the proposed forms.

The Workgroup also recognizes that expanded use of magistrates may require additional funding. Because many magistrate positions are county-funded,¹⁵³ successful implementation will depend, in part, on the availability of local resources.

If the Court adopts this recommendation, the Workgroup respectfully requests that its term be extended to draft a petition to amend Rule 5.095; to consult with the PRC; to respond to any comments received during the rules petition case; and to participate in oral argument, if scheduled.

C. STANDARDIZED CHECKLISTS, FORMS, AND PROPOSED ORDERS

The Workgroup recommends the statewide adoption of Supreme Court-approved checklists, standardized forms, and template proposed orders to enhance uniformity, reduce confusion, and promote more efficient case processing. These tools are intended to support judges, clerks, attorneys, and unrepresented persons by reducing incomplete filings and facilitating uniform review procedures.

1. Checklists

The use of checklists in probate proceedings generated significant discussion. Stakeholders consistently raised concerns about the lack of uniformity across circuits and the imposition of local filing requirements not grounded in rule or statute. Conversely, many judges emphasized that checklists are essential tools for managing cases efficiently and detecting potential fraud.

To balance these perspectives, the Workgroup recommends that judges be authorized to require only those checklists formally approved by the Supreme Court for specific filings in probate proceedings. Judges would not be obligated to require checklists, but if they do, only Supreme Court-approved checklists may be mandated.

¹⁵³ There are approximately 117 magistrates in Florida's circuit courts, 94.75 of which are state funded. *See* Off. of the State Cts. Admin'r., General Magistrates FY 2024-25 FTE Allocation (May 16, 2025) (on file with the Off. of the State Cts. Admin'r.).

Standardized checklists may help mitigate the impact of extra-legal notarization requirements by clarifying when such formalities are legally required. Although the proliferation of extrajudicial requirements is not expressly prohibited by Florida Rule of General Practice and Judicial Administration 2.215(f),¹⁵⁴ the Workgroup notes that amendments to the Florida Probate Rules should be pursued through the formal rulemaking process outlined in Florida Rule of General Practice and Judicial Administration 2.140. The Workgroup emphasizes that changes to probate procedures should be implemented through this established process, rather than through the adoption of local practices, which increase complexity, raise costs, and contribute to delays in probate administration. Worthwhile reforms intended to improve probate practice statewide should not be implemented in isolation at the local level. The Workgroup encourages judges and practitioners to propose such reforms as amendments to the statewide rules, and strongly discourages the imposition of notarization requirements that are not required by law.¹⁵⁵

Additionally, recent amendments to Florida Rule of General Practice and Judicial Administration 2.515 may partially ease this burden on practitioners, as the revised rule permits attorneys to electronically file documents on behalf of unrepresented persons using a “/s/” signature, a format compliant with Florida Courts Technology Commission standards, or a scanned copy bearing a handwritten signature.¹⁵⁶

The Workgroup built upon draft checklists developed by the Publications Committee of the Florida Court Education Council.¹⁵⁷ The checklists address four topics: (1) opening formal administration; (2) closing formal administration; (3) summary administration; and (4) homestead proceedings.

¹⁵⁴ Rule 2.215(f) provides that “[n]either a division nor a judge may establish practices or procedures that contradict established law or rule of procedure.”

¹⁵⁵ The issue of local practices and procedures is further complicated by ongoing confusion regarding whether circuit-wide procedures should be implemented by local rule or administrative order. The Local Rule Advisory Committee recently recommended amending Florida Rules of General Practice and Judicial Administration 2.120, 2.140, and 2.215 to clarify the use of administrative orders versus local rules. The Committee proposed substantial revisions to the definitions of both terms and streamlining the process for approving local rules. It is hoped that these reforms will resolve some of the confusion surrounding the proper vehicles for establishing circuit-wide procedures. The proposal is currently pending before the Florida Supreme Court in *In re: Amendments to Florida Rules of General Practice and Judicial Information 2,120, 2.140, and 2.215*, No. SC24-1403 (Fla. Sept. 24, 2024).

¹⁵⁶ *In re Amendments to Florida Rules of Gen. Practice & Judicial Admin.*, No. SC2023-1401, 2025 WL 870044 (Fla. Mar. 20, 2025).

¹⁵⁷ This work began in January 2024 and completed in May 2025.

The Workgroup refined these materials for use by parties and interested persons. The revised draft checklists are included in Appendix Q.

As discussed in Section III.A., above, the checklists were shared with the PRC for comment. The PRC strongly supported the goal of creating uniform checklists and eliminating local requirements not grounded in law. As stated in its commentary, “Our Committee members wholeheartedly agree that the lack of uniformity in checklists amongst the Circuits, and even among different judges within a Circuit, and the imposition of filing requirements that exceed those required by law are prevalent.”

The PRC also largely agreed with the proposed amendment to Florida Probate Rule 5.020, which would authorize judges to require the use of Supreme Court–approved checklists. The Committee indicated this would be a beneficial change, provided the checklists incorporated into the rules are appropriately structured and legally accurate.

However, the PRC expressed concern about the content and structure of the draft checklists developed by the Workgroup. In its view, the drafts resemble judicial bench cards rather than practitioner-oriented tools to guide compliance with statutory and rule-based filing requirements. The PRC identified several issues:

- Omission of essential requirements, such as the filing of an authenticated copy of the death certificate;
- Inclusion of items not required by statute or rule; and
- Use of legal conclusions framed as checklist items, which may confuse filers.

If directed by the Court, the PRC offered to revise the checklists and requested a reasonable period to complete this work. In fact, the PRC has already begun working to refine the draft checklists.¹⁵⁸ The PRC also recommended incorporating an affidavit of heirs¹⁵⁹ into the checklists for intestate administrations and homestead determinations to ensure petitioners properly identify all interested persons. In addition, the PRC submitted proposed specific language regarding placement of the checklists within the Probate Rules and recommended reserving Part VI of the rules for this purpose.

¹⁵⁸ Florida Probate Rules Committee, Rule 5.961 Checklist for Opening Formal Administration—Testate Estate (2025), A-7-A-13 (attached to this report in Appendix A and on file with the Off. of the St. Cts. Admin’r).

¹⁵⁹ An affidavit of heirs is a sworn statement identifying the lawful heirs of a decedent, typically used in intestate proceedings to establish the line of succession when no will exists. Fla. Prob. R. 5.385.

To authorize judges to mandate use of the proposed Supreme Court-approved checklists, the Workgroup recommends amending Florida Probate Rule 5.020. The proposed amendment, included in Appendix R, would authorize judges to require checklists only in the following proceedings: (1) petitions for administration, (2) petitions to determine homestead status of real property, (3) petitions for discharge, and (4) petitions for summary administration. When required, checklists must be in the form approved by the Supreme Court and published in Part VI of the Florida Probate Rules. Judges would not be authorized to require checklists in other types of proceedings. The proposed amendments to rule 5.020, Part VI of the Florida Probate Rules, and the checklists developed by the Workgroup are included as Appendices R, S, and Q, respectively.

While the current draft checklists provide a strong foundation, the Workgroup agrees with the PRC that additional refinement is needed. Accordingly, the Workgroup recommends that the Court refer the development of the checklists to the PRC, in coordination with the Workgroup. The Workgroup recommends that the PRC be given a one-year deadline to complete this work and submit its recommendations to the Workgroup. After review and consultation with the chief judges of the judicial circuits, the Workgroup would prepare a rules petition for filing with the Supreme Court.

If the Court adopts this recommendation, the Workgroup respectfully requests that its term be extended to support the development of checklists; to draft a rules petition; to respond to any comments received; and to participate in oral argument, if scheduled.

2. Standardized Forms

The Workgroup concluded that certain forms should be mandatory to promote clarity and consistency across circuits, while others should remain permissive to allow for local flexibility. These forms are intended to assist both attorneys and unrepresented persons in navigating routine probate matters.

The PRC expressed qualified support for the Workgroup's proposed forms. It strongly endorsed the development of permissive forms to aid unrepresented persons and attorneys unfamiliar with probate practice. However, the PRC does not believe the proposed forms are sufficiently comprehensive to warrant mandatory statewide use at this time. If the Court determines that mandatory forms are appropriate, the PRC offered to draft revised versions and requested a reasonable amount of time to complete the task.

a. Mandatory Forms

Requiring standardized forms for common filings would promote statewide uniformity, simplify judicial review, and reduce errors. Standardized forms enable judges and practitioners to quickly locate and evaluate key information at a glance, thereby improving efficiency. At the same time, the Workgroup recognizes that probate cases can involve unique circumstances. Accordingly, the proposed forms include designated blank sections to allow for case-specific information beyond the standardized, structured content of each form.

The Workgroup recommends approval of the following forms as Supreme Court–approved and adoption of corresponding rule amendments to require their use:

- Petition for Summary Administration (testate);
- Petition for Summary Administration (intestate);
- Petition for Disposition of Personal Property without Administration;
- Petition to Determine Exempt Property;
- Notice to Creditors (summary administration);
- Motion for Referral to Magistrate; and
- Affidavit for Disposition without Administration of Intestate Personal Property.

The proposed forms are included in this report as Appendices T, U, V, W, X, Y, and Z, respectively. Each form uses a placeholder rule number pending further collaboration with the PRC to finalize its placement within the Florida Probate Rules. Draft amendments to Florida Probate Rules 5.010, 5.095, 5.406, 5.420, 5.425, 5.530, and the preamble to Part VI, are included as Appendices AA, P, BB, CC, DD, EE, and S, respectively.

The proposed amendments to Rules 5.095, 5.406, 5.420, and 5.530 each incorporate a mandatory Supreme Court–approved form by direct reference. For example, Rule 5.530 requires that petitions for summary administration be submitted using the applicable form adopted in Part VI, while Rule 5.420 similarly mandates use of the approved form when requesting disposition without administration. In each instance, the rule text has been revised to expressly state that the identified filing must be submitted using the corresponding form. These amendments are intended to ensure consistent formatting, reduce filing deficiencies, and support efficient review by courts and clerks statewide.

To distinguish these forms from prior permissive templates, a new Part VI has been created titled “Mandatory Forms,” and Part V has been renamed “Permissive Forms.” Part VI provides that the forms it contains must be used in the matters they cover, while also preserving flexibility by providing blank spaces for case-specific information. Rule 5.010 is amended to conform with the renaming of Part V and the creation of Part VI.

Consistent with its recommendation on checklists, the Workgroup recommends that final development of these forms be referred to the PRC, in coordination with the Workgroup, and that the same process outlined above for checklist approval be followed.

b. Permissive Form

Recognizing the significant variation in local practices regarding remote hearings, scheduling procedures, and available technology, the Workgroup developed one permissive form: a Notice of Hearing Before General Magistrate. This form is intended as a convenience for practitioners and unrepresented persons, offering a standardized format that may be used voluntarily where it aligns with local procedures. Because hearing practices are not uniform across circuits, and some judges or clerks may use different calendaring systems, the Workgroup concluded that mandatory use of this form would be impractical. Accordingly, the Workgroup recommends that the form be approved and incorporated into Part V of the Florida Probate Rules for optional use.

A copy of the proposed permissive form is included in Appendix FF, and a draft amendment to the title of Part V of the Florida Probate Rules is attached as Appendix GG. As with the mandatory forms, the Workgroup recommends referring final development of this form to the PRC, in coordination with the Workgroup, following the same process outlined above for checklist approval.

3. Template Proposed Orders

Template proposed orders provide a practical means of expediting routine probate matters by streamlining judicial review and approval. The Workgroup developed a set of template proposed orders designed to align with the standardized forms. While the form and structure of each order would be standardized to promote consistency, courts would retain full discretion over the substance of each order based on the circumstances of the case.

The Workgroup recommends that the following template proposed orders be adopted as Supreme Court–approved forms, along with corresponding rule amendments to require their use:

- Order Admitting Will to Probate and of Summary Administration (testate);

- Order of Summary Administration (intestate);
- Order for Disposition of Personal Property without Administration;
- Order Determining Exempt Property;
- Order of Referral to Magistrate;
- Letters of Administration; and
- Order for Disposition without Administration of Intestate Personal Property in Small Estates.

The template proposed orders are included in Appendices HH, II, JJ, KK, LL, MM, and NN, respectively. Each order uses a placeholder rule number pending further collaboration with the PRC to finalize its placement within the Florida Probate Rules. Proposed amendments to Florida Probate Rules 5.095, 5.235, 5.406, 5.420, 5.425, and 5.530 are included in Appendices P, OO, BB, CC, DD, and EE, respectively.

As with the checklists and standardized forms, the Workgroup recommends referring final development of these template proposed orders to the PRC, in coordination with the Workgroup, and that the same process outlined above for checklist approval be followed.

D. UPDATING THRESHOLDS FOR SMALL ESTATE PROCEDURES

The Workgroup noted that many monetary thresholds for Florida’s simplified probate procedures have not been updated in decades, reducing access to these expedited procedures. A history of the statutory thresholds and inflation adjustments is included in Appendix PP.

The current thresholds have not been adjusted to keep pace with inflation, resulting in unnecessary use of formal administration. Although the Workgroup considered raising thresholds for exempt property¹⁶⁰ and the family allowance,¹⁶¹ it ultimately declined to do so, citing concerns that higher thresholds could create a financial incentive for beneficiaries to initiate probate solely to obtain those expanded benefits. This, in turn, could increase the number of filings requiring judicial review, counteracting efforts to reduce unnecessary court involvement.

The Workgroup recommends updating the relevant statutes and procedural rules to account for inflation and evolving economic conditions since their last amendment. While the recommended thresholds exceed

¹⁶⁰ § 732.402, Fla. Stat. (2024).

¹⁶¹ § 732.403, Fla. Stat. (2024).

standard Consumer Price Index (CPI)¹⁶² adjustments, they are intended to provide flexibility for future economic growth, enhance judicial efficiency, and expand access to simplified probate procedures. The proposed values are rounded for ease of application by courts and practitioners.

The recommended adjustments are as follows:

- *Summary Administration*: Increase the estate value threshold for summary administration from \$75,000 to \$150,000 by amending section 735.201(2), Florida Statutes, and Florida Probate Rule 5.530(a)(7).¹⁶³
- *Disposition of Personal Property Without Administration*: Increase the threshold from \$10,000 to \$20,000 by amending section 735.304(1), Florida Statutes, and Florida Probate Rule 5.425(a)(2)(C) and (b)(3).¹⁶⁴
- *Income Tax Refunds*: Increase the maximum claimable amount from \$2,500 to \$5,000 by amending section 735.302(1), Florida Statutes.¹⁶⁵
- *Qualifying Accounts*: Increase the threshold from \$1,000 to \$2,000 by amending section 735.303(2), (3)(c), and (4)(c).¹⁶⁶

The proposed amendments to sections 735.201(2), 735.304(1), 735.302(1), and 735.303(2), (3)(c), and (4)(c), and Rules 5.530 and 5.425 are attached to this report as Appendices QQ, RR, SS, TT, EE, and DD, respectively. The Workgroup recommends the Supreme Court affirmatively support inclusion of these proposals in the judicial branch's 2026 substantive legislative agenda.

E. LETTERS OF ADMINISTRATION

Judges expressed concern that some personal representatives contribute to delays by failing to timely complete the estate administration. To address this issue, some judges have adopted the practice of issuing letters of

¹⁶² CPI adjustments were calculated using the U.S. Bureau of Labor Statistics' CPI Inflation Calculator located at https://www.bls.gov/data/inflation_calculator.htm (last visited Mar. 28, 2025).

¹⁶³ The inflation-adjusted equivalent of the current threshold is approximately \$134,227. Off. of the St. Cts. Admin'r, Summary of Maximum Allowable Statutory Values Adjusted for Consumer Price Index, PP-1 (Feb. 2025) (attached to this report as Appendix QQ).

¹⁶⁴ Based on inflation, the updated equivalent is approximately \$12,260.51. *Id.* at PP-2.

¹⁶⁵ The inflation-adjusted value of the current threshold is approximately \$4,474. *Id.*

¹⁶⁶ Inflation-adjusted estimates place the current equivalent at approximately \$1,226.05. *Id.*

administration with a 12-month expiration date, subject to extension upon request.

Judges may already have discretion to impose such expiration dates for two reasons. First, Florida courts possess inherent authority “to do those things necessary to enforce its orders, to conduct its business in a proper manner, and to protect the court from acts obstructing the administration of justice.”¹⁶⁷ This inherent authority includes the ability to dismiss a case for lack of reasonable diligence when appropriate.¹⁶⁸

Second, the Florida Probate Code grants judges broad authority to limit the powers conferred by letters of administration.¹⁶⁹ It logically follows that these limitations may include a time constraint, particularly since the court has the continuing authority to appoint and remove personal representatives for cause, including wasting and maladministration of the estate.¹⁷⁰

To promote timely resolution of probate matters and reduce prolonged periods of inactivity, the Workgroup recommends amending Florida Probate Rule 5.235 to include a presumptive 12-month expiration date on letters of administration, unless otherwise ordered by the court. Establishing a defined expiration period would provide clarity to personal representatives and third parties regarding the duration of authority and may deter dilatory practices. While the authority conferred by the letters would lapse upon expiration, the personal representative’s fiduciary obligations would remain in place until formally discharged by court order.¹⁷¹ If additional time is required, the

¹⁶⁷ *Levin, Middlebrooks, Mabie, Thomas, Mayes & Mitchell, P.A. v. U.S. Fire Ins. Co.*, 639 So. 2d 606, 608–09 (Fla. 1994).

¹⁶⁸ *Barnett Bank of E. Polk Cnty. v. Fleming*, 508 So. 2d 718, 719 n.3 (Fla. 1987) (“Although under different circumstances, a trial judge has inherent power to dismiss for lack of reasonable diligence, *see Szabo v. Essex Chemical Corp.*, 461 So. 2d 128, 129 (Fla. 3d DCA 1984), the district court correctly ruled that when a motion is filed under Rule 1.420(e), a trial court may not dismiss a cause under its inherent powers authority.”).

¹⁶⁹ *See, e.g.*, § 733.6121, Fla. Stat. (authorizing personal representative to address environmental issues relating to property unless otherwise provided by will or *court order*); § 733.612, Fla. Stat. (detailed list of actions personal representative is authorized to take unless otherwise provided by will or *court order*); § 733.603, Fla. Stat. (authorizing personal representative to proceed expeditiously with settlement and distribution of estate except as otherwise specified by probate code or *ordered by the court*).

¹⁷⁰ § 733.504(5), Fla. Stat. (2024) (personal representative may be removed for wasting or maladministration of the estate); § 733.5061, Fla. Stat. (2024) (appointment of successor upon removal).

¹⁷¹ For example, the personal representative would still have a duty to preserve assets, pay debts, and initiate legal proceedings pursuant to section 733.612, Florida Statutes.

personal representative could seek an extension under Florida Probate Rule 5.400(c). The court would retain full discretion to extend or reinstate the letters as appropriate. Upon expiration of the letters, and absent an extension, the court may dismiss the case without prejudice as a sanction for lack of reasonable diligence.¹⁷² A case dismissed on this basis is considered closed but may be re-opened later.

The success of this recommendation will depend on the timely issuance of letters and consistent communication of deadlines to parties. Delays are particularly problematic early in the process, when time-sensitive issues involving assets often require prompt action and the appointment of a personal representative. The Workgroup concludes that several of its recommendations—such as standardized checklists, forms, and template orders—will help facilitate timely issuance of letters. While closing and reopening cases may improve statistical compliance with time standards, it may also increase the administrative burden on courts and practitioners. Implementing expiration dates may also require updates to case management and maintenance systems.

A proposed amendment to Rule 5.235 is included in Appendix OO. A standardized template for letters of administration incorporating the expiration language is attached as Appendix MM. If the Court adopts this recommendation, the Workgroup respectfully requests that its term be extended to support the development of the template letters; to draft a petition to amend Rule 5.235; to consult with the PRC; to respond to any comments received during the rules petition case; and to participate in oral argument, if scheduled.

F. FINANCIAL ACCOUNTS AND INSTITUTIONS

The Workgroup identified interactions with financial institutions as a significant source of delay in probate administration. Personal representatives frequently face obstacles when financial institutions refuse to honor valid letters of administration, impose inconsistent or extralegal requirements,¹⁷³ or restrict access to account information and safe-deposit boxes. These practices delay asset distribution, generate unnecessary court filings, and impose additional burdens on judges, attorneys, and personal representatives.

¹⁷² *Szabo*, 461 So. 2d at 129 (reiterating that the court has the inherent power to dismiss a cause which is not being prosecuted with reasonable diligence).

¹⁷³ Although section 655.939, Florida Statutes, authorizes financial institutions to restrict access to safe-deposit boxes for security reasons, feedback received by the Workgroup indicates that access is often denied for reasons not grounded in Florida law.

To better understand these challenges, the Workgroup conducted research, summarized in Appendix UU. While sections 655.935, 655.936, and 733.6065, Florida Statutes, require financial institutions to grant personal representatives access to safe-deposit boxes, section 655.933 uses permissive rather than mandatory language. This inconsistency appears to contribute to the delays reported by practitioners.¹⁷⁴

To address these concerns and streamline the probate process, the Workgroup recommends targeted statutory amendments to reinforce the authority of personal representatives, ensure compliance by financial institutions, and reduce the need for judicial intervention.

Specifically, the Workgroup recommends:

- *Safe-Deposit Box Access and Closure:*
 - Amending section 655.933, Florida Statutes, to require financial institutions to grant personal representatives access to a decedent's safe-deposit box, replacing permissive language with a mandatory obligation.
 - Amending section 655.936, Florida Statutes, to require financial institutions to allow personal representatives or their attorneys to pay any accumulated charges and close the safe-deposit box lease.
- *Enforcement Authority and Remedies:*
 - Amending sections 733.603 and 733.612, Florida Statutes, to expressly authorize personal representatives to initiate legal proceedings to enforce their authority under the Probate Code.
 - Amending section 733.6171, Florida Statutes, to clarify that attorney involvement in enforcement proceedings constitutes an extraordinary service for which reasonable compensation is warranted.
 - Creating section 733.6125, Florida Statutes, to require the award of taxable costs, including attorney's fees, against any person whose actions or inactions necessitate a successful enforcement proceeding by a personal representative.

Collectively, these recommendations clarify statutory authority, promote institutional compliance, reduce judicial workload, and expedite estate

¹⁷⁴ Although the Workgroup recommends amending section 655.933, Florida Statutes, to require banks to grant personal representatives access to decedents' safe-deposit boxes, a review of subsection (2), which addresses fiduciaries and other agents, may also be warranted. However, this issue falls outside the scope of the Workgroup's charges.

administration. They also reinforce the legislative intent of section 733.603, Florida Statutes, which provides that personal representatives should proceed expeditiously with distribution of the estate without further court involvement.

Proposed statutory amendments to sections 655.933, 655.936, 733.603, 733.612, and 733.6171, Florida Statutes, and the proposed new section 733.6125, Florida Statutes, are included in Appendices VV, WW, XX, YY, ZZ, and AAA, respectively. The Workgroup recommends the Supreme Court affirmatively support inclusion of these proposals in the judicial branch's 2026 substantive legislative agenda. The Workgroup also recommends that the Court refer the development of educational materials on best practices for interacting with financial institutions to the Real Property Probate and Trust Law Section of The Florida Bar.

G. CLERK RESOURCES

If the standardized filings recommended by the Workgroup are adopted, clerks of court will be permitted to assist unrepresented persons in completing these Supreme Court-approved forms without engaging in the unlicensed practice of law.¹⁷⁵ Testimony from a Florida clerk of court highlighted the need for increased funding to support the expansion of responsibilities clerks are expected to fulfill. Although the precise fiscal impact is indeterminate, the Workgroup concludes that any expansion of clerk duties should be accompanied by appropriate budgetary support.

One potential funding source identified by the Workgroup is the elimination of certain exemptions from the statutory re-open fee.¹⁷⁶ In addition to supporting clerk operations, the re-open fee may serve as a useful case management tool by encouraging parties to resolve estates within the 12-month period provided in the letters of administration. This process improvement could reduce the need for courts and clerks to dismiss and later reopen dormant cases.

To help offset any adverse fiscal impact on clerks and promote timely case resolution, the Workgroup recommends eliminating the exemption from re-open fees under section 28.241, Florida Statutes, for the following categories:

- Probate proceedings initiated prior to discharge; and

¹⁷⁵ Fla. St. Bar R. 10-2.2 (“It is not the unlicensed practice of law for a nonlawyer to engage in limited oral communication to assist a self-represented person in the completion of blanks on a Supreme Court Approved Form.”); § 28.215, Fla. Stat. (“The clerk of the circuit court shall provide ministerial assistance to pro se litigants. Assistance shall not include the provision of legal advice.”).

¹⁷⁶ § 28.241(1)(b), Fla. Stat. (2024).

- Disposition of personal property without administration.

The Workgroup acknowledges that removing this fee exemption will likely require a supermajority vote of the Legislature.¹⁷⁷ However, the re-open fee remains avoidable if the personal representative administers the estate or receives an extension before the expiration of the letters of administration. Additionally, adjusting the monetary threshold for affidavit procedures is expected to increase filings for disposition without administration.

The proposed amendment to section 28.241, Florida Statutes, is included in this report as Appendix BBB. The Workgroup recommends the Supreme Court support this statutory amendment.

H. NOTICE REQUIREMENTS

The Workgroup identified a procedural gap in Florida's probate process. While existing rules require the filing of a notice when initiating a related civil action or ancillary administration, there is no corresponding obligation to notify the court when such matters have concluded.¹⁷⁸ In the absence of a notice of conclusion, the court may remain unaware that it can resume administration of the underlying estate, resulting in unnecessary delays and inefficiencies.

To promote timely case progression and improve case management practices, the Workgroup recommends amending Florida Probate Rule 5.065 to require the personal representative to file a notice upon the resolution of any related civil action or ancillary administration.

These notices would alert judges and case managers that the underlying probate matter is ready to proceed. In larger circuits, such status changes may be tracked automatically through the court's case management system or the clerk's case maintenance system, further streamlining case oversight and reducing the need for manual monitoring.

The proposed amendment to Florida Probate Rule 5.065 is included in this report as Appendix CCC.

If the Court adopts this recommendation, the Workgroup respectfully requests that its term be extended to draft a petition to amend Rule 5.065; to

¹⁷⁷ In 2018, voters passed Amendment 5 which, in part, prohibits the legislature from imposing, authorizing, or raising a state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject. It was codified in Fla. Const. art. VII, § 19.

¹⁷⁸ See Fla. R. Prob. 5.025(d) (requiring service of formal notice when commencing an adversary proceeding); Fla. R. Prob 5.065(a), (b) (requiring a personal representative to file a notice when a civil action or ancillary administration has commenced).

consult with the PRC; to respond to any comments received during the rules petition case; and to participate in oral argument, if scheduled.

I. ESTATE TAX AFFIDAVIT – TIME STANDARDS

The federal estate tax applies to certain high-value estates and formerly allowed a credit for state death taxes paid.¹⁷⁹ Florida’s estate tax was designed to match that credit, but when Congress replaced the credit with a deduction in 2001, Florida’s estate tax was effectively eliminated for decedents who died on or after January 1, 2005.¹⁸⁰ Despite the elimination of Florida’s estate tax, until recently, a personal representative remained obligated to file an affidavit attesting that no Florida estate tax was due.¹⁸¹ In addition, the time standards for probate proceedings in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(D) continue to reference the estate tax affidavit.

A 2023 amendment to Florida law clarified that personal representatives are not required to file such an affidavit if:

- (1) the decedent died on or after January 1, 2005, and
- (2) the probate proceeding commenced on or after July 1, 2023, or was pending on that date without a final order of discharge.¹⁸²

Based on the Workgroup’s experience, many judges and personal representatives remain unaware that the estate tax affidavit is no longer required in most cases. To address this ongoing inefficiency, the Workgroup recommends that the Court refer the development of educational materials to the Florida Court Education Council and the Real Property Probate and Trust Law Section of The Florida Bar. These materials should inform judges, attorneys, and personal representatives of the statutory change and its practical implications for probate administration.

¹⁷⁹ The state death tax credit was established in 26 U.S.C. § 2011 and allowed estates to offset their federal estate tax liability by the amount paid in state death taxes. This provision was phased out by the Economic Growth and Tax Relief Reconciliation Act of 2001, Pub. L. No. 107-16, § 531, 115 Stat. 38 (2001), and replaced with a deduction for state death taxes paid, now codified at 26 U.S.C. § 2058.

¹⁸⁰ Florida’s estate tax was codified in chapter 198, Florida Statutes, and applied only to the extent permitted under the federal credit. When the federal credit was repealed, Florida’s tax became inoperative for decedents who died on or after January 1, 2005. § 198.02, Fla. Stat.

¹⁸¹ § 198.32, Fla. Stat. (2022).

¹⁸² *Id.*; see also § 198.32(3), Fla. Stat. (2024); *Florida Estate Tax*, Florida Department of Revenue, https://floridarevenue.com/taxes/taxesfees/pages/estate_tax.aspx (last visited on May 14, 2025).

The Workgroup also recommends amending Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(D) to remove references to the estate tax affidavit, as reflected in Appendix DDD. If the Court adopts this recommendation, the Workgroup respectfully requests that its term be extended to draft a petition to amend Rule 2.250(a)(1)(D); to consult with the PRC; to respond to any comments received during the rules petition case; and to participate in oral argument, if scheduled.

J. EDUCATION AND TRAINING OPPORTUNITIES

As noted throughout this report, the Workgroup identified a lack of awareness among many judges and practitioners regarding certain legal requirements and available procedural tools. Judges, personal representatives, and practitioners who are unfamiliar with probate may benefit from training on expedited procedures, case management practices, and recent statutory changes. This section summarizes the recommended educational initiatives designed to promote more efficient probate administration.

A general lack of familiarity with streamlined practices continues to be a significant source of delay. For example, notarization requirements imposed by some judges can unnecessarily complicate routine filings. Similarly, personal representatives may request court approval for actions already within their statutory authority or routinely file an estate tax affidavit for every estate, even when not required, thereby consuming limited judicial and clerk resources.

To address these inefficiencies and promote broader understanding of the process improvements identified by the Workgroup, the following educational content is recommended for development and dissemination:

- *Authority of Personal Representative:* Judges, attorneys, and personal representatives should receive training on the scope of authority conferred by section 733.603, Florida Statutes, which allows personal representatives to independently administer the estate without further court order.
- *Interacting with Financial Institutions:* The Workgroup recommends that the Real Property Probate and Trust Law Section of the Florida Bar develop guidance and best practices for personal representatives in managing interactions with financial institutions, including account access and safe-deposit box procedures.
- *Estate Tax Affidavit:* Education for judges, attorneys, and personal representatives should clarify that, for most estates, the estate tax affidavit is no longer required. Training should focus on the statutory

changes and their implications for probate filings and case management.

These educational initiatives should be referred to the Florida Court Education Council and the Real Property Probate and Trust Law Section of The Florida Bar for review and implementation. Enhancing awareness in these key areas will help reduce unnecessary filings, conserve judicial and clerk resources, and improve the overall efficiency of probate proceedings.

VI. CONCLUSION

After extensive study and deliberation, the Workgroup concluded that numerous challenges continue to hinder the efficiency of uncontested probate proceedings. To address these concerns, the Workgroup developed a series of recommendations focused on refining existing procedures, establishing administrative probate, and promoting more effective use of magistrates.

The Workgroup respectfully submits these recommendations to promote greater efficiency, consistency, and accessibility within Florida's probate system. The goals underlying the Workgroup's recommendations include reducing unnecessary judicial workload while preserving robust judicial safeguards against fraud and error. The Workgroup strived to achieve a balanced approach, grounded in practical experience and stakeholder input.

Although the Workgroup acknowledges that implementation of mandatory statewide checklists, forms, and template proposed orders will require additional study, outreach, and refinement, many of the recommended reforms can be implemented without delay. Others are contingent on legislative action.

In sum, the Workgroup's recommendations fall into three categories: (1) those that can be implemented expeditiously; (2) those requiring legislative action; and (3) those requiring ongoing collaboration with the PRC.

Accordingly, the Workgroup recommends the Supreme Court proceed expeditiously with the following actions:

- Issue an administrative order extending the Workgroup's term and authorizing it to file a petition to amend or create the following rules of procedure:
 - Amend Rules 2.215, 5.095, and 5.200, and create new Rule 5.024 to establish administrative probate.
 - Amend Florida Probate Rule 5.095 to adopt an implied consent framework for magistrate referral;

- Amend Florida Probate Rule 5.235 to incorporate expiration dates into letters of administration statewide;
- Amend Florida Probate Rule 5.065 to require personal representatives to file a notice upon the resolution of any related civil action or ancillary administration.
- Amend Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(D) to remove references to the estate tax affidavit from the time standards;
- Refer development of the standardized checklists, forms, and template proposed orders to the PRC.
- Direct the TCBC to evaluate the fiscal impact of administrative probate and submit any recommendations to the Court on resource needs;
- Refer the recommended educational initiatives to the Florida Court Education Council and the Real Property Probate and Trust Law Section of the Florida Bar; and
- Affirmatively support inclusion of the following issues in the judicial branch's 2026 substantive legislative agenda:
 - Amend section 735.201(2), Florida Statutes, to increase the monetary threshold for summary administration;
 - Amend section 735.304(1), Florida Statutes, to increase the monetary threshold for disposition of personal property without administration;
 - Amend section 735.302(1), Florida Statutes, to increase the monetary threshold for income tax refunds;
 - Amend section 735.303, Florida Statutes, to increase the monetary threshold for qualifying accounts;
 - Amend section 655.933, Florida Statutes, to require financial institutions to grant personal representatives access to a decedent's safe-deposit box;
 - Amend section 655.936, Florida Statutes, to require financial institutions to allow personal representatives or their attorneys to pay any accumulated charges and close the safe-deposit box lease;
 - Amend sections 733.603 and 733.612, Florida Statutes, to expressly authorize personal representatives to initiate legal proceedings to enforce their authority under the Probate Code;
 - Amend section 733.6171, Florida Statutes, to clarify that attorney involvement in enforcement proceedings constitutes an

extraordinary service for which reasonable compensation is warranted; and

- Create a new section 733.6125, Florida Statutes, to require the award of taxable costs, including attorney's fees, against persons whose conduct necessitates a successful enforcement proceeding by a personal representative.

If these statutory amendments are enacted by the Legislature, the Workgroup recommends the PRC consider the following conforming rule amendments under the fast-track procedures of Florida Rule of General Practice and Judicial Administration 2.140(e):

- Amend Florida Probate Rule 5.530(a)(7) to reflect the increased estate value threshold for summary administration; and
- Amend Florida Probate Rule 5.425(a)(2)(C) and (b)(3) to reflect the increased monetary threshold for disposition of personal property without administration.

The Workgroup recommends the Supreme Court support the proposed amendment to the re-open fee schedule in section 28.241, Florida Statutes.

Finally, the following proposed rule amendments are dependent on the development of the recommended checklists, forms, and template proposed orders. Once that development is complete, the Workgroup recommends that the Supreme Court authorize the Workgroup to submit a petition to:

- Amend the title of Part V of the Florida Probate Rules to clarify that it contains permissive forms;
- Create a new Part VI of the Florida Probate Rules to house the mandatory forms;
- Amend Florida Probate Rule 5.010 to delineate the scope of Parts V and VI of the Florida Probate Rules;
- Amend Florida Probate Rule 5.020 to authorize judges to require the use of Supreme Court-approved checklists; and
- Amend Florida Probate Rules 5.095, 5.235, 5.406, 5.420, 5.425, and 5.530 to require the use of Supreme Court-approved forms and template proposed orders.

VII. APPENDICES

- **Appendix A** – Responses of the Probate Rules Committee
- **Appendix B** – Memorandum on Delegation of Judicial Power
- **Appendix C** – Circuit Survey – Summary of Local Probate Administrative Orders, Practices and Procedures, and Checklists
- **Appendix D** – Data Compilation
- **Appendix E** – 50-State Survey – Alternatives to Formal Administration
- **Appendix F** – Independent Probate Administration Research Summary
- **Appendix G** – Expanded Clerk Duties
- **Appendix H** – Comparative Analysis of Probate Affidavit Procedures: Florida & Virginia
- **Appendix I** – Memorandum on Probate Fraud Prevention Strategies
- **Appendix J** – Written Submissions
- **Appendix K** – Summary of Testimony – Public Meeting
- **Appendix L** – Summary of Testimony from Representatives of High-performing Florida Counties and Experts from Other States
- **Appendix M** – Proposed Amendment to Florida Rule of General Practice and Judicial Administration 2.215
- **Appendix N** – Proposed Amendment to Florida Probate Rule 5.200
- **Appendix O** – Proposed Amendment to Florida Probate Rule 5.024
- **Appendix P** – Proposed Amendment to Florida Probate Rule 5.095
- **Appendix Q** – Checklists Developed by the Workgroup
- **Appendix R** – Proposed Amendment to Florida Probate Rule 5.020
- **Appendix S** – Proposed New Part VI of the Florida Probate Rules
- **Appendix T** – Form 5.9XX - Petition for Summary Administration (testate)
- **Appendix U** – Form 5.9XX - Petition for Summary Administration (intestate)
- **Appendix V** – Form 5.9XX - Petition for Disposition of Personal Property without Administration
- **Appendix W** – Form 5.9XX - Petition to Determine Exempt Property
- **Appendix X** – Form 5.9XX - Notice to Creditors (summary administration)
- **Appendix Y** – Form 5.9XX - Motion for Referral to Magistrate
- **Appendix Z** – Form 5.9XX - Affidavit for Disposition without Administration of Intestate Personal Property
- **Appendix AA** – Proposed Amendment to Florida Probate Rule 5.010
- **Appendix BB** – Proposed Amendment to Florida Probate Rule 5.406
- **Appendix CC** – Proposed Amendment to Florida Probate Rule 5.420
- **Appendix DD** – Proposed Amendment to Florida Probate Rule 5.425
- **Appendix EE** – Proposed Amendment to Florida Probate Rule 5.530
- **Appendix FF** – Form 5.9XX - Notice of Hearing Before General Magistrate

- **Appendix GG** – Proposed Amendment Part V of the Florida Probate Rules
- **Appendix HH** – Form 5.9XX - Order Admitting Will to Probate and of Summary Administration (testate)
- **Appendix II** – Form 5.9XX - Order of Summary Administration (intestate)
- **Appendix JJ** – Form 5.9XX - Order for Disposition of Personal Property without Administration
- **Appendix KK** – Form 5.9XX - Order Determining Exempt Property
- **Appendix LL** – Form 5.9XX - Order of Referral to Magistrate
- **Appendix MM** – Form 5.9XX - Letters of Administration
- **Appendix NN** – Form 5.9XX - Order for Disposition without Administration of Intestate Personal Property in Small Estates
- **Appendix OO** – Proposed Amendment to Florida Probate Rule 5.235
- **Appendix PP** – Chart of Inflation Adjusted Thresholds
- **Appendix QQ** – Proposed Amendment to Section 735.201, Florida Statutes
- **Appendix RR** – Proposed Amendment to Section 735.304, Florida Statutes
- **Appendix SS** – Proposed Amendment to Section 735.302, Florida Statutes
- **Appendix TT** – Proposed Amendment to Section 735.303, Florida Statutes
- **Appendix UU** – Summary of Research on Safe-Deposit Boxes
- **Appendix VV** – Proposed Amendment to Section 655.933, Florida Statutes
- **Appendix WW** – Proposed Amendment to Section 655.936, Florida Statutes
- **Appendix XX** - Proposed Amendment to Section 733.603, Florida Statutes
- **Appendix YY** – Proposed Amendment to Section 733.612, Florida Statutes
- **Appendix ZZ** – Proposed Amendment to Section 733.6171, Florida Statutes
- **Appendix AAA** – Proposed New Section 733.6125, Florida Statutes
- **Appendix BBB** – Proposed Amendment to Section 28.241, Florida Statutes
- **Appendix CCC** – Proposed Amendment to Florida Probate Rule 5.065
- **Appendix DDD** – Proposed Amendment to Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(D)

APPENDIX

A

RESPONSES OF THE PROBATE RULES COMMITTEE



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

April 23, 2025

Hon. Michael T. McHugh
Lee County Judicial Center Complex
1700 Monroe Street
Fort Myers, FL 33901

Via E-mail: MMcHugh@ca.cjis20.org

RE: Proposal by Uncontested Probate Workgroup

Dear Judge McHugh:

On behalf of the Probate Rules Committee (“Committee”), thank you for attending our April 2, 2025 meeting to discuss the proposals drafted by the Workgroup on Uncontested Probate Proceedings (“Workgroup”). We appreciate the significant efforts of the Workgroup, and the thought put into the proposals. Pursuant to *In Re: Workgroup on Uncontested Probate Proceedings*, Florida Administrative Order No. AOSC24-20 (Apr. 30, 2024), the Committee would like to share its preliminary thoughts about the proposals for the Workgroup’s consideration. Due to the brief time in which to respond, the Committee may share additional thoughts with the Workgroup before its May 2025 meeting.

While the Committee thoroughly reviewed all of the Workgroup’s proposals, the scope of this comment is limited to the rule proposals affecting probate administration in Florida. Our Committee’s purpose is to address *procedural* rules in relation to probate administration, while Florida Statutes drive *substantive* changes. We are charged with rule making and are not permitted to take positions on legislation. Because rulemaking follows legislation, the Committee cannot initiate several of the proposed changes to the Florida Probate Rules until the corresponding Florida Statutes are amended.

As discussed on April 2nd, we believe that The Real Property, Probate & Trust Law Section (the “Section”) of The Florida Bar should be a part of this process to ensure that the Workgroup receives substantive commentary from all stakeholders. Accordingly, after confirmation from you that the Workgroup’s proposal may be shared with the Section, we sent this information to John Moran, Section Chair, Cary Wright, Chair-elect, and Jon Scuderi, Director of the Probate & Trust Law Division. We commend the Workgroup’s findings and recommendations and believe that to ultimately ensure the best work product, collaboration with the Section is essential.

Checklists

The Committee agrees checklists have become a statewide issue that greatly affect probate administrations. Our Committee members wholeheartedly agree that the lack of uniformity in checklists amongst the Circuits, and even among different judges within a Circuit, and the imposition of filing requirements that exceed those required by law are prevalent. This negatively impacts efficiency in our day-to-day practices and ultimately can result in higher fees to the Client. For that reason, the Committee agrees that the proposed revisions to Florida Probate Rule 5.020 would be a beneficial change if the checklists incorporated into the Florida Probate Rules are to be effective.

The Committee's concern is that the proposed checklists are highly problematic. The format of the checklists is more like a bench card for Judges, and not a checklist itemizing the items required by Florida law to open and close administrations. The checklists: (i) are missing fundamental filing requirements, such as an authenticated copy of the death certificate; (ii) seem to add requirements that are not found in the Florida Probate Rules or Florida Statutes; and (iii) include legal conclusions as purported checklist requirements. The checklists in their current form would not be beneficial to practitioners or expedite probate administrations. (*See Exhibit E*).

Fundamentally, the format of the checklists would set up Courts to wrongfully reject filings. Each checklist contains a box for "yes" and "no" in response to each question. However, the checklists do not offer an area to explain why the answer may be "no" or if the answer is left blank. For example, on the Opening Formal Administration checklist, one question is, "Has formal notice been served on the interested persons." The checklist does not account for the possibility that the petition was served via informal notice, which is permitted under Florida Probate Rule 5.040(d) or that the petition was not served at all given that, largely, at this stage of probate administration there are no interested persons. Later in the same checklist, under subsection "Testate Estate F.S. 732.502, FPR 5.200(i)&(j)," it asks, "Is the will valid under Florida law or has the will been admitted to a foreign jurisdiction? F.S. 732.502." The validity of a will is a question of law, not an item that must be properly filed in order to open an administration. Similar problems are found throughout the checklists.

As another example, on the Closing Formal Administration (Uncontested) checklist, there are several questions about service of notice on creditors and about the filing of claims, but the checklist fails to ask if all outstanding claims have been paid or otherwise satisfied.

As the Workgroup may be aware, the Committee is comprised of probate practitioners from around the state, many of whom have statewide practices. It is the consensus of the Committee that the 12th Judicial Circuit, as well as other Circuits, such as the 11th and 17th Judicial Circuits, have excellent checklists that could be used as a starting point to create a statewide checklist, with minor revisions. (*See composite Exhibit A*). The Committee also recommends that a separate checklist be created for each applicable administration for the sake of simplicity and clearer instruction to the end user. To illustrate, a Petition for (formal) Administration should include options for testate or intestate administrations or formal ancillary administrations. (*See Exhibit D, page 10*). We have enclosed copies of those checklists for the Workgroup's review and

consideration. We believe utilizing a format such as these would be a benefit to practitioners and the judiciary. (*See* composite Exhibit A).

If it pleases the Workgroup and ordered by the Court, the Committee would undertake the task of drafting the checklists. (We have also included our Committee's previous work on developing a checklist for the Disposition without Administration for the Workgroup's reference.) Given the importance of this work, if the Workgroup would like for us to undertake this task, we respectfully submit that the Workgroup request a reasonable amount of time for our Committee to develop and finalize these checklists.

On a related note, the Committee suggests that the Workgroup consider incorporating an affidavit of heirs into its proposals for intestate administrations and for the determination of protected homestead. Our Committee members believe that the basic information required in documents, like an intestate petition for administration, does not encourage petitioners to fully outline all interested persons. Many petitioners may only include family members they regularly see or with whom they speak and may exclude other family members that should be provided notice—advertently or inadvertently. Affidavits of heirs require much more detail and prompt petitioners to spend more time identifying family members who may be interested persons in the proceeding. This is also used as a tool for court staff to determine that all interested persons have been properly served notice of the matter. For reference, we have also enclosed a copy of an affidavit of heirs used by the 11th Judicial Circuit. (*See* Exhibit B).

The Committee notes that Part V of the forms includes the following:

The following forms are sufficient for the matters that are covered by them. So long as the substance is expressed without prolixity, the forms may be varied to meet the facts of a particular case. The forms are not intended to be part of the rules and are provided for convenience only

If the checklists are to be used without further additions, then the checklists would need to be placed into a new part of Chapter 5 with language that indicates that the checklists must be used as approved by the Supreme Court and not be further modified. The Committee is attaching a draft proposal. (*See* Exhibit D, page 5).

Waivers, Consents, Renunciations, and Receipt of Assets

While this was not a topic that was raised by the Workgroup's proposal, a subject that our Committee has previously discussed at length and believe should be included in the effort to provide consistency among the Circuits, is the requirement of notarized waivers, consents, renunciations and receipt of assets by certain Circuits. For example, all waivers and consents in the 11th Judicial Circuit must be notarized and, in the 15th Judicial Circuit all waivers, consents, renunciations and receipts of assets must be notarized. (Note that the requirement for notarization in the 15th Judicial Circuit is pursuant to the Judges' procedural page and the 11th Judicial Circuit through Administrative Memorandum dated October 7, 2024). (*See* composite Exhibit C).

Probate administrations are streamlined when the attorney can attain consents and/or waivers from interested parties for a filing, avoiding the necessity of service via formal notice or in the manner of formal notice. This notarization requirement can be burdensome during probate administration to the extent that, even when all interested persons have indicated they consent to the respective filings, the time and effort involved for multiple interested persons to get these documents notarized and returned to the attorney delays the efficient administration of the estate, and in certain circumstances, *e.g.*, where a beneficiary resides outside of the United States, may be unachievable. Furthermore, it is not unusual to regularly deal with interested persons who are homebound, who have mobility issues, and who are not technologically savvy so it can be difficult for them to access notaries. The requirement that certain filings must be notarized creates an unnecessary impediment to administer a probate with multiple interested persons who can otherwise consent with a signature.

Restricted Estate Bank Accounts

Another process which is inconsistent among the Circuits, increases the time involved for probate administration, and adds additional fees and costs to be borne by the estate is the requirement of restricted estate bank accounts. In the 11th Circuit, if a bond is not secured by the personal representative and the estate has liquid assets, a restricted depository account is presently required by the Court. Thus, every time a withdrawal must be made (such as payment of a bill or invoice), a petition must be filed and an order entered directing payment from the restricted depository account. The order is then presented to the bank to issue the payment in the due course of business. Add to that requirement, the need for notarized waivers and consents from interested persons for the requested distribution (addressed in the paragraph above), and a mundane, administrative task that generally takes minutes, becomes costly and cumbersome. It is often impossible to request a bond in lieu of a restricted estate account at the same time the estate is opened, because the Court requires that a verified inventory be filed to determine the amount of the bond. Until the estate is opened and the petitioner is appointed as personal representative, the petitioner has no authority to gather the information and may have no knowledge about the potential assets of the estate to complete the required inventory.

The use of a restricted estate account also occurs in the 15th and 17th Circuits, but to a lesser extent and generally when the personal representative is non-resident of Florida. Our Committee would direct the Workgroup to *Goodstein v. Goodstein*, 263 So. 3d 78 (Fla. 4th DCA 2019). The statutory language of section 69.031(1), Florida Statutes, “makes it clear and unambiguous that a blanket policy providing for a depository to be used in all probate cases is improper.” *Id.* at 80. “[T]here are only two situations in which a court may order a restricted depository be used: (1) when the size of the bond required of the administrator or other officer is burdensome or (2) ‘for other cause.’ *See* § 69.031(1). Trial courts must look at *each case* carefully to determine whether it falls under one of these two situations.” *Id.* We support the findings in this case and believe that a restricted depository should not be used as a blanket policy.

Mandatory Forms:

The Committee reviewed the six (6) mandatory forms proposed by the Workgroup: Petition for Summary Administration (testate); Petition for Summary Administration (intestate); Petition

for Disposition of Personal Property without Administration; Petition to Determine Exempt Property; Notice to Creditors (summary administration); and Motion for Referral to Magistrate. The Committee strongly believes that these forms would provide helpful guidance if they are permissive, particularly for self-represented litigants and attorneys who do not regularly practice in this field. However, the Committee does not believe the proposed mandatory forms are comprehensive enough to be mandatory statewide. As practitioners we deal with many variations dependent on the matter and have to change our respective filings with the court as the situation requires.

The Committee supports the proposed updates concerning the Letters of Administration and would need to more time closely review the other proposed orders from the Workgroup.

If the Workgroup believes that mandatory forms should be implemented, the Committee would undertake the task of drafting these forms if it pleased the Workgroup and is ordered by the Court. Given the importance of this work, if the Workgroup would like for us to undertake this task, we respectfully submit that the Workgroup request a reasonable amount of time for our Committee to develop and finalize them.

Florida Probate Rules 5.010 and 5.020:

The Workgroup proposes changes to Florida Probate Rule 5.020 to address the inclusion of checklists. The Committee agrees, with minor corrections, to this change, and also proposes the amendment of Florida Probate Rule 5.010 to include the addition of Part V and Part VI below. (See Appendix D, page 5). The Committee believes that we should have separate sections for forms and checklists to allow for flexibility going forward with any standardized forms.

RULE 5.010. SCOPE (PROPOSED)

These rules govern the procedure in all probate and guardianship proceedings and ~~shall~~will be known as the Florida Probate Rules and may be cited as Fla. Prob. R. Part I applies to all proceedings. Part II applies to probate alone, Part III applies to guardianship alone, ~~and~~ Part IV applies to expedited judicial intervention concerning medical treatment procedures, ~~and~~ Part V provides forms, and Part VI provides checklists. The Florida Rules of Civil Procedure apply only as provided ~~herein~~ these rules.

In closing, the Committee truly appreciates the initial findings of the Workgroup. While our Committee has no control over the substantive changes recommended in the proposal, we believe that overall your findings will benefit the efficiency and effectiveness of the probate administration process for the legal community and our citizens.

Respectfully,

/s/ Heather Savage Telfer

Heather Savage Telfer
Senior Attorney, Rules Program

cc: Erin Farrington Finlen, Co-Chair, Florida Probate Rules Committee
Zackary T. Zuroweste, Co-Chair, Florida Probate Rules Committee
Dustin Metz, Office of State Court Administrator

From: [Telfer, Heather](#)
To: [Dustin W. Metz](#)
Cc: [Persante Law](#); [Erin Farrington Finlen](#)
Subject: FL Probate Rules - Checklist approved by Committee today
Date: Thursday, June 26, 2025 10:55:17 AM
Attachments: [5.961 Checklist Opening Formal Admin Testate 06 26 25.docx](#)

Good morning,

Attached is the checklist that the Florida Probate Rules Committee approved at its meeting this morning. Please let me know if you have any questions.

Thanks,

Heather

Heather Savage Telfer
Senior Attorney, Rules Program
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399
850-561-5833
htelfer@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

Yes/No	Requirements
	<p>() c. an order establishing a lost or destroyed will was entered by the court as DIN ____ (§ 733.207, Fla. Stat.; Fla. Prob. R. 5.025, 5.200, 5.210, 5.510(c).)</p>
	<p>3. Execution of Will. The execution of will appears to be valid under section 732.502, Florida Statutes, because:</p> <p>() a. testator's name is signed or subscribed at the end of the will; and</p> <p>() b. two witnesses have signed the will.</p>
	<p>4. Proof of Will. The will: (Choose 1)</p> <p>() a. is self-proved; (§§ 732.503, 733.201 Fla. Stat.)</p> <p>() b. is considered self-proved in another state or country, it was witnessed in accordance with section 732.502, Florida Statutes, and authority is provided as DIN ____;</p> <p>() c. is not self-proved and an oath in compliance with section 733.201, Florida Statutes, () has been sworn before a circuit judge, clerk of court, or a commissioner appointed by the court, and a copy of the oath was filed with the court as DIN ____, or () the oath was made via live testimony before the court.</p>
	<p>5. Oath of Personal Representative. The oath of the personal representative has been filed as DIN _____. (Fla. Prob. R. 5.320)</p>
	<p>6. Designation and Acceptance of Resident Agent. A designation and acceptance of resident agent:</p> <p>() a. has been filed as DIN ____; or</p> <p>() b. is not required because the potential personal representative is a corporate fiduciary having an office in Florida, or a member of The Florida Bar who is a resident of and has an office in Florida. (Fla. Prob. R. 5.110.)</p>
	<p>7. Personal Representative Preference and Notice. The proposed personal representative was: (Choose 1 option from subdivisions 7.a.–7.e. and satisfy all requirements within that subdivision) (§ 733.301, Fla. Stat.)</p>

Yes/No	Requirements
<input type="checkbox"/>	a. nominated by will on page ___ and no other nominee has higher priority;
<input type="checkbox"/>	b. nominated by will on page ___ and any nominees with higher priority: <ul style="list-style-type: none"> <li data-bbox="446 451 1380 525"><input type="checkbox"/> i. have signed waivers of preference filed as DIN ___; <li data-bbox="446 556 1380 672"><input type="checkbox"/> ii. are deceased as alleged in petition for administration or proof of death or the death certificate(s) is filed in DIN ___; <li data-bbox="446 703 1380 819"><input type="checkbox"/> iii. are ineligible to serve as alleged in petition for administration or cannot be located as evidenced in DIN ___; or <li data-bbox="446 850 1380 966"><input type="checkbox"/> iv. have been served with formal notice of the petition of administration and proof of service was filed as DIN ___;
<input type="checkbox"/>	c. selected by the majority in interest as evidenced in DIN ___;
<input type="checkbox"/>	d. a devisee and a joinder, waiver and consent filed as DIN ___ or a proof of service of formal notice of petition of administration filed as DIN ___ is on the record for all other devisees and the objection period has expired;
<input type="checkbox"/>	e. not entitled to preference: (Choose 1 or more) <ul style="list-style-type: none"> <li data-bbox="446 1354 1380 1428"><input type="checkbox"/> i. interested persons signed a joinder, waiver and consent(s) filed as DIN ___ ; or <li data-bbox="446 1459 1380 1575"><input type="checkbox"/> ii. proof of service of formal notice of petition of administration on interested persons entitled to notice filed as DIN ___ and the objection period has expired.
	8. Deceased Beneficiaries. (Choose 1) <ul style="list-style-type: none"> <li data-bbox="446 1669 1234 1711"><input type="checkbox"/> a. There are no deceased beneficiaries; or <li data-bbox="446 1743 1380 1816"><input type="checkbox"/> b. as alleged in petition for administration or proof of death or the death certificate(s) is filed in DIN ___.

Yes/No	Requirements
	<p>9. Petition for Administration. A petition for administration was filed as DIN _____. The petition is verified by the petitioner, and it includes all required information listed in Florida Probate Rule 5.200, including:</p> <p><input type="checkbox"/> a. petitioner’s interest, name, address, attorney’s name, and attorney’s address; (Fla. Prob. R. 5.200(a).)</p> <p><input type="checkbox"/> b. decedent’s name, address, last 4 digits of social security number, date of death, place of death, state, and county of domicile; (Fla. Prob. R. 5.200(b).)</p> <p><input type="checkbox"/> c. surviving spouse’s and beneficiaries’ information, including name, address, relationship, and birth year (if a minor); (Fla. Prob. R. 5.200(c).)</p> <p><input type="checkbox"/> d. if a trust is a beneficiary of the estate, and each trustee is a personal representative of the estate, all qualified trust beneficiaries’ information is listed under subdivision 9.c.; (§ 736.0103, Fla. Stat.)</p> <p><input type="checkbox"/> e. venue properly alleged; (Fla. Prob. R. 5.200(d).)</p> <p><input type="checkbox"/> f. statement of known assets; (Fla. Prob. R. 5.200(g).)</p> <p><input type="checkbox"/> g. statement as to whether domiciliary or principal proceedings are pending in another state or country and, if known, the () name of foreign personal representative and () name of court issuing letters; (Fla. Prob. R. 5.200(f).)</p> <p><input type="checkbox"/> h. statement of diligent search:</p> <p style="padding-left: 40px;"><input type="checkbox"/> i. each petitioner is unaware of any unrevoked wills/codicils; or</p> <p style="padding-left: 40px;"><input type="checkbox"/> ii. why if aware of other unrevoked wills or codicils, a statement as to why the other wills or codicils are not being probated;</p> <p><input type="checkbox"/> i. statement that the proposed personal representative is qualified to serve. (Fla. Prob. R. 5.200(k).)</p>
	<p>10. Caveats. (Choose 1)</p>

Yes/No	Requirements
	<p><input type="checkbox"/> a. No caveats were filed;</p> <p><input type="checkbox"/> b. caveats were filed as DIN ____ or case number ____ and all caveators are creditors;</p> <p><input type="checkbox"/> c. at least 1 caveat was filed as DIN ____ or case number ____ by an interested person that is not a creditor and caveator(s) either: (Choose 1 or more)</p> <p style="padding-left: 40px;"><input type="checkbox"/> i. was served with formal notice of the petition for administration and proof of service is filed as DIN ____ and the objection period has expired; or</p> <p style="padding-left: 40px;"><input type="checkbox"/> ii. signed a joinder, waiver and consent to the petition for administration filed as DIN ____.</p>
	<p>11. Bond or Depository. (Choose 1)</p> <p><input type="checkbox"/> a. Bond waived by will on page ____ (§ 733.402(1), Fla. Stat.) or by interested parties and the waivers are filed as DIN ____; (Fla. Prob. R. 5.235(c).)</p> <p><input type="checkbox"/> b. bond to be determined by the court; (Fla. Prob. R. 5.235(a).)</p> <p><input type="checkbox"/> c. bond not required as a bank or trust company is serving a personal representative; or</p> <p><input type="checkbox"/> d. petition for restricted depository as DIN ____ has been filed instead of bond. (§ 69.031, Fla. Stat.)</p>

I hereby certify that I was not able to comply with the checklist requirement(s) listed in subdivision(s) ____ because:

Signed(date).....

Signature: _____

Name of Attorney: _____

Attorney for: _____

Address: _____

Telephone Number: _____

E-mail Address: _____

Florida Bar No.: _____

APPENDIX

B

MEMORANDUM ON DELEGATION OF JUDICIAL POWER

Memorandum

TO: Workgroup on Uncontested Probate Proceedings
FROM: Dustin Metz, Chief of Innovations and Outreach
DATE: June 7, 2025
SUBJECT: Delegation of Judicial Power

I. Introduction

This memorandum addresses the extent to which a Florida circuit court may lawfully delegate judicial authority to a general magistrate or other authorized official.

II. Delegation of Judicial Power Generally

Florida courts are prohibited from delegating core judicial functions to subordinate officers.¹ This prohibition encompasses, among other things, incompetency determinations,² awarding attorneys' fees in probate proceedings,³ conducting jury trials,⁴ excusing jurors for discretionary reasons,⁵ and determining the amount of restitution.⁶

¹ *E.g.*, *In re Thompson's Estate*, 199 So. 352, 355 (Fla. 1940) (the judicial power is not delegable and cannot be abdicated in whole or in part); *In re Alkire's Estate*, 198 So. 475, 482 (Fla. 1940); *Lackner v. Cent. Fla. Investments, Inc.*, 14 So. 3d 1050, 1053 (Fla. 5th DCA 2009) (judicial powers vested in the courts by constitution or statute are nondelegable); *Bentley v. State ex rel. Rogers*, 398 So. 2d 992, 995 (Fla. 4th DCA 1981).

² *Bentley*, 398 So. 2d at 995 (determination that an individual is incompetent to consent to treatment is of sufficient magnitude to fall within the constitutionally mandated description of "guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate" and is of a judicial nature.).

³ *Kilcoyne v. George*, 360 So. 3d 808 (Fla. 3d DCA 2023) (county court lacked subject matter jurisdiction to determine probate attorney's fee dispute).

⁴ *Lackner*, 14 So. 3d at 1055 (magistrate not authorized to conduct civil jury trial).

⁵ *Jones v. State*, 749 So. 2d 561, 562 (Fla. 2d DCA 2000) (potential jurors improperly excused by the clerk of court).

⁶ *Fletcher v. State*, 405 So. 2d 748 (Fla. 2d DCA 1981) (order requiring defendant to make restitution as determined by probation officer constituted improper delegation).

The nondelegation doctrine originates in, and is guaranteed by, the Florida Constitution.⁷ It reflects the axiom that the trial judge is the sole elected constitutional officer with the organic authority to adjudicate a litigant's case.⁸ Just as the executive⁹ and legislative¹⁰ branches may not assume judicial power, the judicial branch may not delegate that power away.¹¹

However, the nondelegation doctrine is not absolute. Reasonable delegations of incidental discretion are permissible so long as they are sufficiently circumscribed by the trial court.¹²

III. Magistrates: Constitutional and Historical Context

The practice of using “masters” to assist trial judges in the disposition of cases predates the American legal system and traces its origins to the English chancery courts.¹³ Although masters proved useful, abuses stemming from unsupervised and unrestricted references in U.S. federal chancery courts led to the system’s abolition in 1852.¹⁴

⁷ See [Art. V, § 1, Fla. Const.](#) (“The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality.”); [Art. II, § 3, Fla. Const.](#) (“No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.”).

⁸ [De Clements v. De Clements](#), 662 So. 2d 1276, 1283 & n.16 (Fla. 3d DCA 1995) (citing [Art. I, §§ 9, 21–22, Fla. Const.](#); [Art. V, §§ 5–6, Fla. Const.](#); [Bell v. Bell](#), 307 So. 2d 911, 914–915 (Fla. 3d DCA 1975)).

⁹ [Bush v. Schiavo](#), 885 So. 2d 321 (Fla. 2004) (the Legislature improperly delegated the judicial power to make the final determination in a case to the executive branch); [Choice Plus, LLC v. Dep’t of Fin. Svcs.](#), 244 So. 3d 343, 350 (Fla. 1st DCA 2018) (the executive branch improperly attempted to readjudicate an order of an Article V court).

¹⁰ *E.g.*, [Allen v. Butterworth](#), 756 So. 2d 52, 59 (Fla. 2000) (holding the Death Penalty Reform Act invalid as an encroachment on the Supreme Court’s exclusive power to adopt rules for the practice and procedure in all courts.); [Massey v. David](#), 979 So. 2d 931, 943 (Fla. 2008) (statute barring expert witness fees from recovery as taxable costs unless the report timely produced to the other party was an intrusion on the Supreme Court’s procedural rulemaking authority).

¹¹ [Bell](#), 307 So. 2d at 914 (the court may not abdicate its duty to determine the controversy through its own judgment by devolving that duty upon a subordinate officer); *infra*, note 35.

¹² [Larson v. State](#), 572 So. 2d 1368, 1371 (Fla. 1991) (reasonable to delegate supervision of mandatory counseling to probation officer); *infra*, notes 30–35.

¹³ [De Clements](#), 662 So. 2d at 1279.

¹⁴ See Irving R. Kaufman, *Masters in The Federal Courts: Rule 53*, [58 Col.L.Rev. 452](#), n. 1 (1958).

Florida courts began employing masters—now referred to as “magistrates”—to assist judges as early as the mid-1800s.¹⁵ Magistrates have been described as “highly important and responsible officer[s] of the court, acting for and under the appointment of the court, and vested with considerable authority of a judicial nature by the statutes, and usually also by the order of the court appointing him.”¹⁶

At the same time, courts have noted that the use of magistrates in Florida must be “tempered by the fact that there is no provision within the Florida Constitution authorizing Masters to perform judicial functions, or authorizing the use of Masters in the disposition of cases.”¹⁷ Instead, the Constitution vests original jurisdiction over most controversies in the circuit and county courts.¹⁸ The Florida Supreme Court has cautioned that the use of magistrates should be the exception, not the rule.¹⁹

Nonetheless, the only express restriction on the use magistrates in Florida is the requirement of party consent.²⁰ This requirement is grounded, in part, in the principle that a litigant may waive certain purely personal constitutional rights.²¹

Although there is no express constitutional authorization for magistrate referral, such authority may be inferred from the Florida Constitution, longstanding historical practice, and court rules promulgated under Article V, section 2(a), which empowers the Supreme Court to regulate court procedure. Article I, section 21 guarantees access to the courts and provides that “justice shall be administered without... delay.” Article V, section (2)(d) assigns each circuit’s chief judge responsibility for the “administrative supervision of the circuit courts.” In addition, applicable statutes and rules²² charge chief judges

¹⁵ See *Slatcoff v. Dezen*, 74 So. 2d 59, 62 (Fla. 1954); [21 Fla.L.Prac. Reference § 21](#) (1964).

¹⁶ *Burns v. Burns*, 13 So. 2d 599, 602 (Fla. 1943).

¹⁷ *De Clements*, 662 So. 2d at 1280.

¹⁸ See Art. V, §§ 5–6, Fla. Const.; *Slatcoff*, 74 So. 2d at 63.

¹⁹ *De Clements*, 662 So. 2d at 1279.

²⁰ *De Clements*, 662 So. 2d at 1281.

²¹ See *Larson*, 572 So.2d at 1371.

²² [§ 43.26, Fla. Stat.](#); [Fla. R. Gen. Prac. & Jud. Admin. 2.215\(b\)\(3\)](#).

with ensuring the prompt and efficient administration of justice—a goal that is advanced through the appropriate use of magistrates.²³

IV. Probate Jurisdiction

The jurisdiction of Florida trial courts is set forth in the Florida Constitution.²⁴ The Legislature may further define or refine that jurisdiction, provided it does not conflict with constitutional provisions.²⁵ In the absence of constitutional limitations, the Legislature may confer exclusive, concurrent, original, appellate or final jurisdiction on the courts.²⁶

The Legislature has vested Florida’s circuit courts with *exclusive original jurisdiction* over probate proceedings.²⁷ This means circuit courts alone are authorized to adjudicate such matters in the first instance; no other court may do so. While “exclusive jurisdiction” denotes the sole authority to hear a particular class of cases,²⁸ “original jurisdiction” refers to the authority to hear a case at its inception, rather than on appeal.²⁹

V. Procedural Safeguards and Limitations

Florida Probate Rule 5.095 permits referral to a magistrate when the parties consent. Such referrals must preserve the trial court’s core judicial function.

²³ *E.g.*, [Humphrey v. Humphrey](#), 296 So. 3d 536, 539 (Fla. 1st DCA 2020) (“General magistrates provide important assistance with the timely disposition of all or part of many types of cases, including family law matters. Florida does not have enough Article V judges to keep up with all the work of the judicial system. The family law courts of Florida are fortunate to be able to rely on the assistance of general magistrates, hearing officers, and special magistrates.”); [Slatcoff](#), 74 So. 2d at 62-63; [Burns](#), 13 So. 2d at 602.

²⁴ See [Art. V, §§ 5–6, Fla. Const.](#)

²⁵ *E.g.*, [Bentley](#), 398 So. 2d at 995 (“Article V, Section 20, Subsection (c) does not authorize removal of purely judicial functions from the courts by virtue of general law. Purely judicial functions must remain within the judicial branch. Sub-section (c) merely allows the legislature by general law and consistent with all other provisions of Article V, to allocate those functions between the circuit courts and the county courts but not to remove them entirely from judicial consideration.”); [Alexdex Corp. v. Nachon Enterprises, Inc.](#), 641 So. 2d 858, 861 (Fla. 1994); [State v. Sullivan](#), 116 So. 255 (Fla. 1928).

²⁶ [Alexdex](#), 641 So. 2d at 861.

²⁷ See [Art. V, § 5\(b\), Fla. Const.](#); [§ 26.012\(2\)\(b\), Fla. Stat.](#); [Klein v. Estate of Klein](#), 295 So. 3d 793, 801 (Fla. 4th DCA 2020).

²⁸ [Seaboard Air Line R. Co. v. Gay](#), 68 So. 2d 591, 593 (Fla. 1953).

²⁹ See [Sullivan](#), 116 So. at 260.

While magistrates may conduct proceedings and issue reports, the final decision must remain with the judge.³⁰

Referral of an entire case to a general magistrate is appropriate if:

- Consent is obtained, whether express or implied;³¹
- The magistrate acts within the scope of the referral;³²
- The magistrate submits a report and recommendation;³³
- The report includes a record of any evidence received;³⁴ and
- The trial court conducts an independent review of the report and adjudicates the case.³⁵

³⁰ *Seigler v. Bell*, 148 So. 3d 473 (Fla. 5th DCA 2014); *Lyon v. Lyon*, 54 So. 2d 679 (Fla. 1951).

³¹ *E.g.*, Fla. Prob. R. 5.095(c); Fla. Fam. L. R. P. 12.490(b); *Powell v. Weger*, 97 So.2d 617, 619 (Fla. 1957) (an entire case cannot be referred to a master without the parties' consent); *De Clements*, 662 So. 2d at 1281; *Lackner*, 14 So. 3d at 1055; *Bell*, 307 So. 2d at 914; *Cimino v. Am. Airlines, Inc.*, 311 So. 3d 59 (Fla. 4th DCA 2021); *Humphrey*, 296 So. 3d at 538-539; *Little v. Little*, 325 So. 2d 424, 425 (Fla. 3d DCA 1976); *Pesut v. Miller*, 773 So. 2d 1185 (Fla. 2d DCA 2000); *Slatcoff*, 74 So. 2d at 64.

³² *E.g.*, *Horner v. Horner*, 423 So.2d 605 (Fla. 3d DCA 1982); *Sniffen v. Sniffen*, 382 So.2d 823, 824 (Fla. 4th DCA 1980); *Waszkowski v. Waszkowski*, 367 So.2d 1113 (Fla. 3d DCA 1979); *McGinnis v. Kanevsky*, 564 So. 2d 1141, 1143 (Fla. 3d DCA 1990) (abrogated on other grounds by *Hayes v. Guardianship of Thompson*, 952 So. 2d 498 (Fla. 2006)); *See also*, *In re Russo*, 516 So. 2d 101, 102 (Fla. 4th DCA 1987); *Ashe v. State*, 582 So. 2d 759, 760 (Fla. 1st DCA 1991).

³³ *E.g.*, Fla. Prob. R. 5.095(g), (h); Fla. Fam. L. R. P. 12.490(e); *Lackner*, 14 So. 3d at 1054-1055 (“The problem in the present case is compounded by the fact that the magistrate did not issue a report or recommendation... There is nothing in the record to suggest that this ‘final judgment’ was ever adopted, ratified, or otherwise approved by the trial court. In other words, no appealable final order was ever rendered by the trial court; therefore, this court lacks jurisdiction to review the merits of the issues presented on appeal.”)

³⁴ *Petrakis v. Petrakis*, 597 So. 2d 856, 857-858 (Fla. 3d DCA 1992) (it is error for the trial court to ratify a magistrate’s report without a written record); *De Clements*, 662 So. 2d at 1284 (trial court may not adopt or ratify a magistrate’s report without a complete record of the evidence, whether exceptions have been filed to the report or not).

³⁵ *E.g.*, *Bell*, 307 So. 2d at 914 (“Even when no exceptions are made to the master's report, entry of a final judgment in accordance with the master's findings and recommendations is not a mere formality. Rather, the court is duty bound to examine and consider the evidence for itself and to make a judicial determination as to whether under the law and the facts the court is justified in entering the judgment recommended by the master.”); *Lackner*, 14 So. 3d at 1052-1053 (“It is then the duty

VI. Conclusion

The use of general magistrates in uncontested probate proceedings is permissible under Florida law, so long as key constitutional safeguards are maintained. A framework in which the judge accepts jurisdiction, refers the matter to a magistrate, and reviews the magistrate's report before entering a final order is both legally sound and operationally efficient. This framework ensures that the judge retains ultimate decision-making authority, in compliance with the constitutional limits on delegation. The use of magistrates in this context can reduce judicial workload while preserving the circuit court's nondelegable responsibility to decide cases.

and sole province of the trial court to review the magistrate's report and render a final ruling, order, or judgment.”); *Lyon*, 54 So. 2d at 680.

APPENDIX

C

CIRCUIT SURVEY - SUMMARY OF
LOCAL PROBATE ADMINISTRATIVE
ORDERS, PRACTICES AND
PROCEDURES, AND CHECKLISTS

Circuit Survey – summary of local probate administrative orders, judge/division procedures, and checklists

This chart summarizes local procedures relevant to probate proceedings. It highlights the most commonly varying procedures across jurisdictions in Florida. The paraphrased descriptions in this chart are not identical to the procedures summarized. For completeness, links to the relevant authorities are included.

Circuit	Summary of Local Rules, AOs, and Judge/Division Procedures	Available Checklists & Forms
<p>First Judicial Circuit</p>	<p>Administrative Orders:</p> <p>Santa Rosa County Administrative Directive SRCAD2018-02 – requires checklists to be filed with certain petitions (petitions for administration, summary administration, discharge, and homestead determination).</p> <p>Escambia County Administrative Directive ECAD2018-05 – requires checklists to be filed with certain petitions (petitions for administration, summary administration, and discharge).</p> <p>Probate Assignments and Procedures:</p> <p>Circuit Judge Warrick (Santa Rosa County):</p> <ul style="list-style-type: none"> • Probate Procedures: all motions and proposed orders must be e-filed. • General Procedures: hearings are scheduled via e-mail or telephone call to the JA. E-mail is preferred. <p>Circuit Judge Boles (Escambia County):</p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled by e-mail to the judicial assistant (JA). Checklists are required to open all probate cases and to close formal administration. Proposed orders must be submitted to the division e-mail account in Word format. • General Procedures: none <p>Circuit Judge Lewis (Walton County):</p> <ul style="list-style-type: none"> • Probate Procedures: none. 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Opening Formal Admin. (Escambia, Santa Rosa, Okaloosa) 2. Closing Formal Admin. (Escambia, Santa Rosa, Okaloosa) 3. Summary Admin (Escambia, Santa Rosa, Okaloosa) 4. Petition for Determining Homestead (Santa Rosa, Okaloosa) 5. Determine Exempt Property (Okaloosa) <p>Forms:</p> <ol style="list-style-type: none"> 1. Disposition of Personal Property w/o Administration (Escambia and Okaloosa) 2. Caveat by Interested Person Other Than Creditor (Okaloosa) 3. Caveat by Creditor (Okaloosa) 4. Statement of Claim (Okaloosa) 5. Consent and Waiver to Disposition of Personal Property

	<ul style="list-style-type: none"> • General Procedures: none. 	w/o Administration by Interested Party (Escambia)
<p>Second Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Caloca-Johnson (Leon & Jefferson Counties):</u></p> <ul style="list-style-type: none"> • Probate Procedures: checklists are required for opening formal administration, summary administration, and closing formal administration. An affidavit of heirs and original authenticated copy of the death certificate must be filed in every case. Petitions to determine homestead status must meet certain requirements. • General Procedures: hearings are scheduled via e-mail to the JA. Good-faith coordination is required. Proposed orders must be submitted via e-mail to the JA in Word format. <p><u>Circuit Judge David Frank (Gadsden and Liberty Counties):</u></p> <ul style="list-style-type: none"> • Probate Procedures: all non-adversarial hearings are conducted remotely. • General Procedures: attorneys schedule hearings via e-mail the JA. Self-represented litigants (SRLs) schedule hearings by telephone call to the JA. Proposed orders must be submitted via e-mail to the JA in Word format. <p><u>Circuit Judge Allman (Franklin County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: hearings are scheduled via e-mail to the JA. Proposed orders must be submitted through the E-Portal. <p><u>Index to Probate Forms</u> – provides a complete list of petitions, motions, notices, orders, etc., related to probate proceedings. Many of the forms are available on the Leon County Clerk of Courts’ website.</p>	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Opening Formal Admin. 2. Summary Admin 3. Closing Formal Admin. <p>Forms:</p> <ol style="list-style-type: none"> 4. Affidavit of Heirs (Leon) 5. Disposition of Personal Property w/o Admin. - Verified Statement (Leon) 6. Joinder, Waiver and Consent (disposition w/o admin.) (Leon) 7. Order on Disposition w/o Admin. (Leon) 8. Joinder, Waiver and Consent (summary admin.) (Leon)

<p>Third Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Acting Circuit Judge Griffin (Suwannee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: proposed orders should not be submitted until it is confirmed that the original will and death certificate are in the court file. • General Procedures: hearings are scheduled via e-mail to the JA. Proposed orders to be delivered via U.S. mail must be mailed to the judicial office, as well as stamped, self-addressed envelopes for all parties to receive a conformed copy of the order. <p><u>Circuit Judge Feagle (Columbia County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. <p><u>Acting Circuit Judge Tyndal (Hamilton County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. <p><u>Acting Circuit Judge Jackson (Lafayette County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. <p><u>Acting Circuit Judge Browning (Madison County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. <p><u>Circuit Judge Parker (Taylor County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. <p><u>Acting Circuit Judge J. Johnson (Dixie County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. 	<p>N/A</p>
--------------------------------------	---	------------

	<ul style="list-style-type: none"> • General Procedures: proposed orders to be served electronically must be e-mailed to the JA, and proposed orders to be delivered via U.S. mail must be mailed to the judicial office, as well as stamped, self-addressed envelopes for all parties to receive a conformed copy of the order. <p><u>General Magistrate Seifert (Columbia, Hamilton, Suwannee, and Taylor Counties):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via telephone call to court administration. Attorneys must file a notice of hearing within five days of confirmation. Proposed orders should be e-mailed to the clerk or JA. If there are interested parties that have not provided an e-mail address for service, the proposed order must include a certificate of service to reflect delivery to the attorney of the petitioner/personal representative, and the attorney must file a certificate of service reflecting delivery on all interested parties who have not designated an e-mail address for service. • General Procedures: none. 	
<p>Fourth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Beverly (Duval County – Division PR-B):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings should be scheduled via e-mail to the JA. Proposed orders must be submitted through the E-Portal (except for orders admitting original will and orders of discharge, which must be mailed or hand-delivered). • General Procedures: none. <p><u>Senior Judge Foster (Nassau County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: proposed orders should be submitted via the E-Portal. • General Procedures: none. 	<p>Checklists</p> <ol style="list-style-type: none"> 1. Petition to Determine Homestead (Clay) 2. Summary Administration <p>Forms:</p> <ol style="list-style-type: none"> 1. Affidavit of Heirs

	<p><u>Circuit Judge Charbula (Duval County – Division PR-A):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings should be scheduled via e-mail to the JA. Proposed orders must be submitted through the E-Portal (except for orders admitting original will and orders of discharge, which must be mailed or hand-delivered). • General Procedures: none. <p><u>Circuit Judge Kallaher (Clay County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: proposed orders must be submitted via the E-Portal, including a cover letter in PDF format and a proposed order in Word format. If a will or other document has been deposited separately with the clerk of court, the petition for administration must include language indicating that the documents have been deposited and provide the case number assigned to the deposit. • General Procedures: hearings must be scheduled via e-mail to the JA. Hearing materials should be mailed or hand delivered to the court no later than five days prior to a hearing, and proposed orders must be submitted within ten days of a ruling. 	
<p>Fifth Judicial Circuit</p>	<p>Administrative Orders:</p> <p><u>Amended AO L-2022-24-A</u> requires the use of certification checklists in estate administrations in Lake County.</p> <p><u>AO L-2023-27</u> requires filing an affidavit of heirs in estate administrations in Lake County.</p> <p><u>AO L-2023-28</u> requires filing notice regarding the original will in estate administrations in Lake County.</p> <p>Probate Assignments and Procedures:</p>	<p>Checklists:</p> <ol style="list-style-type: none"> 1. <u>Opening Formal Admin.</u> (Lake) 2. <u>Closing Formal Admin.</u> (Lake) 3. <u>Summary Admin.</u> (Lake) 4. <u>Determining Homestead Status of Real Property in Formal and Summary Admin.</u> (Lake) 5. <u>Worksheet – Formal Admin. And Appointment of P.R.</u> (Judge Vergara)

	<p><u>Lake County Probate Division: Circuit Judge Baxley, Circuit Judge Davis, Circuit Judge Rada, and Circuit Judge Welke:</u></p> <ul style="list-style-type: none"> • Probate Procedures: all four judges require proposed orders to be mailed to the judicial office and include a cover letter, certificate of service, a portal-stamped submission copy of the corresponding checklist, and a portal-stamped submission copy of the motion or petition. • General Procedures: none. <p><u>Circuit Judge Vergara (Hernando County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearing are scheduled via e-mail to the JA. Proposed orders must be submitted via e-mail to the JA in Word format. • General Procedures: none. <p><u>Circuit Judge Spaight (Citrus County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via e-mail to the JA. Proposed orders must be submitted through the E-Portal. • General Procedures: material for remote hearings must be physically delivered to the judicial office one week in advance. <p><u>Circuit Judge King (Marion County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via e-mail to the division account. Hearings are conducted remotely whenever possible. Evidence and witness lists must be provided to all parties and the court no less than three business days before a hearing (SRLs should be served evidence via U.S. mail at least ten days before a hearing unless they agree to receive the evidence electronically). Proposed orders must be submitted via e-mail to the division account. • General Procedures: none. 	<p>6. Worksheet – Summary Admin. (Judge Vergara)</p> <p>Forms:</p> <ol style="list-style-type: none"> 1. Notice Regarding Original Will (Lake) 2. Disposition of Personal Property without Administration (Lake) 3. Joinder Waiver and Consent (Lake) 4. Notice of Trust (Lake) 5. Oath of Witness to Will (Lake) 6. Order Admitting Will to Probate (Lake) 7. Order of Summary Administration with Will (Lake) 8. Order of Summary Administration without Will (Lake) 9. Petition for Summary Administration with Will (Lake) 10. Petition for Summary Administration without Will (Lake) 11. Proof of Will (Lake)
<p>Sixth Judicial Circuit</p>	<p>Administrative Orders:</p>	<p>Pinellas Checklists:</p> <ol style="list-style-type: none"> 1. Summary Admin. (intestate) 2. Summary Admin. (testate)

	<p><u>Admin. Order No. 2023-038 PI-CIR:</u> governs electronic filing in Pinellas County. Authorizes wills (including codicils) and separate writings identifying devises of tangible property placed on deposit with the clerk to be scanned and electronically filed; however, the original must be submitted to the clerk.</p> <p><u>Admin. Order No. 2023-040 PA-CIR:</u> governs electronic filing in Pasco County. Authorizes wills (including codicils) and separate writings identifying devises of tangible property placed on deposit with the clerk to be scanned and electronically filed; however, the original must still be submitted to the clerk.</p> <p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Stearns (Pasco County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings should be scheduled via telephone call to JA. Hearings are conducted remotely, and parties may request telephonic appearance for hearings less than 15 minute. An affidavit of heirs must be filed in all intestate administrations. Ex parte appointments are not authorized. Petitions for authorization to act or approve should be as specific as possible. Mediation must be scheduled and held prior to noticing a case for trial. Proposed orders should be uploaded to the Judicial Automated Workflow System (JAWS) in PDF format. • General Procedures: none. <p><u>Circuit Judge Campbell (Pinellas County):</u></p> <ul style="list-style-type: none"> • Probate Proceedings: original documents must be filed with the clerk. Ex parte appointments may be authorized upon request. Establishes a bond schedule. Property may be sold before the end of the creditors period so long as the proceeds are held in escrow or trust until creditors have been ascertained and notified of the petitions to determine property to be protected from their claims. Sale of the property requires consent of all beneficiaries. Summary administration will be converted 	<ol style="list-style-type: none"> 3. <u>Disposition of Personal Property w/o Admin. (packet)</u> 4. <u>Order on Petition for Formal Admin.</u> 5. <u>Order on Petition for Discharge</u> <p>Pasco (case maintenance reference guides):</p> <ol style="list-style-type: none"> 1. <u>Petition for Extension of Time</u> 2. <u>Petition for Formal Administration</u> 3. <u>Petition for Summary Administration</u> 4. <u>Petition to Determine Homestead</u> 5. <u>Petition for Discharge</u>
--	---	--

	<p>to formal administration if hearings are required. Checklists are required.</p> <ul style="list-style-type: none"> • General Procedures: hearings must be scheduled via e-mail to the division account. Telephonic appearances may be requested for hearings less than 15 minutes. A case management conference must be held prior to scheduling a pre-trial conference. Waivers of bond should include specific facts of the case. Proposed orders must be submitted via the E-Portal. Jury or non-jury trial proposed orders must include a cover letter. <p><u>Circuit Judge Coleman (Pinellas County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: original documents must be filed with the clerk. Establishes a bond schedule. Waivers of bond should include specific facts of the case. Property may be sold before the end of the creditors period so long as the proceeds are held in escrow or trust until creditors have been ascertained and notified of the petitions to determine property to be protected from their claims. Sale of the property requires consent of all beneficiaries. • General Procedures: hearings must be scheduled via e-mail to the division account. Telephonic appearance may be requested for hearings scheduled 15 minutes or less. A case management conference must be held prior to scheduling a pre-trial conference or trial. Proposed orders must be submitted through the E-Portal with a cover letter. 	
<p>Seventh Judicial Circuit</p>	<p>Administrative Orders:</p> <p><u>PB-2022-014-V</u> requires the Volusia County Clerk to review all estate files to determine if the case has been concluded within time standards, and if not, the clerk must submit an “order to file documents” to the assigned judge for consideration. If the personal representative (PR) or attorney fail to comply with the order, the clerk must forward an order to show cause to the judge for consideration.</p>	<p>Flagler Checklists:</p> <ol style="list-style-type: none"> 1. Intestate Formal Admin. 2. Testate Formal Admin. 3. Testate Summary Admin. 4. Petition to Determine Homestead 5. Intestate Summary Admin. 6. Ancillary Admin. – Appt. PR (testate and intestate)

	<p>PB-2022-019-SC governs motions to compel discovery in probate cases. Requires certain procedures be followed prior to the filing of a motion to compel discovery. The moving party must notify the opposing party in writing of the specific nature of the deficiencies of the discovery and provide ten days to cure the deficiencies. If the issue is not resolved, a motion to compel may be filed and the moving party may request a hearing. If the motion alleges a complete failure to respond or object to discovery, an ex parte order may be entered requiring compliance. If the opposing party fails to respond to a proper request, or responds in bad faith, there is a presumption in favor of sanctions.</p> <p>Probate Assignments and Procedures:</p> <p>Acting Circuit Judge Totten (Flagler County – Division 48):</p> <ul style="list-style-type: none"> • Probate Procedures: hearings are conducted in person unless a remote appearance has been approved by motion and order. • General procedures: hearings must be scheduled through Benchmark. The notice of hearing must be filed through the E-Portal within 24 hours of scheduling the hearing and e-mailed to the JA. Proposed orders must be filed through the E-Portal <p>Circuit Judge Janesk II (Putnam County – Division 53) & (St. Johns County – Division 59):</p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: hearings must be scheduled via e-mail to the JA. Uncontested matters may be scheduled using the court’s uniform motion calendar. Evidentiary hearings and hearings scheduled over one hour must be held in-person. Legal memoranda must be received by the judge no later than ten business days prior to a hearing. Proposed orders must be submitted via e-mail to the division account in Word format. 	<ol style="list-style-type: none"> 7. Foreign Will – admission to record 8. Probate Lost Will – Formal Admin. 9. Subsequent Admin. 10. Disposition of Personal Property 11. Discharge of P.R. <p>Volusia (clerk worksheets not checklists for filer) (available on request)</p> <ol style="list-style-type: none"> 1. Worksheet – Establish Lost or Destroyed Will 2. Worksheet – Admit Copies or Foreign Will to Record 3. Worksheet – Formal Admin. And Appt. P.R. 4. Worksheet – Summary Admin. 5. Worksheet – Petition to Determine Homestead 6. Worksheet – Subsequent Admin.
<p>Eighth Judicial Circuit</p>	<p>Administrative Orders:</p>	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Ancillary Administration 2. Case Management

	<p><u>Admin. Order No. 7.01:</u> requires a case management conference for estates that have been open for more than eight months. The personal representative or attorney may file a status report ten days prior to the case management conference, and if the status report establishes good cause for a continuance, the case management conference may be continued. The order also requires that the clerk report to the court all cases where the inventory is past due so that the court can issue an order to show cause as to why the inventory was not filed as required by law.</p> <p><u>Admin Order No. 7.02:</u> establishes uniform procedures for settlements requiring court approval, including estates claims and claims of minors of incapacitated persons.</p> <p><u>Admin. Order No. 7.14:</u> governs homestead property prior to the determination of creditors' claims. Generally, the court will not enter an order determining homestead prior to the expiration of the publication period and the period of known creditors to file a claim. If the petitioner seeks an order determining homestead prior to the expiration of these periods of time, the petitioner must file a motion showing good cause and set a hearing before a judge.</p> <p>Probate Assignments and Procedures:</p> <p><u>Probate Division Procedures:</u> hearings should be scheduled via e-mail to the probate case manager. Telephonic appearances are prohibited. Hearings before the magistrate must be recorded, and parties may request a copy of the recording (costs covered by the requesting party). All original documents should be deposited directly with the clerk of court. Checklists are not required. Interested parties and attorneys must attend all case management conferences unless excused by the court. Proposed orders should be submitted electronically via the E-Portal or by e-mail to the division e-mail account in Word format.</p>	<ol style="list-style-type: none"> 3. Petition for Admin. (intestate) 4. Petition for Admin. (testate) 5. Petition for Appt. of Successor P.R. 6. Petition for Attorney Fees 7. Petition for Determination of Beneficiaries 8. Petition for Discharge 9. Petition to Admit Foreign Will to Record 10. Petition to Determine Pretermitted Child 11. Petition to Determine Pretermitted Spouse 12. Summary Admin. 13. Summary Admin (non-resident) <p>Forms:</p> <ol style="list-style-type: none"> 1. Homestead (formal) 2. Homestead (stand-alone) 3. Homestead (summary) 4. Motion to Withdraw 5. Petition for Appt. of Curator 6. Petition for Approval of Settlement for Estate 7. Petition for Elective Share 8. Petition for Extension of Time to Close Estate 9. Petition for Family Allowance
--	--	---

	<p>Judges assigned to Probate: Circuit Judge Wright (Bradford County), Chief Judge Moseley (Alachua County), Circuit Judge Groeb (Gilchrist & Union Counties), Circuit Judge Brewer (Baker County), Circuit Judge DeThomasis (Levy County), and General Magistrate Floyd (Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties). All judges and the magistrate follow the division procedures above.</p>	<ol style="list-style-type: none"> 10. Petition for P.R. Fees 11. Petition for Subsequent Admin. 12. Petition to Admit Transcript to Record 13. Petition to Determine Exempt Property 14. Petition to Establish Lost or Destroyed Will 15. Petition to Open Safe Deposit Box 16. Petition to Sell Real Property 17. Petition to Strike Untimely Filed Claim 18. Summary Admin. & Homestead Petition
<p>Ninth Judicial Circuit</p>	<p>Administrative Orders:</p> <p>AO2021-09-05: requires the following checklists to accompany proposed orders: opening formal administration, closing formal administration, summary administration, determining homestead status of real property in formal and summary administration, notice regarding original will, and affidavit of heirs.</p> <p>AO2021-24: requires filing a notice regarding original will upon opening any estate except for ancillary administration.</p> <p>AO2022-08: requires filing an affidavit of heirs in all intestate probate cases.</p> <p>Probate Assignments and Procedures:</p>	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Opening Formal Admin. 2. Closing Formal Admin. 3. Summary Admin. 4. Determining Homestead Status 5. Notice Regarding Original Will 6. Affidavit of Heirs

Circuit Judge Blechman (Orange County – Division 01), Circuit Judge Higbee (Orange County – Division 02), and Circuit Judge Murphy (Orange County – Division 09):

- Probate Procedures: hearings scheduled for more than ten minutes are reserved via the Judicial Automated Calendaring System (JACS). Hearings scheduled over an hour must be pre-approved by the judge. Petitions and motions should be sent to the court via e-mail to the division account with the appropriate cover letter, any required checklist, and a proposed order. Proposed orders should be e-mailed to the division e-mail in Word format. Ex parte hearings, contested non-evidentiary hearings scheduled 10 minutes or less, and other matters set by the court are heard during weekly short matter times on specifically scheduled days. Courtesy copies of the motion, notice of hearing (with reason for necessity of hearing and video link), and proposed order should be sent to the court at least three business days (but no more than seven days) prior to hearing. For contested hearings, courtesy copies of the notice of hearing, motion, supporting memoranda and any case law should be received by e-mail no less than five days (but no more than ten days) prior to the hearing. Checklists are required for opening and closing formal administration, filing a summary administration, and filing a petition for determining homestead status of real property. Proposed orders requested after a hearing should be submitted within three working days of the hearing, or if there is opposing counsel, seven days. All evidentiary hearings and non-jury trials will be held in person.
- General Procedures: none.

Circuit Judge Arendas (Osceola – Division 20B):

- Probate Procedures: proposed orders must be filed through the E-Portal and include a cover letter if the proposed order is submitted after a hearing or in connection with an unopposed or agreed motion.
- General Procedures: hearings scheduled less than one hours should be reserved via JACS. Hearings scheduled more than one hour must be

	<p>approved by the court via e-mail or during short matters, and the JA should be e-mailed (using the division e-mail) for the hearing to be added to the docket. Hearing requests must include certificate of compliance with the court's meet and confer requirements. Hearing materials must be provided to chambers at least five business days before the hearing. Ex parte and short matter hearings may be attended remotely without need for a motion or court order. Ex parte hearings, contested non-evidentiary hearings scheduled ten minutes or less, and other matters specially set by the court will be heard during weekly short matter dockets on specifically scheduled days. Hearings on non-emergency matters should be scheduled at least ten days in advance.</p>	
<p>Tenth Judicial Circuit</p>	<p>Administrative Orders:</p> <p><u>AO 4-1.2:</u> requires certain probate documents to be recorded in the official records of the clerks of court in Hardee, Highlands, and Polk Counties. Fees for recording are included in the filing fee paid upon the opening of the estate proceeding. Other documents will only become part of the official record once a separate fee is paid.</p> <p><u>AO 4-8.0:</u> authorizes a financial institution to allow a Ward or Decedent to access a safe deposit box after presenting Letters of Guardianship or Letters of Administration without further order or direction from the court.</p> <p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Carpanini (Polk County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings should not be scheduled if the death certificate or original will has not been filed or is otherwise not available. After parties have conferred and agree on a hearing time and date, hearings should be scheduled via e-mail to the JA. Hearings scheduled for more than 15 minutes will be conducted in-person. Hearings on non-emergency matters must be scheduled at least ten days 	<p>N/A</p>

	<p>in advance. Proposed orders must be submitted through the E-Portal. Amended orders should include a cover letter or explanation in the body of the proposed order.</p> <ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge Ward (Highlands County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: evidentiary hearings are conducted in person unless ordered otherwise. Non-evidentiary proceedings are conducted remotely. • General Procedures: none. <p><u>Circuit Judge Rafool (Hardee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. 	
<p>Eleventh Judicial Circuit</p>	<p><u>Administrative Memorandum</u> requires the use of smart forms and checklists for the submission of proposed orders in probate cases. If a smart form is unavailable, litigants must include a certification of review stating that no form was available.</p> <p>Probate Assignments and Procedures:</p> <p><u>Administrative Judge Colodny (Miami-Dade County – Division 05):</u></p> <ul style="list-style-type: none"> • Probate Procedures: all hearings must be specially set. Hearings scheduled ten minutes or less are conducted remotely. Non-evidentiary hearings scheduled 30 minutes or less are conducted remotely unless the parties request an in-person hearing and the court agrees. All evidentiary hearings and bench trials are conducted in-person unless all parties request a remote proceeding and the court agrees. All jury trials are conducted in-person. Specially set hearings should be requested only after coordination with other parties. If a specially set hearing will be longer than 30 minutes, the moving party must submit a form to the JA. Checklists are required when filing petitions and motions with 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Summary Admin. (intestate) 2. Summary Admin. (testate) 3. Formal Admin. (intestate – no bond) 4. Formal Admin. (testate – no bond) 5. Formal Admin. (intestate – bond) 6. Formal Admin. (testate – bond) 7. Determination of Homestead (Summary) 8. Determination of Homestead (Formal) 9. Sale of Real Property 10. Distribution 11. Attorney’s Fees – Estates

	<p>proposed orders. The checklists must be filed through the E-Portal and also uploaded through CourtMap.</p> <ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge Cueto (Miami-Dade County – Division 01):</u></p> <ul style="list-style-type: none"> • Probate Procedures: specially set hearings should be requested only after coordination with other parties. If a specially set hearing will be longer than 30 minutes, the moving party must submit a form to the JA. Specially set hearings are not scheduled until approved by the court. Non-evidentiary hearings will be conducted by telephone. Evidentiary hearings and trials will be conducted via Zoom. Checklists are required when filing petitions/motions with proposed orders. The checklists must be filed through the E-Portal and also uploaded as a supporting document to the petition through CourtMap. • General Procedures: none. <p><u>Circuit Judge Fernandez (Miami-Dade County – Division 06):</u></p> <ul style="list-style-type: none"> • Probate Procedures: all hearings are specially set. For hearings scheduled more than 60 minutes, the moving party must ensure the motion is filed before requesting the hearing, e-mail a completed special set request form to the JA, and coordinate a date with all counsel and chambers. At least 30 days’ notice is required for hearings unless all counsel agree and the court approves an earlier date. All evidentiary hearings and trials are held in person. Checklists are required when filing petitions/motions with proposed orders. Proposed orders must be submitted under the case manager tab in CourtMap. • General Procedures: none. <p><u>Circuit Judge Santovenia (Miami-Dade County – Division 04):</u></p> <ul style="list-style-type: none"> • Probate Procedures: all hearings are specially set. Hearings may be conducted in person or via Zoom, but if the hearing is scheduled more than 45 minutes (or any evidentiary hearing), it will be conducted in person. Checklists are required when filing petitions/motions with 	<p>12. Discharge</p> <p>Forms:</p> <ol style="list-style-type: none"> 1. Order Admitting Will to Probate (Summary Administration: Self-proved or Oath of Attesting Witness) 2. Order Admitting Will to Probate and Appointing Personal Representative(s) (Single/Multiple: Self-proved or Oath of Attesting Witness) 3. Order Appointing Personal Representative (Intestate – Single/Multiple Personal Representative(s)) 4. Order Appointing Personal Representative(s) - Intestate-Bond 5. Order Admitting Will & Appointing Personal Representative – Bond 6. Letters of Administration (Single/Multiple Personal Representative(s)) 7. Letters of Administration – Bond 8. Order Designating Restricted Depository for Assets 9. Order to Open Safe Deposit Box 10. Affidavit of Heirs
--	--	---

	<p>proposed orders. The checklists must be filed through the E-Portal and also uploaded through CourtMap.</p> <ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge Soto (Miami-Dade County – Division 03):</u></p> <ul style="list-style-type: none"> • Probate Procedures: special set hearings should not be requested until all parties have been consulted on the time and date. If requesting a hearing for an hour or more, requests should be e-mailed to the JA. Hearings are conducted remotely unless an in-person hearing is requested by telephone call to the JA. Checklists are required when filing petitions/motions with proposed orders. The checklists must be filed through the E-Portal and also uploaded through CourtMap. Supporting documents must be uploaded to CourtMap at least five days prior to a hearing. • General Procedures: none. 	<ol style="list-style-type: none"> 11. Supplemental Affidavit of Heirs 12. Order of Discharge 13. Ancillary Letters of Administration 14. Order Appointing Personal Representative of Nonresident 15. Order Admitting Will of Nonresident to Probate and Appointing Personal Representative 16. Estate Inventory 17. Order Appointing Curator 18. Letter of Curatorship 19. Notice of Related Probate Cases
<p>Twelfth Judicial Circuit</p>	<p>Administrative Orders:</p> <p><u>Admin. Order 2019-4.5:</u> assigns adversary probate proceedings requiring resolution by trial to specific divisions.</p> <p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Moreland (Manatee County):</u></p> <ul style="list-style-type: none"> • Probate Proceedings: hearings less than one hour must be scheduled via JACS. Hearings longer than one hour must be scheduled by e-mailing the JA. A notice of hearing must be filed within 24 hours of reserving the time on JACS. Non-evidentiary hearings, and evidentiary hearings less than 60 minutes, are conducted remotely. For evidentiary hearings longer than 60 minutes, parties may appear remotely only upon consent/stipulation of all parties or by written motion. Requests to 	<p>Checklists;</p> <ol style="list-style-type: none"> 1. Opening Summary Admin (intestate) (Manatee) 2. Opening Summary Admin (testate) (Manatee) 3. Petition for Homestead (formal) (Manatee) 4. Disposition of Personal Property w/o Admin. (Manatee) 5. Petition for Homestead & Summary Admin. (Manatee) 6. Formal Ancillary Admin. (Manatee)

	<p>appear via telephone must be made by written motion. Ex parte hearings are held on Monday and Wednesday mornings. Ex parte hearings must be uncontested and five minutes or less in duration. The party requesting the ex parte hearing must e-mail the probate coordinator no later than noon the business day preceding the hearing and include one PDF document containing the petition, proposed order, notice of hearing, and all other relevant documents. Documents for regular hearings should be furnished via mail or hand delivery no later than five business days prior to the hearing. Proposed orders may be hand delivered, mailed, or e-filed to the judge’s portal. Certain proposed orders should be e-filed with the clerk. Establishes a bond schedule. The mandatory checklists must be completed and e-filed for all cases and for all ex parte and JACS hearings. Provides a bond schedule.</p> <ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge Williams (Sarasota County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled one hour or less must be reserved through JACS. Hearings scheduled more than one hour should be reserved by e-mailing the JA. Contested matters must be set for a minimum of one hour. Evidentiary hearings must be heard in-person. Uncontested and non-evidentiary hearings scheduled 15 minutes or less may be held remotely or telephonically. Ex parte hearings are held on Tuesdays, Wednesdays, and Thursdays, and attorneys may schedule these hearings via JACS up to 48 hours in advance. Proposed orders may be hand delivered, mailed, or e-filed to the judge’s portal. Certain proposed orders should be e-filed with the clerk. Certain hearings are required to be heard before the magistrate, including discovery-related motions, motions directed to pleadings, and motions related to alternate dispute resolution (ADR). Establishes a bond schedule. Checklists are optional. • General Procedures: none. 	<ol style="list-style-type: none"> 7. Opening Formal Admin. (intestate) (Manatee) 8. Opening Formal Admin. (testate) (Manatee) 9. Summary Ancillary Admin. (Manatee) 10. Discharge and Closing Estate (Manatee) 11. Summary Probate Checklist (alternate version) 12. Formal Probate Checklist (alternate version) 13. Petition to Determine Homestead (alternate version) <p>Forms:</p> <ol style="list-style-type: none"> 1. Statement of Claim 2. Packet – Disposition of Personal Property w/o Administration Pursuant to Fla. Stat. 735.01 (Manatee) 3. Packet – Disposition of Personal Property w/o Administration Pursuant to Fla. Stat. 735.04 (intestate – no will) (Manatee) 4. Packet –Disposition of Personal Property (Sarasota)
--	--	--

	<p><u>Circuit Judge Ruhl (South Sarasota County - Venice):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled between 30 and 60 minutes must be scheduled using JACS. The JA should be e-mailed to request hearings longer than 60 minutes. Non-evidentiary hearings scheduled for 30 minutes or less are conducted remotely. Hearings scheduled greater than 30 minutes (either evidentiary or non-evidentiary) may be conducted remotely upon request. Ex parte hearings must be uncontested and scheduled for less than five minutes. There is no designated time or day for ex parte hearings, but time slots are available in JACS. The party requesting an ex parte hearing shall e-mail the probate coordinator no later than noon the business day preceding the hearing and include one PDF document containing the petition, proposed order, notice of hearing, and all other relevant documents. Certain hearings are required to be heard before the magistrate, including discovery-related motions, motions directed to pleadings, and motions related to ADR. Establishes a bond schedule. Checklists are optional. • General Procedures: none. <p><u>Acting Circuit Judge Flowers (DeSoto County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: checklists are required. • General Procedures: hearings scheduled less than 30 minutes must be reserved through JACS. Hearings scheduled more than 30 minutes must be reserved by calling the JA. Remote appearances are permitted for non-evidentiary hearings and uncontested final hearings. Proposed orders must be submitted to the clerk via the E-Portal or mail. 	
<p>Thirteenth Judicial Circuit</p>	<p>Administrative Orders:</p> <p><u>Admin Order No. S-2024-013</u> provides policies and procedures for the proper and efficient administration of probate proceedings. Real and personal property should be described for a complete and correct description. Attorneys must obtain hearing time by accessing the Judicial Automated Workflow System</p>	<p>Forms:</p> <ol style="list-style-type: none"> 1. Affidavit of Heirs 2. Statement of Claim 3. Disposition of Personal Property

(JAWS) or by e-mailing the judicial assistant at the appropriate divisional e-mail address. Any petition, motion, or other pleading that is the subject of a hearing must be filed with the clerk no later than five days before the hearing. Application for emergency relief in a probate case must be made to the presiding judge of the division in which the case is pending. Prior to submitting a proposed order, counsel must consult with opposing counsel and make a genuine effort to agree on the language of the proposed order. Proposed orders must be submitted within ten days after the court's decision. Attorneys must submit proposed orders through the E-Portal as a searchable PDF or PDF/A. Proposed orders must include a cover letter certifying that either opposing counsel agreed to the content of the proposed order or that opposing counsel did not respond within five days of receiving the proposed order. SRLs and attorneys excused from e-service may submit hard copies of the proposed order with envelopes. The administrative order also contains procedures for adversarial probate proceedings.

Probate Assignments and Procedures:

[Circuit Judge Catlin \(Hillsborough County - Division A\)](#), [Circuit Judge Arkin \(Hillsborough County - Division B\)](#), [Circuit Judge Williams \(Hillsborough County - Division O\)](#), and [Circuit Judge Moody \(Hillsborough County - Division W\)](#):

- Probate Procedures: hearings scheduled less than 30 minutes should be reserved through JAWS. Hearings scheduled more than 30 minutes must be scheduled via e-mail to the JA. All contested evidentiary hearings over 30 minutes must be held in-person. Case management conferences and uncontested matters less than 15 minutes may be conducted remotely. Attorneys should wait three days after e-filing documents or submitting original documents to the clerk before submitting a proposed order. Documents filed in response to an order to show cause must be filed no later than five days prior to the hearing. Mediation is required for hearings scheduled for two or more hours. All exhibits and case law intended to be introduced at a hearing or trial must be submitted at least three days before the hearing/trial (five days

	<p>for Judge Catlin). Exhibits should be submitted in a tabbed binder with an index. Proposed orders that are the result of a hearing must include the date of the hearing and should not be uploaded to the E-Portal at least two days before the hearing. Whether formal or summary administration is sought, if the decedent died less than two years before the date of filing, the petition for administration must include a paid funeral bill as proof that funeral expenses have been paid. All petitions for intestate administration must include an affidavit of heirs. All signatures related to petitions for administration (summary or formal) filed pro se must be notarized.</p> <ul style="list-style-type: none"> • General Procedures: none. 	
<p>Fourteenth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Chief Judge Patterson (Jackson County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearing must be scheduled via e-mail to the JA. All probate matters, except jury trials, are conducted remotely, unless otherwise ordered by the court. Proposed orders should be submitted through the E-Portal. Order to be served via U.S. mail must state that counsel will serve a copy of the order via U.S. mail and file a certificate of service no later than three days after entry of the order. A cover letter in PDF format should accompany proposed orders, and the proposed order should be submitted in Word format. At least three days prior to the hearing, parties should email the JA to request access to a OneDrive folder for the case, and exhibits for the case will be uploaded to this folder. If parties do not have a computer, they may send physical copies of exhibits to the judicial office. Checklists must be filed for petitions opening and closing formal administration, a petition for summary administration, and a petition to determine homestead status in formal and summary administration cases. <p><u>Circuit Judge Smiley (Bay County):</u></p> <ul style="list-style-type: none"> • Probate Procedures none. 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Opening Formal Admin. 2. Closing Formal Admin. 3. Summary Admin. 4. Petition to Determine Homestead 5. Petition to Determine Exempt Property <p>Forms:</p> <ol style="list-style-type: none"> 1. Affidavit of Heirs (intestate) 2. Disposition of Personal Property w/o Administration 3. Affidavit of Diligent Search and Inquiry for Creditors 4. Petition for Summary Administration 5. Order of Summary Administration 6. Order Admitting Will to Probate 7. Waiver and Consent

	<ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge Register (Washington County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. <p><u>Circuit Judge Young (Calhoun County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: hearings are scheduled via e-mail to the JA. At least three days prior to the hearing, parties should email the JA to request access to a OneDrive folder for the case, and exhibits for the case will be uploaded to this folder. Proposed orders must be filed through the E-Portal with a cover letter. <p><u>Circuit Judge Collier (Gulf County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: hearings are requested via e-mail to the JA. Non-evidentiary hearings scheduled for less than 30 minutes may be conducted remotely. Proposed orders must be filed through the E-Portal in Word format and include a cover letter in PDF format. <p><u>Circuit Judge Roberts (Holmes County):</u></p> <ul style="list-style-type: none"> • Probate Proceedings: none. • General Procedures: none. 	
<p>Fifteenth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Probate Division webpage:</u> suspends ex parte probate docket until further notice; requires original documents to be mailed to the court’s physical address where a matter pending; specifies that proposed orders should be uploaded using the online scheduling system (OLS); directs parties to schedule hearings through OLS; and requires certain checklists.</p>	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Formal Admin (intestate) 2. Formal Admin (testate) 3. Ancillary Admin (formal) 4. Summary Admin (intestate) 5. Summary Admin (testate) 6. Ancillary Admin (summary)

	<p><u>Circuit Judge Feuer (Palm Beach County – Probate Division IA):</u></p> <ul style="list-style-type: none"> • Probate Proceedings: hearings scheduled for 60 minutes or less are reserved online and may be conducted in person or remotely. Special set hearings are scheduled via e-mail the division e-mail account. Special set hearings scheduled more than one hour, and all evidentiary hearings and trials, are conducted in person. All exhibits must be uploaded to the evidence portal. Courtesy copies of documents ten pages or less should be e-mailed to the division account no later than three days before hearing, and if a document is longer than ten pages, it should be mailed to the judicial office no later than five days before the hearing. Proposed orders must be submitted in Word format no later than 48 hours after a hearing. Checklists are required. • General Procedures: none. <p><u>Circuit Judge Burton (Palm Beach County – Probate Division IZ):</u></p> <ul style="list-style-type: none"> • Probate Proceedings: hearings are scheduled using OLS for the uniform motion calendar and special set hearings scheduled less than 30 minutes. Requests for a special set hearing longer than 30 minutes must be submitted via e-mail to the division account. Hearings scheduled for less than two hours may be conducted remotely. Trials are conducted in person. All exhibits must be uploaded to the evidence portal. Courtesy copies of documents ten pages or less should be e-mailed to the division account no later than three days before hearing, and if a document is longer than ten pages, it should be mailed no later than five days before the hearing. Proposed orders must be submitted through OLS in Word format within two days after the hearing or one day prior to the hearing. Checklists are required. • General Procedures: none. 	<ol style="list-style-type: none"> 7. Determination of Homestead (Formal) 8. Determination of Homestead (stand-alone petition) 9. Petition to Sell Real Property 10. Petition for Discharge
<p>Sixteenth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p>	<p>N/A</p>

	<p><u>Acting Circuit Judge Hamilton (Monroe County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via telephone call to the JA and notice thereof must be served five days in advance. Telephonic appearance may be requested for hearings scheduled 15 minutes or less. Proposed orders must be submitted via e-mail to the JA in Word format. Orders to be served by U.S. mail must be mailed to the judicial office, as well as stamped, self-addressed envelopes for all parties to receive a conformed copy of the order. • General Procedures: none. <p><u>Circuit Judge Koenig (Monroe County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via e-mail to the JA. Proposed orders should be submitted through the E-Portal. • General Procedures: none. 	
<p>Seventeenth Judicial Circuit</p>	<p><u>Checklist instructions:</u> the checklists are mandatory and must be filed via the E-Portal. The Clerk will not forward petitions to court for review until corresponding checklist is e-filed.</p> <p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Lopane (Broward County – Probate Division 60J):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled less than 30 minutes are reserved online using the Court Management System (CMS), and hearings scheduled more than 45 minutes are reserved via e-mail to the division e-mail account. Hearings are conducted remotely unless ordered otherwise. Proposed Orders must be submitted via the CMS in Word format. • General Procedures: none. <p><u>Circuit Judge Deprimo (Broward County – Probate Division 61J):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled less than 30 minutes are reserved via the CMS. Hearings scheduled 30 minutes or more are 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. <u>Disposition of Personal Property without Administration</u> 2. <u>Petition to Determine Homestead</u> 3. <u>Petition to Sell Real Property</u> 4. <u>Formal Administration (Intestate)</u> 5. <u>Summary Administration (Intestate)</u> 6. <u>Formal Administration (Testate)</u> 7. <u>Summary Administration (Testate)</u> 8. <u>Formal Ancillary Administration</u>

	<p>reserved via telephone call to the judicial assistant. A notice of hearing must be filed and served on all parties. Non-evidentiary hearings may be scheduled unilaterally after three reasonable good-faith attempts to coordinate were unsuccessful. Hearings scheduled less than one hour are conducted remotely unless otherwise ordered. Hearings scheduled one hour or more are conducted in person. Witness and exhibit lists must be exchanged five days before any evidentiary hearing, and experts must be disclosed ten days in advance. Proposed orders are submitted via the CMS.</p> <ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge Gillespie (Broward County – Probate Division 62J):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled less than 30 minutes are reserved using the CMS, and hearings scheduled 30 minutes or more are reserved via e-mail to the JA. Parties must confer in good faith to resolve the motion and coordinate hearing time before scheduling. Hearings are conducted remotely, except evidentiary hearings and trials may be conducted in person at the judge’s discretion. Exhibits must be submitted to the court at least five days before any evidentiary hearing. Proposed order must be submitted via email to the JA in Word format before any hearing. • General Procedures: none. 	<p>9. Summary Ancillary Administration</p> <p>10. Petition for Discharge</p> <p>Forms:</p> <ol style="list-style-type: none"> 1. Affidavit of Heirs 2. Affidavit Concerning Criminal History 3. Estate Inventory
<p>Eighteenth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Serrano (Brevard County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: hearings are scheduled via e-mail to the JA. Proposed orders are submitted via e-mail to the JA. <p><u>Circuit Judge Galluzzo (Seminole County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are not required for uncontested probate matters. A notice of hearing must be e-filed, served on the parties, and 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Formal Admin. 2. Summary Admin.

	<p>e-mailed to the JA. Proposed orders must be submitted via the E-Portal in Word format, including a cover letter. Checklists are not required. All homestead petitions and orders must include the property address, a legal description, and the parcel ID number. A case management conference is required before setting a case for trial.</p> <ul style="list-style-type: none"> • General Procedures: attorneys must use JACS to schedule hearings. Parties must confer in good faith to resolve the motion and coordinate hearing time before scheduling. Parties must coordinate with the clerk’s office to mark exhibits before any evidentiary hearing. Courtesy copies must be provided ten days in advance. Remote appearances must be requested by motion and include a proposed order. <p><u>Circuit Judge Orth (Seminole County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. • General Procedures: none. 	
<p>Nineteenth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge Levin (St. Lucie County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled 45 minutes or less are reserved online, and hearings scheduled for 45 or more are reserved via e-mail to the JA. The uniform motion calendar is available for hearings scheduled no more than ten minutes. Hearings scheduled longer than ten minutes, but less than 45 minutes, may be specially set. Notices of hearing must be served on the parties and submitted via e-mail to the division account no later than five business days prior to the hearing. Parties must confer in good faith to coordinate hearing time before scheduling. All evidentiary hearings must be recorded by a court reporter. Checklists are required for opening and closing formal estates, summary administration, and disposition of personal property without administration. Proposed orders must be submitted via e-mail to the division account in Word format, with a checklist, and a cover letter. The proposed order must be circulated within two business days of any 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Summary Admin 2. Opening Formal Admin 3. Closing Formal Admin 4. Disposition of Personal Property <p>Forms:</p> <ol style="list-style-type: none"> 1. Affidavit of Heirs

hearing and submitted to the court via e-mail to the JA within seven business days of the hearing. If a probate matter needs to be set for trial, a notice must be filed with a copy sent to the JA via the division e-mail address. A case management conference is required before any trial.

- General Procedures: hearings are conducted remotely except for non-jury trials and lack of prosecution hearings,

Circuit Judge Griffin (Indian River County):

- Probate Procedures: hearing must be scheduled via e-mail to the JA with a copy of the e-filed motion/petition, amount of time needed, and all parties involved in the case. Hearing materials must be submitted to the division account, and failure to comply will result in cancellation of the hearing. Checklists are required to be submitted via e-mail to the probate case manager in Word format for opening and closing formal estates, summary administration, and disposition of personal property without administration. Proposed orders must be submitted via e-mail to the division account. If a bond is required, the original surety bond should be delivered to the clerk.
- General Procedures: all remote appearances must be approved by the court.

Circuit Judge McNicholas (Martin County):

- Probate Procedures: hearings scheduled less than one hour must be reserved online. Hearings requiring more than one hour must be reserved by e-mailing the JA. Uniform motion calendar hearings (5-10 minutes) may be attended remotely. Specially set hearings may be attended remotely only with court approval. Hearings may be unilaterally scheduled if the opposing party refuses to coordinate or fails to respond within three business days. Hearing materials should be provided to the Court via e-mail to the JA in PDF format at least five business days before the hearing. All evidentiary hearings must be recorded by a court reporter. Proposed orders must be submitted in Word format with a transmittal letter confirmation to all counsel and

	<p>pro se parties and copy of motion. If counsel is asked to prepare an order, the order shall be drafted and circulated within two business days of the hearing and submitted via e-mail to the JA. Checklists are required for opening and closing formal estates, summary administration, and disposition of personal property without administration.</p> <ul style="list-style-type: none"> • General Procedures: none. <p><u>Circuit Judge White (Okeechobee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings scheduled less than one hour must be reserved online. Hearings scheduled over one hour must be reserved via e-mail to the JA. Good faith coordination is required for scheduling hearings. Hearings may be unilaterally scheduled if the opposing party refuses to coordinate or fails to respond within three business days. Notice of the hearing must be provided at least five business days before the hearing. Telephonic appearance is authorized for non-evidentiary hearings scheduled less than 30 minutes. All evidentiary hearings must be recorded by a court reporter. Checklists, petitions/motions, proposed orders, hearing packets and letters of administration must be submitted via e-mail to the division account in Word format. Checklists are required for opening and closing formal estates, summary administration, and disposition of personal property without administration. • General Procedures: none. 	
<p>Twentieth Judicial Circuit</p>	<p>Probate Assignments and Procedures:</p> <p><u>Circuit Judge L. Porter (Charlotte County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are conducted by the magistrate and scheduled via telephone call to the magistrate’s office. Checklists are required prior to consideration of any proposed order. • General Procedures: none. 	<p>Checklists:</p> <ol style="list-style-type: none"> 1. Formal Admin (Lee) 2. Formal Admin (Collier) 3. Summary Admin (Lee) 4. Summary Admin (Collier) 5. Petition for Discharge (Lee)

	<p><u>Circuit Judge McFee (Charlotte County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings may be scheduled via telephone call to the magistrate’s office or e-mail to the JA. Coordination is required before scheduling a hearing. A notice of hearing must be filed. Checklists are required when submitting proposed orders. Proposed orders must be submitted via the E-Portal in Word format. • General Procedures: none. <p><u>Circuit Judge McGowan (Collier County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via e-mail to the JA. Proposed orders must be submitted via the E-Portal. • General Procedures: none. <p><u>Circuit Judge Krier (Collier County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: hearings are scheduled via e-mail to the JA. Proposed orders must be submitted via the E-Portal. • General Procedures: none. <p><u>Divisional Procedures (Lee County):</u> proposed orders are submitted via the E-Portal. Checklists must be filed with the clerk either prior to or at the same time as submission of the corresponding petition.</p> <p><u>Circuit Judge Shenko (Lee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: see division procedures. • General Procedures: proposed orders must be submitted via the E-Portal. <p><u>Circuit Judge Laboda (Lee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: see division procedures. 	<p>6. <u>Final Discharge Checklist (Collier)</u></p> <p>Charlotte County Checklists & Forms: (inclusive packet)</p> <ol style="list-style-type: none"> 1. <u>Appt. of Successor P.R.</u> 2. <u>Attorney Fees</u> 3. <u>Determination of Beneficiaries and Shares</u> 4. <u>Discharge</u> 5. <u>Election to Take Elective Share by Attorney-in-Fact or Guardian</u> 6. <u>Election to Take Elective Share by Surviving Spouse</u> 7. <u>Extension of Time to Close Estate</u> 8. <u>Family Allowance</u> 9. <u>P.R. Fees</u> 10. <u>Subsequent Admin.</u> 11. <u>Appt. Successor Trustee</u> 12. <u>Admit Transcript to Record</u> 13. <u>Determine Amount of Elective Share & Contribution</u> 14. <u>Determine Exempt Property</u> 15. <u>Determine Pretermitted Child</u> 16. <u>Determine Pretermitted Spouse</u> 17. <u>Sell Real Property</u> 18. <u>Strike Untimely Filed Claim</u> 19. <u>Summary Admin – Non-Resident</u>
--	--	---

	<ul style="list-style-type: none"> • General Procedures: remote appearance must be stipulated by all parties. Hybrid proceedings are not authorized. Proposed orders must be submitted via the E-Portal and include a cover letter. <p><u>Circuit Judge Fuller (Lee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: see division procedures. • General Procedures: hearings are conducted remotely. Jury trials are conducted in person. Proposed orders are submitted via the E-Portal. <p><u>Circuit Judge Cohen (Lee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: see division procedures. • General Procedures: none. <p><u>Circuit Judge McHugh (Lee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: see division procedures. • General Procedures: hearings are conducted in person. Remote appearance is authorized if consented by all parties. Hybrid hearings are not authorized. <p><u>Circuit Judge Kyle (Lee County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: see division procedures. • General Procedures: hearings scheduled 15 minutes or less must be reserved via JACS. Hearings scheduled more than 15 minutes must be reserved via e-mail to the JA. Hearings and trials are conducted in person unless a request to remotely appear at UMC is granted. A notice of hearing must contain a statement of good faith coordination. Exhibits must be marked and filed with the clerk’s office. Discovery motions are heard by the magistrate. Proposed orders must include a cover letter and may be submitted via e-mail to the JA or the E-Portal. <p><u>Circuit Judge Brown (Collier County):</u></p> <ul style="list-style-type: none"> • Probate Procedures: none. 	<ol style="list-style-type: none"> 20. Summary Admin 21. Summary Admin & Homestead 22. Ancillary Admin 23. Case Management 24. Disposition of Personal Property w/o Admin 25. Admit Foreign Will to Record 26. Establish Lost or Destroyed Will 27. Status Report 28. Open (Search) Safe Deposit Box 29. Guardianship – Petition to Approve Settlement of Minor’s Claim 30. Guardianship – Petition to Refinance Mortgage 31. Homestead Determination in Formal Admin 32. Homestead – Stand-Alone Petition 33. Motion to Withdraw 34. Petition for Admin (intestate) 35. Petition for Admin (testate)
--	--	---

	<ul style="list-style-type: none">• General Procedures: none. <p><u>Circuit Judge Kirshy (Collier County):</u></p> <ul style="list-style-type: none">• Probate Procedures: none.• General Procedures: none. <p><u>Circuit Judge Sloan (Glades & Hendry Counties):</u></p> <ul style="list-style-type: none">• Probate Procedures:• General Procedures: hearings are scheduled via e-mail to the JA. Remote appearance is authorized for non-evidentiary hearings scheduled for 30 minutes or less. Remote appearance must be requested for evidentiary hearings and any hearing scheduled more than 30 minutes. Hearing materials should be mailed or hand delivered two weeks in advance. Proposed orders may be submitted via the E-Portal or e-mail to the JA in Word format.	
--	--	--

APPENDIX D

DATA COMPILATION

Statewide Probate and Guardianship Filings
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
Alachua	Probate	581	685	728	737	746
	Guardianship	125	126	86	149	142
Baker	Probate	63	77	89	79	66
	Guardianship	18	6	19	9	4
Bay	Probate	723	818	948	778	835
	Guardianship	54	71	78	74	64
Bradford	Probate	89	86	105	100	90
	Guardianship	17	13	8	9	16
Brevard	Probate	1,973	2,554	2,708	2,662	2,501
	Guardianship	300	276	332	292	226
Broward	Probate	3,768	4,699	5,019	4,893	4,521
	Guardianship	502	523	572	638	612
Calhoun	Probate	45	53	64	55	61
	Guardianship	4	17	8	8	8
Charlotte	Probate	1,037	1,238	1,577	2,014	1,957
	Guardianship	93	126	123	157	133
Citrus	Probate	832	1,028	1,183	1,169	1,111
	Guardianship	64	98	77	93	100
Clay	Probate	526	650	723	602	614
	Guardianship	101	94	113	99	105
Collier	Probate	1,596	1,658	1,875	1,826	1,759
	Guardianship	173	162	180	159	186
Columbia	Probate	186	237	293	278	249
	Guardianship	31	26	27	23	31
Desoto	Probate	117	127	136	131	142

Statewide Probate and Guardianship Filings
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
	Guardianship	10	12	12	13	13
Dixie	Probate	64	65	101	72	97
	Guardianship	5	3	4	4	5
Duval	Probate	2,297	2,873	3,152	2,883	2,840
	Guardianship	422	460	481	457	510
Escambia	Probate	1,035	1,154	1,304	1,271	1,226
	Guardianship	101	111	106	132	128
Flagler	Probate	455	596	656	583	633
	Guardianship	64	70	68	71	104
Franklin	Probate	56	74	84	88	98
	Guardianship	7	7	6	5	3
Gadsden	Probate	142	196	188	190	171
	Guardianship	48	28	26	26	17
Gilchrist	Probate	53	58	66	72	80
	Guardianship	5	7	7	8	5
Glades	Probate	46	51	71	42	57
	Guardianship	1	7	6	1	3
Gulf	Probate	75	115	105	108	99
	Guardianship	4	4	7	5	6
Hamilton	Probate	56	51	69	72	61
	Guardianship	4	5	7	14	4
Hardee	Probate	49	76	88	93	64
	Guardianship	5	9	11	13	12
Hendry	Probate	87	122	133	132	138
	Guardianship	10	14	9	17	20

Statewide Probate and Guardianship Filings
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
Hernando	Probate	804	1,076	1,226	1,015	974
	Guardianship	96	99	131	141	128
Highlands	Probate	446	520	619	573	557
	Guardianship	35	40	42	37	41
Hillsborough	Probate	2,844	3,219	3,701	3,319	3,194
	Guardianship	487	591	616	643	578
Holmes	Probate	86	101	92	110	108
	Guardianship	4	10	10	2	16
Indian River	Probate	718	781	917	852	846
	Guardianship	76	59	77	78	72
Jackson	Probate	234	259	253	258	238
	Guardianship	26	25	25	24	28
Jefferson	Probate	56	75	69	77	58
	Guardianship	3	8	8	3	5
Lafayette	Probate	23	39	32	27	36
	Guardianship	3	8	3	6	4
Lake	Probate	1,136	1,357	1,547	1,282	1,301
	Guardianship	144	158	168	198	220
Lee	Probate	2,592	2,887	3,632	3,397	3,440
	Guardianship	227	259	299	321	338
Leon	Probate	751	969	961	912	925
	Guardianship	78	121	106	107	101
Levy	Probate	175	234	246	273	256
	Guardianship	13	20	23	13	22
Liberty	Probate	18	41	35	35	19

Statewide Probate and Guardianship Filings
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
	Guardianship	1	4	3	0	2
Madison	Probate	76	88	109	97	71
	Guardianship	3	5	11	12	9
Manatee	Probate	1,207	1,411	1,545	1,510	1,513
	Guardianship	143	154	157	167	172
Marion	Probate	1,363	1,772	2,089	2,047	2,042
	Guardianship	162	160	192	259	209
Martin	Probate	616	799	883	777	837
	Guardianship	57	59	69	76	70
Miami-Dade	Probate	4,085	5,123	5,971	5,347	5,043
	Guardianship	927	907	946	876	868
Monroe	Probate	341	406	423	385	401
	Guardianship	17	17	19	18	19
Nassau	Probate	306	331	361	360	376
	Guardianship	33	44	30	40	43
Okaloosa	Probate	550	682	742	624	675
	Guardianship	86	105	100	107	94
Okeechobee	Probate	149	192	237	225	191
	Guardianship	16	17	14	23	13
Orange	Probate	2,089	2,792	3,053	2,829	2,849
	Guardianship	517	636	585	640	608
Osceola	Probate	713	841	931	883	832
	Guardianship	142	182	213	210	178
Palm Beach	Probate	4,543	5,368	5,654	5,385	5,117
	Guardianship	499	580	561	573	589

Statewide Probate and Guardianship Filings
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
Pasco	Probate	1,661	1,847	2,002	1,891	1,946
	Guardianship	188	230	239	265	247
Pinellas	Probate	3,584	3,918	4,312	4,032	3,891
	Guardianship	370	406	366	402	446
Polk	Probate	1,934	2,386	2,673	2,458	2,409
	Guardianship	286	299	371	380	355
Putnam	Probate	333	402	468	431	455
	Guardianship	26	28	41	33	38
St. Johns	Probate	636	740	852	813	827
	Guardianship	100	143	169	143	135
St. Lucie	Probate	1,064	1,311	1,450	1,329	1,391
	Guardianship	122	155	128	158	171
Santa Rosa	Probate	476	556	590	552	538
	Guardianship	52	62	65	74	87
Sarasota	Probate	2,032	2,320	2,429	2,359	2,266
	Guardianship	230	259	280	236	268
Seminole	Probate	990	1,179	1,200	1,152	1,144
	Guardianship	211	212	189	210	199
Sumter	Probate	547	603	707	691	679
	Guardianship	24	33	33	36	41
Suwannee	Probate	128	214	227	189	206
	Guardianship	20	19	40	35	34
Taylor	Probate	79	89	112	124	96
	Guardianship	5	16	11	12	11
Union	Probate	29	23	37	40	45

Statewide Probate and Guardianship Filings
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
	Guardianship	3	5	1	2	4
Volusia	Probate	2,109	2,622	2,813	2,501	2,527
	Guardianship	241	274	250	294	255
Wakulla	Probate	93	133	152	159	178
	Guardianship	10	14	13	13	25
Walton	Probate	333	350	381	392	409
	Guardianship	18	28	34	38	32
Washington	Probate	97	115	146	123	160
	Guardianship	7	5	9	17	37
Statewide	Probate	57,997	69,512	77,344	72,765	71,282
	Guardianship	7,876	8,731	9,020	9,398	9,269

Note: Data represents official statistics.

Statewide Probate and Guardianship Dispositions
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
Alachua	Probate	454	522	723	705	645
	Guardianship	78	108	91	78	134
Baker	Probate	10	1	24	24	48
	Guardianship	1	8	6	0	4
Bay	Probate	572	582	768	707	686
	Guardianship	22	17	27	50	36
Bradford	Probate	79	75	87	89	120
	Guardianship	8	11	11	11	15
Brevard	Probate	1,841	1,993	3,329	2,751	2,271
	Guardianship	213	299	326	303	217
Broward	Probate	5,548	3,527	4,615	3,827	3,778
	Guardianship	448	412	474	529	536
Calhoun	Probate	28	27	47	42	62
	Guardianship	3	1	6	2	5
Charlotte	Probate	908	1,077	1,389	1,823	2,637
	Guardianship	60	75	75	129	132
Citrus	Probate	756	871	1,069	1,245	1,028
	Guardianship	49	70	71	84	102
Clay	Probate	439	489	522	543	736
	Guardianship	37	53	51	95	87
Collier	Probate	1,414	1,450	1,447	1,441	1,685
	Guardianship	135	149	287	136	170
Columbia	Probate	161	243	251	218	233
	Guardianship	23	15	28	14	30
Desoto	Probate	99	113	88	108	101

Statewide Probate and Guardianship Dispositions
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
	Guardianship	4	6	4	9	5
Dixie	Probate	10	172	48	3	32
	Guardianship	0	3	2	0	0
Duval	Probate	1,940	2,196	2,570	2,480	2,738
	Guardianship	334	376	384	365	450
Escambia	Probate	1,055	991	1,390	1,270	1,181
	Guardianship	93	102	97	112	115
Flagler	Probate	437	321	405	568	575
	Guardianship	40	29	25	70	64
Franklin	Probate	24	28	40	56	146
	Guardianship	1	3	5	2	10
Gadsden	Probate	161	159	175	173	169
	Guardianship	48	34	21	8	18
Gilchrist	Probate	5	2	33	54	13
	Guardianship	0	0	3	2	1
Glades	Probate	38	35	38	32	15
	Guardianship	0	0	3	0	1
Gulf	Probate	79	41	98	63	137
	Guardianship	7	10	2	1	1
Hamilton	Probate	23	12	9	3	7
	Guardianship	0	0	0	4	0
Hardee	Probate	32	48	74	65	65
	Guardianship	1	7	8	9	16
Hendry	Probate	58	90	105	113	120
	Guardianship	3	3	1	3	12

Statewide Probate and Guardianship Dispositions
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
Hernando	Probate	932	1,009	1,026	939	906
	Guardianship	88	97	97	113	116
Highlands	Probate	471	432	513	507	660
	Guardianship	38	33	36	20	40
Hillsborough	Probate	2,685	2,745	3,331	3,313	3,258
	Guardianship	448	534	642	621	556
Holmes	Probate	44	72	99	118	92
	Guardianship	3	6	10	5	5
Indian River	Probate	663	661	875	671	966
	Guardianship	69	49	60	62	86
Jackson	Probate	167	220	237	251	246
	Guardianship	15	13	18	31	32
Jefferson	Probate	25	35	52	52	95
	Guardianship	0	2	3	0	1
Lafayette	Probate	0	0	0	1	32
	Guardianship	0	0	0	0	0
Lake	Probate	1,045	957	1,185	1,467	1,413
	Guardianship	103	127	144	141	182
Lee	Probate	2,285	2,443	2,494	2,925	3,762
	Guardianship	190	236	248	268	317
Leon	Probate	656	705	764	867	809
	Guardianship	72	79	99	123	83
Levy	Probate	161	206	231	245	240
	Guardianship	8	16	26	17	14
Liberty	Probate	9	21	24	28	33

Statewide Probate and Guardianship Dispositions
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
	Guardianship	0	1	2	0	1
Madison	Probate	50	22	20	40	48
	Guardianship	2	1	0	1	5
Manatee	Probate	1,095	1,097	1,280	1,303	1,664
	Guardianship	128	111	136	153	162
Marion	Probate	1,256	1,203	1,883	2,276	2,089
	Guardianship	132	115	170	269	179
Martin	Probate	636	630	688	686	1,150
	Guardianship	48	33	57	73	64
Miami-Dade	Probate	5,449	5,480	5,239	6,932	5,296
	Guardianship	1,016	680	670	574	871
Monroe	Probate	278	343	401	342	388
	Guardianship	10	11	10	11	10
Nassau	Probate	245	287	317	334	415
	Guardianship	21	28	39	33	35
Okaloosa	Probate	494	517	568	1,010	753
	Guardianship	71	58	85	81	76
Okeechobee	Probate	109	153	192	400	234
	Guardianship	12	14	9	14	16
Orange	Probate	2,119	2,571	2,108	2,966	3,206
	Guardianship	415	551	400	553	563
Osceola	Probate	733	812	753	681	969
	Guardianship	145	187	190	200	141
Palm Beach	Probate	3,730	6,418	3,231	6,022	6,490
	Guardianship	462	515	478	1,077	982

Statewide Probate and Guardianship Dispositions
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
Pasco	Probate	1,594	1,657	1,718	1,632	1,731
	Guardianship	178	184	230	276	219
Pinellas	Probate	3,530	3,544	4,037	4,158	3,761
	Guardianship	335	328	356	339	370
Polk	Probate	1,831	1,953	2,279	2,609	2,539
	Guardianship	219	235	276	310	279
Putnam	Probate	294	322	351	496	476
	Guardianship	31	11	18	28	34
St. Johns	Probate	716	664	757	829	829
	Guardianship	88	62	207	184	145
St. Lucie	Probate	1,164	1,052	1,197	1,435	1,427
	Guardianship	103	121	104	204	137
Santa Rosa	Probate	453	373	471	502	475
	Guardianship	49	44	60	62	80
Sarasota	Probate	1,943	2,001	2,201	2,419	2,187
	Guardianship	215	232	257	206	214
Seminole	Probate	855	828	975	1,049	984
	Guardianship	187	198	166	218	160
Sumter	Probate	436	551	568	601	623
	Guardianship	16	27	17	29	26
Suwannee	Probate	87	153	185	181	197
	Guardianship	10	11	24	25	28
Taylor	Probate	58	87	84	106	82
	Guardianship	8	9	10	6	10
Union	Probate	21	29	28	37	47

Statewide Probate and Guardianship Dispositions
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24
	Guardianship	3	0	2	0	0
Volusia	Probate	2,071	2,354	2,721	2,461	2,613
	Guardianship	183	279	240	274	252
Wakulla	Probate	1	103	135	209	158
	Guardianship	2	5	3	26	10
Walton	Probate	297	301	313	305	336
	Guardianship	9	21	28	20	27
Washington	Probate	82	46	167	127	117
	Guardianship	0	0	17	10	6
Statewide	Probate	56,941	60,122	65,042	71,935	73,024
	Guardianship	6,740	7,055	7,652	8,673	8,695

Note: Data represents official statistics.

Statewide Probate and Guardianship Clearance Rates
by County and Fiscal Year
Fiscal Years 2019-20 through 2023-24

County	Case Type	2019-20	2020-21	2021-22	2022-23	2023-24	Weighted Average
Alachua	Probate	78.1%	76.2%	99.3%	95.7%	86.5%	87.7%
	Guardianship	62.4%	85.7%	105.8%	52.3%	94.4%	77.9%
Baker	Probate	15.9%	1.3%	27.0%	30.4%	72.7%	28.6%
	Guardianship	5.6%	133.3%	31.6%	0.0%	100.0%	33.9%
Bay	Probate	79.1%	71.1%	81.0%	90.9%	82.2%	80.8%
	Guardianship	40.7%	23.9%	34.6%	67.6%	56.3%	44.6%
Bradford	Probate	88.8%	87.2%	82.9%	89.0%	133.3%	95.7%
	Guardianship	47.1%	84.6%	137.5%	122.2%	93.8%	88.9%
Brevard	Probate	93.3%	78.0%	122.9%	103.3%	90.8%	98.3%
	Guardianship	71.0%	108.3%	98.2%	103.8%	96.0%	95.2%
Broward	Probate	147.2%	75.1%	92.0%	78.2%	83.6%	93.0%
	Guardianship	89.2%	78.8%	82.9%	82.9%	87.6%	84.3%
Calhoun	Probate	62.2%	50.9%	73.4%	76.4%	101.6%	74.1%
	Guardianship	75.0%	5.9%	75.0%	25.0%	62.5%	37.8%
Charlotte	Probate	87.6%	87.0%	88.1%	90.5%	134.7%	100.1%
	Guardianship	64.5%	59.5%	61.0%	82.2%	99.2%	74.5%
Citrus	Probate	90.9%	84.7%	90.4%	106.5%	92.5%	93.3%
	Guardianship	76.6%	71.4%	92.2%	90.3%	102.0%	87.0%
Clay	Probate	83.5%	75.2%	72.2%	90.2%	119.9%	87.6%
	Guardianship	36.6%	56.4%	45.1%	96.0%	82.9%	63.1%
Collier	Probate	88.6%	87.5%	77.2%	78.9%	95.8%	85.3%
	Guardianship	78.0%	92.0%	159.4%	85.5%	91.4%	102.0%
Columbia	Probate	86.6%	102.5%	85.7%	78.4%	93.6%	89.0%
	Guardianship	74.2%	57.7%	103.7%	60.9%	96.8%	79.7%
Desoto	Probate	84.6%	89.0%	64.7%	82.4%	71.1%	77.9%

	Guardianship	40.0%	50.0%	33.3%	69.2%	38.5%	46.7%
Dixie	Probate	15.6%	264.6%	47.5%	4.2%	33.0%	66.4%
	Guardianship	0.0%	100.0%	50.0%	0.0%	0.0%	23.8%
Duval	Probate	84.5%	76.4%	81.5%	86.0%	96.4%	84.9%
	Guardianship	79.1%	81.7%	79.8%	79.9%	88.2%	81.9%
Escambia	Probate	101.9%	85.9%	106.6%	99.9%	96.3%	98.3%
	Guardianship	92.1%	91.9%	91.5%	84.8%	89.8%	89.8%
Flagler	Probate	96.0%	53.9%	61.7%	97.4%	90.8%	78.9%
	Guardianship	62.5%	41.4%	36.8%	98.6%	61.5%	60.5%
Franklin	Probate	42.9%	37.8%	47.6%	63.6%	149.0%	73.5%
	Guardianship	14.3%	42.9%	83.3%	40.0%	333.3%	75.0%
Gadsden	Probate	113.4%	81.1%	93.1%	91.1%	98.8%	94.4%
	Guardianship	100.0%	121.4%	80.8%	30.8%	105.9%	89.0%
Gilchrist	Probate	9.4%	3.4%	50.0%	75.0%	16.3%	32.5%
	Guardianship	0.0%	0.0%	42.9%	25.0%	20.0%	18.8%
Glades	Probate	82.6%	68.6%	53.5%	76.2%	26.3%	59.2%
	Guardianship	0.0%	0.0%	50.0%	0.0%	33.3%	22.2%
Gulf	Probate	105.3%	35.7%	93.3%	58.3%	138.4%	83.3%
	Guardianship	175.0%	250.0%	28.6%	20.0%	16.7%	80.8%
Hamilton	Probate	41.1%	23.5%	13.0%	4.2%	11.5%	17.5%
	Guardianship	0.0%	0.0%	0.0%	28.6%	0.0%	11.8%
Hardee	Probate	65.3%	63.2%	84.1%	69.9%	101.6%	76.8%
	Guardianship	20.0%	77.8%	72.7%	69.2%	133.3%	82.0%
Hendry	Probate	66.7%	73.8%	78.9%	85.6%	87.0%	79.4%
	Guardianship	30.0%	21.4%	11.1%	17.6%	60.0%	31.4%
Hernando	Probate	115.9%	93.8%	83.7%	92.5%	93.0%	94.4%
	Guardianship	91.7%	98.0%	74.0%	80.1%	90.6%	85.9%
Highlands	Probate	105.6%	83.1%	82.9%	88.5%	118.5%	95.1%
	Guardianship	108.6%	82.5%	85.7%	54.1%	97.6%	85.6%
Hillsborough	Probate	94.4%	85.3%	90.0%	99.8%	102.0%	94.2%
	Guardianship	92.0%	90.4%	104.2%	96.6%	96.2%	96.1%

Holmes	Probate	51.2%	71.3%	107.6%	107.3%	85.2%	85.5%
	Guardianship	75.0%	60.0%	100.0%	250.0%	31.3%	69.0%
Indian River	Probate	92.3%	84.6%	95.4%	78.8%	114.2%	93.2%
	Guardianship	90.8%	83.1%	77.9%	79.5%	119.4%	90.1%
Jackson	Probate	71.4%	84.9%	93.7%	97.3%	103.4%	90.3%
	Guardianship	57.7%	52.0%	72.0%	129.2%	114.3%	85.2%
Jefferson	Probate	44.6%	46.7%	75.4%	67.5%	163.8%	77.3%
	Guardianship	0.0%	25.0%	37.5%	0.0%	20.0%	22.2%
Lafayette	Probate	0.0%	0.0%	0.0%	3.7%	88.9%	21.0%
	Guardianship	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Lake	Probate	92.0%	70.5%	76.6%	114.4%	108.6%	91.6%
	Guardianship	71.5%	80.4%	85.7%	71.2%	82.7%	78.5%
Lee	Probate	88.2%	84.6%	68.7%	86.1%	109.4%	87.2%
	Guardianship	83.7%	91.1%	82.9%	83.5%	93.8%	87.2%
Leon	Probate	87.4%	72.8%	79.5%	95.1%	87.5%	84.1%
	Guardianship	92.3%	65.3%	93.4%	115.0%	82.2%	88.9%
Levy	Probate	92.0%	88.0%	93.9%	89.7%	93.8%	91.5%
	Guardianship	61.5%	80.0%	113.0%	130.8%	63.6%	89.0%
Liberty	Probate	50.0%	51.2%	68.6%	80.0%	173.7%	77.7%
	Guardianship	0.0%	25.0%	66.7%	#DIV/0!	50.0%	40.0%
Madison	Probate	65.8%	25.0%	18.3%	41.2%	67.6%	40.8%
	Guardianship	66.7%	20.0%	0.0%	8.3%	55.6%	22.5%
Manatee	Probate	90.7%	77.7%	82.8%	86.3%	110.0%	89.6%
	Guardianship	89.5%	72.1%	86.6%	91.6%	94.2%	87.0%
Marion	Probate	92.1%	67.9%	90.1%	111.2%	102.3%	93.5%
	Guardianship	81.5%	71.9%	88.5%	103.9%	85.6%	88.1%
Martin	Probate	103.2%	78.8%	77.9%	88.3%	137.4%	96.9%
	Guardianship	84.2%	55.9%	82.6%	96.1%	91.4%	83.1%
Miami-Dade	Probate	133.4%	107.0%	87.7%	129.6%	105.0%	111.1%
	Guardianship	109.6%	75.0%	70.8%	65.5%	100.3%	84.2%
Monroe	Probate	81.5%	84.5%	94.8%	88.8%	96.8%	89.6%

	Guardianship	58.8%	64.7%	52.6%	61.1%	52.6%	57.8%
Nassau	Probate	80.1%	86.7%	87.8%	92.8%	110.4%	92.2%
	Guardianship	63.6%	63.6%	130.0%	82.5%	81.4%	82.1%
Okaloosa	Probate	89.8%	75.8%	76.5%	161.9%	111.6%	102.1%
	Guardianship	82.6%	55.2%	85.0%	75.7%	80.9%	75.4%
Okeechobee	Probate	73.2%	79.7%	81.0%	177.8%	122.5%	109.5%
	Guardianship	75.0%	82.4%	64.3%	60.9%	123.1%	78.3%
Orange	Probate	101.4%	92.1%	69.0%	104.8%	112.5%	95.3%
	Guardianship	80.3%	86.6%	68.4%	86.4%	92.6%	83.1%
Osceola	Probate	102.8%	96.6%	80.9%	77.1%	116.5%	94.0%
	Guardianship	102.1%	102.7%	89.2%	95.2%	79.2%	93.3%
Palm Beach	Probate	82.1%	119.6%	57.1%	111.8%	126.8%	99.3%
	Guardianship	92.6%	88.8%	85.2%	188.0%	166.7%	125.4%
Pasco	Probate	96.0%	89.7%	85.8%	86.3%	89.0%	89.1%
	Guardianship	94.7%	80.0%	96.2%	104.2%	88.7%	93.0%
Pinellas	Probate	98.5%	90.5%	93.6%	103.1%	96.7%	96.4%
	Guardianship	90.5%	80.8%	97.3%	84.3%	83.0%	86.8%
Polk	Probate	94.7%	81.9%	85.3%	106.1%	105.4%	94.5%
	Guardianship	76.6%	78.6%	74.4%	81.6%	78.6%	78.0%
Putnam	Probate	88.3%	80.1%	75.0%	115.1%	104.6%	92.8%
	Guardianship	119.2%	39.3%	43.9%	84.8%	89.5%	73.5%
St. Johns	Probate	112.6%	89.7%	88.8%	102.0%	100.2%	98.1%
	Guardianship	88.0%	43.4%	122.5%	128.7%	107.4%	99.4%
St. Lucie	Probate	109.4%	80.2%	82.6%	108.0%	102.6%	95.9%
	Guardianship	84.4%	78.1%	81.3%	129.1%	80.1%	91.1%
Santa Rosa	Probate	95.2%	67.1%	79.8%	90.9%	88.3%	83.8%
	Guardianship	94.2%	71.0%	92.3%	83.8%	92.0%	86.8%
Sarasota	Probate	95.6%	86.3%	90.6%	102.5%	96.5%	94.3%
	Guardianship	93.5%	89.6%	91.8%	87.3%	79.9%	88.3%
Seminole	Probate	86.4%	70.2%	81.3%	91.1%	86.0%	82.8%
	Guardianship	88.6%	93.4%	87.8%	103.8%	80.4%	91.0%

Sumter	Probate	79.7%	91.4%	80.3%	87.0%	91.8%	86.1%
	Guardianship	66.7%	81.8%	51.5%	80.6%	63.4%	68.9%
Suwannee	Probate	68.0%	71.5%	81.5%	95.8%	95.6%	83.3%
	Guardianship	50.0%	57.9%	60.0%	71.4%	82.4%	66.2%
Taylor	Probate	73.4%	97.8%	75.0%	85.5%	85.4%	83.4%
	Guardianship	160.0%	56.3%	90.9%	50.0%	90.9%	78.2%
Union	Probate	72.4%	126.1%	75.7%	92.5%	104.4%	93.1%
	Guardianship	100.0%	0.0%	200.0%	0.0%	0.0%	33.3%
Volusia	Probate	98.2%	89.8%	96.7%	98.4%	103.4%	97.2%
	Guardianship	75.9%	101.8%	96.0%	93.2%	98.8%	93.5%
Wakulla	Probate	1.1%	77.4%	88.8%	131.4%	88.8%	84.8%
	Guardianship	20.0%	35.7%	23.1%	200.0%	40.0%	61.3%
Walton	Probate	89.2%	86.0%	82.2%	77.8%	82.2%	83.2%
	Guardianship	50.0%	75.0%	82.4%	52.6%	84.4%	70.0%
Washington	Probate	84.5%	40.0%	114.4%	103.3%	73.1%	84.1%
	Guardianship	0.0%	0.0%	188.9%	58.8%	16.2%	44.0%
Statewide	Probate	98.2%	86.5%	84.1%	98.9%	102.4%	93.7%
	Guardianship	85.6%	80.8%	84.8%	92.3%	93.8%	87.6%

Note: Data represents official statistics.

Probate Case Totals 2019

Total Probate Cases		Total Non-Adversarial Probate Cases		Total Adversarial Probate Cases	
County	Total CP Cases	County	Non-Adversarial CP Cases	County	Adversarial CP Cases
ALACHUA	1035	ALACHUA	1019	ALACHUA	16
BAKER	69	BAKER	69	BRADFORD	9
BAY	1382	BAY	1382	BROWARD	31
BRADFORD	136	BRADFORD	127	CITRUS	1
BREVARD	2893	BREVARD	2893	CLAY	1
BROWARD	5123	BROWARD	5092	COLLIER	88
CALHOUN	52	CALHOUN	52	MIAMI-DADE	139
CHARLOTTE	1660	CHARLOTTE	1660	DUVAL	1
CITRUS	1416	CITRUS	1415	ESCAMBIA	4
CLAY	600	CLAY	599	FLAGLER	18
COLLIER	3250	COLLIER	3162	HILLSBOROUGH	75
COLUMBIA	247	COLUMBIA	247	INDIAN RIVER	38
MIAMI-DADE	4648	MIAMI-DADE	4509	JACKSON	5
DESOTO	111	DESOTO	111	LAKE	20
DIXIE	89	DIXIE	89	LEE	57
DUVAL	2649	DUVAL	2648	LEVY	1
ESCAMBIA	1117	ESCAMBIA	1113	MARION	7
FLAGLER	699	FLAGLER	681	MARTIN	11
FRANKLIN	68	FRANKLIN	68	ORANGE	126
GADSDEN	158	GADSDEN	158	OSCEOLA	4
GILCHRIST	63	GILCHRIST	63	PALM BEACH	168
GLADES	62	GLADES	62	PASCO	2
GULF	93	GULF	93	PINELLAS	198
HAMILTON	52	HAMILTON	52	PUTNAM	4
HARDEE	62	HARDEE	62	ST. JOHNS	10
HENDRY	112	HENDRY	112	ST. LUCIE	123
HERNANDO	1421	HERNANDO	1421	SANTA ROSA	4
HIGHLANDS	708	HIGHLANDS	708	SARASOTA	61
HILLSBOROUGH	3481	HILLSBOROUGH	3406	SEMINOLE	3
HOLMES	80	HOLMES	80	SUMTER	2

Probate Case Totals 2019

Total Probate Cases	
County	Total CP Cases
INDIAN RIVER	1417
JACKSON	227
JEFFERSON	67
LAFAYETTE	25
LAKE	1946
LEE	4683
LEON	2671
LEVY	240
LIBERTY	17
MADISON	64
MANATEE	2512
MARION	2325
MARTIN	775
MONROE	363
NASSAU	489
OKALOOSA	685
OKEECHOBEE	179
ORANGE	3453
OSCEOLA	995
PALM BEACH	6012
PASCO	1805
PINELLAS	4251
POLK	3071
PUTNAM	367
ST. JOHNS	1210
ST. LUCIE	1581
SANTA ROSA	534
SARASOTA	2530
SEMINOLE	1604
SUMTER	784

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
INDIAN RIVER	1379
JACKSON	222
JEFFERSON	67
LAFAYETTE	25
LAKE	1926
LEE	4626
LEON	2671
LEVY	239
LIBERTY	17
MADISON	64
MANATEE	2512
MARION	2318
MARTIN	764
MONROE	363
NASSAU	489
OKALOOSA	685
OKEECHOBEE	179
ORANGE	3327
OSCEOLA	991
PALM BEACH	5844
PASCO	1803
PINELLAS	4053
POLK	3071
PUTNAM	363
ST. JOHNS	1200
ST. LUCIE	1458
SANTA ROSA	530
SARASOTA	2469
SEMINOLE	1601
SUMTER	782

Total Adversarial Probate Cases	
County	Adversarial CP Cases
UNION	2
VOLUSIA	72
WALTON	1

Probate Case Totals 2019

Total Probate Cases	
County	Total CP Cases
SUWANNEE	160
TAYLOR	92
UNION	46
VOLUSIA	3726
WAKULLA	114
WALTON	417
WASHINGTON	98

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
SUWANNEE	160
TAYLOR	92
UNION	44
VOLUSIA	3654
WAKULLA	114
WALTON	416
WASHINGTON	98

Total Adversarial Probate Cases	
County	Adversarial CP Cases

Probate Case Totals 2020

Total Probate Cases		Total Non-Adversarial Probate Cases		Total Adversarial Probate Cases	
County	Total CP Cases	County	Non-Adversarial CP Cases	County	Adversarial CP Cases
ALACHUA	1021	ALACHUA	1004	ALACHUA	17
BAKER	62	BAKER	62	BRADFORD	6
BAY	1208	BAY	1208	BROWARD	40
BRADFORD	93	BRADFORD	87	CITRUS	1
BREVARD	3244	BREVARD	3244	COLLIER	73
BROWARD	5141	BROWARD	5101	MIAMI-DADE	211
CALHOUN	40	CALHOUN	40	ESCAMBIA	6
CHARLOTTE	1739	CHARLOTTE	1739	FLAGLER	22
CITRUS	1634	CITRUS	1633	HERNANDO	3
CLAY	660	CLAY	660	HIGHLANDS	3
COLLIER	3212	COLLIER	3139	HILLSBOROUGH	101
COLUMBIA	226	COLUMBIA	226	INDIAN RIVER	36
MIAMI-DADE	4428	MIAMI-DADE	4217	JACKSON	6
DESOTO	120	DESOTO	120	LAKE	29
DIXIE	63	DIXIE	63	LEE	84
DUVAL	2742	DUVAL	2742	MARION	13
ESCAMBIA	1122	ESCAMBIA	1116	MARTIN	9
FLAGLER	713	FLAGLER	691	OKALOOSA	1
FRANKLIN	80	FRANKLIN	80	ORANGE	111
GADSDEN	168	GADSDEN	168	OSCEOLA	6
GILCHRIST	51	GILCHRIST	51	PALM BEACH	123
GLADES	61	GLADES	61	PASCO	14
GULF	96	GULF	96	PINELLAS	226
HAMILTON	58	HAMILTON	58	PUTNAM	3
HARDEE	73	HARDEE	73	ST. JOHNS	5
HENDRY	96	HENDRY	96	ST. LUCIE	124
HERNANDO	1457	HERNANDO	1454	SANTA ROSA	6
HIGHLANDS	689	HIGHLANDS	686	SARASOTA	57
HILLSBOROUGH	3420	HILLSBOROUGH	3319	SEMINOLE	7
HOLMES	91	HOLMES	91	UNION	1

Probate Case Totals 2020

Total Probate Cases	
County	Total CP Cases
INDIAN RIVER	1596
JACKSON	235
JEFFERSON	84
LAFAYETTE	25
LAKE	1996
LEE	4956
LEON	2376
LEVY	300
LIBERTY	30
MADISON	89
MANATEE	2704
MARION	2400
MARTIN	856
MONROE	410
NASSAU	493
OKALOOSA	735
OKEECHOBEE	174
ORANGE	3549
OSCEOLA	1062
PALM BEACH	5989
PASCO	1878
PINELLAS	4358
POLK	3166
PUTNAM	455
ST. JOHNS	1232
ST. LUCIE	1641
SANTA ROSA	528
SARASOTA	2610
SEMINOLE	1791
SUMTER	838

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
INDIAN RIVER	1560
JACKSON	229
JEFFERSON	84
LAFAYETTE	25
LAKE	1967
LEE	4872
LEON	2376
LEVY	300
LIBERTY	30
MADISON	89
MANATEE	2704
MARION	2387
MARTIN	847
MONROE	410
NASSAU	493
OKALOOSA	734
OKEECHOBEE	174
ORANGE	3438
OSCEOLA	1056
PALM BEACH	5866
PASCO	1864
PINELLAS	4132
POLK	3166
PUTNAM	452
ST. JOHNS	1227
ST. LUCIE	1517
SANTA ROSA	522
SARASOTA	2553
SEMINOLE	1784
SUMTER	838

Total Adversarial Probate Cases	
County	Adversarial CP Cases
VOLUSIA	65

Probate Case Totals 2020

Total Probate Cases	
County	Total CP Cases
SUWANNEE	217
TAYLOR	101
UNION	29
VOLUSIA	3916
WAKULLA	140
WALTON	424
WASHINGTON	114

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
SUWANNEE	217
TAYLOR	101
UNION	28
VOLUSIA	3851
WAKULLA	140
WALTON	424
WASHINGTON	114

Total Adversarial Probate Cases	
County	Adversarial CP Cases

Probate Case Totals 2021

Total Probate Cases	
County	Total CP Cases
ALACHUA	1140
BAKER	97
BAY	1560
BRADFORD	138
BREVARD	3648
BROWARD	5867
CALHOUN	60
CHARLOTTE	2075
CITRUS	1911
CLAY	807
COLLIER	3589
COLUMBIA	277
MIAMI-DADE	5719
DESOTO	137
DIXIE	80
DUVAL	3421
ESCAMBIA	1496
FLAGLER	825
FRANKLIN	90
GADSDEN	230
GILCHRIST	72
GLADES	68
GULF	152
HAMILTON	77
HARDEE	120
HENDRY	145
HERNANDO	1735
HIGHLANDS	861
HILLSBOROUGH	4223
HOLMES	88

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
ALACHUA	1122
BAKER	97
BAY	1560
BRADFORD	134
BREVARD	3648
BROWARD	5820
CALHOUN	60
CHARLOTTE	2075
CITRUS	1911
CLAY	806
COLLIER	3512
COLUMBIA	277
MIAMI-DADE	5419
DESOTO	137
DIXIE	80
DUVAL	3418
ESCAMBIA	1489
FLAGLER	812
FRANKLIN	90
GADSDEN	230
GILCHRIST	72
GLADES	68
GULF	152
HAMILTON	77
HARDEE	120
HENDRY	145
HERNANDO	1735
HIGHLANDS	854
HILLSBOROUGH	4127
HOLMES	88

Total Adversarial Probate Cases	
County	Adversarial CP Cases
ALACHUA	18
BRADFORD	4
BROWARD	47
CLAY	1
COLLIER	77
MIAMI-DADE	300
DUVAL	3
ESCAMBIA	7
FLAGLER	13
HIGHLANDS	7
HILLSBOROUGH	96
INDIAN RIVER	50
JACKSON	5
LAKE	47
LEE	79
LEVY	1
MARION	54
MARTIN	7
NASSAU	1
ORANGE	101
OSCEOLA	4
PALM BEACH	131
PASCO	8
PINELLAS	232
PUTNAM	3
ST. JOHNS	6
ST. LUCIE	102
SANTA ROSA	9
SARASOTA	95
SEMINOLE	9

Probate Case Totals 2021

Total Probate Cases	
County	Total CP Cases
INDIAN RIVER	1578
JACKSON	247
JEFFERSON	93
LAFAYETTE	42
LAKE	2342
LEE	5772
LEON	2866
LEVY	309
LIBERTY	39
MADISON	97
MANATEE	2978
MARION	3032
MARTIN	1062
MONROE	457
NASSAU	555
OKALOOSA	809
OKEECHOBEE	202
ORANGE	4237
OSCEOLA	1379
PALM BEACH	6784
PASCO	2179
PINELLAS	4791
POLK	3828
PUTNAM	529
ST. JOHNS	1457
ST. LUCIE	1926
SANTA ROSA	603
SARASOTA	3029
SEMINOLE	2054
SUMTER	963

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
INDIAN RIVER	1528
JACKSON	242
JEFFERSON	93
LAFAYETTE	42
LAKE	2295
LEE	5693
LEON	2866
LEVY	308
LIBERTY	39
MADISON	97
MANATEE	2978
MARION	2978
MARTIN	1055
MONROE	457
NASSAU	554
OKALOOSA	809
OKEECHOBEE	202
ORANGE	4136
OSCEOLA	1375
PALM BEACH	6653
PASCO	2171
PINELLAS	4559
POLK	3828
PUTNAM	526
ST. JOHNS	1451
ST. LUCIE	1824
SANTA ROSA	594
SARASOTA	2934
SEMINOLE	2045
SUMTER	963

Total Adversarial Probate Cases	
County	Adversarial CP Cases
VOLUSIA	83

Probate Case Totals 2021

Total Probate Cases	
County	Total CP Cases
SUWANNEE	274
TAYLOR	125
UNION	41
VOLUSIA	4504
WAKULLA	192
WALTON	488
WASHINGTON	126

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
SUWANNEE	274
TAYLOR	125
UNION	41
VOLUSIA	4421
WAKULLA	192
WALTON	488
WASHINGTON	126

Total Adversarial Probate Cases	
County	Adversarial CP Cases

Probate Case Totals 2022

Total Probate Cases		Total Non-Adversarial Probate Cases		Total Adversarial Probate Cases	
County	Total CP Cases	County	Non-Adversarial CP Cases	County	Adversarial CP Cases
ALACHUA	1223	ALACHUA	1204	ALACHUA	19
BAKER	73	BAKER	73	BRADFORD	4
BAY	1421	BAY	1421	BROWARD	63
BRADFORD	120	BRADFORD	116	CITRUS	1
BREVARD	3749	BREVARD	3749	COLLIER	21
BROWARD	5984	BROWARD	5921	MIAMI-DADE	439
CALHOUN	59	CALHOUN	59	DUVAL	6
CHARLOTTE	2016	CHARLOTTE	2016	ESCAMBIA	7
CITRUS	1866	CITRUS	1865	FLAGLER	11
CLAY	746	CLAY	746	HERNANDO	4
COLLIER	3708	COLLIER	3687	HIGHLANDS	7
COLUMBIA	321	COLUMBIA	321	HILLSBOROUGH	99
MIAMI-DADE	5796	MIAMI-DADE	5357	INDIAN RIVER	36
DESOTO	148	DESOTO	148	JACKSON	3
DIXIE	97	DIXIE	97	LAKE	42
DUVAL	3313	DUVAL	3307	LEE	85
ESCAMBIA	1931	ESCAMBIA	1924	LEVY	3
FLAGLER	842	FLAGLER	831	MANATEE	1
FRANKLIN	86	FRANKLIN	86	MARION	21
GADSDEN	193	GADSDEN	193	MARTIN	5
GILCHRIST	61	GILCHRIST	61	ORANGE	113
GLADES	74	GLADES	74	OSCEOLA	2
GULF	117	GULF	117	PALM BEACH	116
HAMILTON	70	HAMILTON	70	PASCO	5
HARDEE	101	HARDEE	101	PINELLAS	212
HENDRY	155	HENDRY	155	ST. JOHNS	6
HERNANDO	1713	HERNANDO	1709	ST. LUCIE	99
HIGHLANDS	848	HIGHLANDS	841	SANTA ROSA	7
HILLSBOROUGH	4083	HILLSBOROUGH	3984	SARASOTA	87

Probate Case Totals 2022

Total Probate Cases	
County	Total CP Cases
HOLMES	109
INDIAN RIVER	1599
JACKSON	250
JEFFERSON	84
LAFAYETTE	34
LAKE	2210
LEE	6076
LEON	2621
LEVY	331
LIBERTY	43
MADISON	105
MANATEE	2948
MARION	3009
MARTIN	955
MONROE	460
NASSAU	584
OKALOOSA	833
OKEECHOBEE	207
ORANGE	4221
OSCEOLA	1346
PALM BEACH	6641
PASCO	2104
PINELLAS	4800
POLK	3836
PUTNAM	557
ST. JOHNS	1507
ST. LUCIE	2029
SANTA ROSA	547
SARASOTA	2889
SEMINOLE	2000

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
HOLMES	109
INDIAN RIVER	1563
JACKSON	247
JEFFERSON	84
LAFAYETTE	34
LAKE	2168
LEE	5991
LEON	2621
LEVY	328
LIBERTY	43
MADISON	105
MANATEE	2947
MARION	2988
MARTIN	950
MONROE	460
NASSAU	584
OKALOOSA	833
OKEECHOBEE	207
ORANGE	4108
OSCEOLA	1344
PALM BEACH	6525
PASCO	2099
PINELLAS	4588
POLK	3836
PUTNAM	557
ST. JOHNS	1501
ST. LUCIE	1930
SANTA ROSA	540
SARASOTA	2802
SEMINOLE	1995

Total Adversarial Probate Cases	
County	Adversarial CP Cases
SEMINOLE	5
UNION	1
VOLUSIA	56
WALTON	1

Probate Case Totals 2022

Total Probate Cases	
County	Total CP Cases
SUMTER	1044
SUWANNEE	249
TAYLOR	141
UNION	42
VOLUSIA	4166
WAKULLA	200
WALTON	534
WASHINGTON	129

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
SUMTER	1044
SUWANNEE	249
TAYLOR	141
UNION	41
VOLUSIA	4110
WAKULLA	200
WALTON	533
WASHINGTON	129

Total Adversarial Probate Cases	
County	Adversarial CP Cases

Probate Case Totals 2023

Total Probate Cases	
County	Total CP Cases
ALACHUA	1198
BAKER	78
BAY	1347
BRADFORD	114
BREVARD	3630
BROWARD	5694
CALHOUN	60
CHARLOTTE	1957
CITRUS	1861
CLAY	670
COLLIER	3693
COLUMBIA	291
MIAMI-DADE	5282
DESOTO	124
DIXIE	86
DUVAL	3159
ESCAMBIA	1800
FLAGLER	876
FRANKLIN	115
GADSDEN	201
GILCHRIST	89
GLADES	66
GULF	133
HAMILTON	70
HARDEE	90
HENDRY	121
HERNANDO	1506
HIGHLANDS	847
HILLSBOROUGH	3885
HOLMES	109

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
ALACHUA	1192
BAKER	78
BAY	1347
BRADFORD	107
BREVARD	3630
BROWARD	5646
CALHOUN	60
CHARLOTTE	1957
CITRUS	1859
CLAY	667
COLLIER	3693
COLUMBIA	291
MIAMI-DADE	4894
DESOTO	124
DIXIE	86
DUVAL	3155
ESCAMBIA	1792
FLAGLER	868
FRANKLIN	115
GADSDEN	201
GILCHRIST	89
GLADES	66
GULF	133
HAMILTON	70
HARDEE	90
HENDRY	121
HERNANDO	1505
HIGHLANDS	836
HILLSBOROUGH	3817
HOLMES	109

Total Adversarial Probate Cases	
County	Adversarial CP Cases
ALACHUA	6
BRADFORD	7
BROWARD	48
CITRUS	2
CLAY	3
MIAMI-DADE	388
DUVAL	4
ESCAMBIA	8
FLAGLER	8
HERNANDO	1
HIGHLANDS	11
HILLSBOROUGH	68
INDIAN RIVER	38
JACKSON	6
LAKE	30
LEE	74
LEVY	1
MARION	13
MARTIN	6
ORANGE	79
OSCEOLA	5
PALM BEACH	46
PASCO	2
PINELLAS	172
ST. JOHNS	6
ST. LUCIE	74
SANTA ROSA	7
SARASOTA	78
SEMINOLE	4
TAYLOR	1

Probate Case Totals 2023

Total Probate Cases	
County	Total CP Cases
INDIAN RIVER	1619
JACKSON	263
JEFFERSON	96
LAFAYETTE	23
LAKE	2118
LEE	5922
LEON	2378
LEVY	354
LIBERTY	25
MADISON	88
MANATEE	3111
MARION	3080
MARTIN	968
MONROE	391
NASSAU	648
OKALOOSA	743
OKEECHOBEE	181
ORANGE	4166
OSCEOLA	1296
PALM BEACH	6478
PASCO	2109
PINELLAS	4724
POLK	4072
PUTNAM	529
ST. JOHNS	1506
ST. LUCIE	1881
SANTA ROSA	599
SARASOTA	2888
SEMINOLE	1893
SUMTER	1011

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
INDIAN RIVER	1581
JACKSON	257
JEFFERSON	96
LAFAYETTE	23
LAKE	2088
LEE	5848
LEON	2378
LEVY	353
LIBERTY	25
MADISON	88
MANATEE	3111
MARION	3067
MARTIN	962
MONROE	391
NASSAU	648
OKALOOSA	743
OKEECHOBEE	181
ORANGE	4087
OSCEOLA	1291
PALM BEACH	6432
PASCO	2107
PINELLAS	4552
POLK	4072
PUTNAM	529
ST. JOHNS	1500
ST. LUCIE	1807
SANTA ROSA	592
SARASOTA	2810
SEMINOLE	1889
SUMTER	1011

Total Adversarial Probate Cases	
County	Adversarial CP Cases
UNION	3
VOLUSIA	55
WALTON	1

Probate Case Totals 2023

Total Probate Cases	
County	Total CP Cases
SUWANNEE	240
TAYLOR	121
UNION	60
VOLUSIA	4275
WAKULLA	188
WALTON	527
WASHINGTON	136

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
SUWANNEE	240
TAYLOR	120
UNION	57
VOLUSIA	4220
WAKULLA	188
WALTON	526
WASHINGTON	136

Total Adversarial Probate Cases	
County	Adversarial CP Cases

Probate Case Totals 2024 (YTD)

Total Probate Cases		Total Non-Adversarial Probate Cases		Total Adversarial Probate Cases	
County	Total CP Cases	County	Non-Adversarial CP Cases	County	Adversarial CP Cases
ALACHUA	597	ALACHUA	596	ALACHUA	1
BAKER	29	BAKER	29	BROWARD	7
BAY	633	BAY	633	MIAMI-DADE	102
BRADFORD	55	BRADFORD	55	DUVAL	9
BREVARD	1786	BREVARD	1786	ESCAMBIA	3
BROWARD	2506	BROWARD	2499	FLAGLER	4
CALHOUN	38	CALHOUN	38	HIGHLANDS	3
CHARLOTTE	922	CHARLOTTE	922	HILLSBOROUGH	17
CITRUS	887	CITRUS	887	INDIAN RIVER	27
CLAY	383	CLAY	383	LAKE	7
COLLIER	1938	COLLIER	1938	LEE	12
COLUMBIA	139	COLUMBIA	139	MARION	4
MIAMI-DADE	2363	MIAMI-DADE	2261	MARTIN	1
DESOTO	77	DESOTO	77	ORANGE	15
DIXIE	54	DIXIE	54	PALM BEACH	37
DUVAL	1483	DUVAL	1474	PASCO	1
ESCAMBIA	860	ESCAMBIA	857	PINELLAS	61
FLAGLER	480	FLAGLER	476	ST. JOHNS	1
FRANKLIN	54	FRANKLIN	54	ST. LUCIE	15
GADSDEN	89	GADSDEN	89	SANTA ROSA	3
GILCHRIST	36	GILCHRIST	36	SARASOTA	36
GLADES	25	GLADES	25	TAYLOR	1
GULF	50	GULF	50	UNION	1
HAMILTON	36	HAMILTON	36	VOLUSIA	26
HARDEE	36	HARDEE	36		
HENDRY	71	HENDRY	71		
HERNANDO	736	HERNANDO	736		
HIGHLANDS	371	HIGHLANDS	368		
HILLSBOROUGH	1799	HILLSBOROUGH	1782		

Probate Case Totals 2024 (YTD)

Total Probate Cases		Total Non-Adversarial Probate Cases		Total Adversarial Probate Cases	
County	Total CP Cases	County	Non-Adversarial CP Cases	County	Adversarial CP Cases
HOLMES	53	HOLMES	53		
INDIAN RIVER	713	INDIAN RIVER	686		
JACKSON	105	JACKSON	105		
JEFFERSON	31	JEFFERSON	31		
LAFAYETTE	19	LAFAYETTE	19		
LAKE	1055	LAKE	1048		
LEE	2854	LEE	2842		
LEON	1061	LEON	1061		
LEVY	147	LEVY	147		
LIBERTY	11	LIBERTY	11		
MADISON	32	MADISON	32		
MANATEE	1442	MANATEE	1442		
MARION	1539	MARION	1535		
MARTIN	512	MARTIN	511		
MONROE	229	MONROE	229		
NASSAU	287	NASSAU	287		
OKALOOSA	392	OKALOOSA	392		
OKEECHOBEE	80	OKEECHOBEE	80		
ORANGE	2028	ORANGE	2013		
OSCEOLA	633	OSCEOLA	633		
PALM BEACH	2966	PALM BEACH	2929		
PASCO	1018	PASCO	1017		
PINELLAS	2225	PINELLAS	2164		
POLK	1792	POLK	1792		
PUTNAM	243	PUTNAM	243		
ST. JOHNS	698	ST. JOHNS	697		
ST. LUCIE	928	ST. LUCIE	913		
SANTA ROSA	256	SANTA ROSA	253		
SARASOTA	1374	SARASOTA	1338		
SEMINOLE	945	SEMINOLE	945		

Probate Case Totals 2024 (YTD)

Total Probate Cases	
County	Total CP Cases
SUMTER	509
SUWANNEE	117
TAYLOR	55
UNION	26
VOLUSIA	2039
WAKULLA	108
WALTON	278
WASHINGTON	90

Total Non-Adversarial Probate Cases	
County	Non-Adversarial CP Cases
SUMTER	509
SUWANNEE	117
TAYLOR	54
UNION	25
VOLUSIA	2013
WAKULLA	108
WALTON	278
WASHINGTON	90

Total Adversarial Probate Cases	
County	Adversarial CP Cases

6-Year Average of Uncontested Probate Cases

Percentage of Uncontested Cases	
County	Percentage of Uncontested CP Cases
ALACHUA	98.8%
BAKER	100.0%
BAY	100.0%
BRADFORD	95.4%
BREVARD	100.0%
BROWARD	99.2%
CALHOUN	100.0%
CHARLOTTE	100.0%
CITRUS	99.9%
CLAY	99.9%
COLLIER	98.7%
COLUMBIA	100.0%
MIAMI-DADE	94.4%
DESOTO	100.0%
DIXIE	100.0%
DUVAL	99.9%
ESCAMBIA	99.6%
FLAGLER	98.3%
FRANKLIN	100.0%
GADSDEN	100.0%
GILCHRIST	100.0%
GLADES	100.0%
GULF	100.0%
HAMILTON	100.0%
HARDEE	100.0%
HENDRY	100.0%
HERNANDO	99.9%
HIGHLANDS	99.3%
HILLSBOROUGH	97.8%
HOLMES	100.0%
INDIAN RIVER	97.4%
JACKSON	98.1%
JEFFERSON	100.0%
LAFAYETTE	100.0%
LAKE	98.5%
LEE	98.7%
LEON	100.0%
LEVY	99.6%
LIBERTY	100.0%
MADISON	100.0%
MANATEE	100.0%

6-Year Average of Uncontested Probate Cases

Percentage of Uncontested Cases	
County	Percentage of Uncontested CP Cases
MARION	99.3%
MARTIN	99.2%
MONROE	100.0%
NASSAU	100.0%
OKALOOSA	100.0%
OKEECHOBEE	100.0%
ORANGE	97.5%
OSCEOLA	99.7%
PALM BEACH	98.2%
PASCO	99.7%
PINELLAS	95.6%
POLK	100.0%
PUTNAM	99.6%
ST. JOHNS	99.6%
ST. LUCIE	94.6%
SANTA ROSA	98.8%
SARASOTA	97.3%
SEMINOLE	99.7%
SUMTER	100.0%
SUWANNEE	100.0%
TAYLOR	99.7%
UNION	96.7%
VOLUSIA	98.4%
WAKULLA	100.0%
WALTON	99.9%
WASHINGTON	100.0%

Estates valued \$1,000 or more (2019)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	6
CITRUS	255
ESCAMBIA	1
GULF	18
LEE	19
MARION	467
MARTIN	133
OKALOOSA	219
OSCEOLA	206
POLK	10
PUTNAM	140
ST. JOHNS	104
SARASOTA	511
SUMTER	180
UNION	3
VOLUSIA	747
WALTON	115

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	6
CITRUS	255
ESCAMBIA	1
GULF	18
LEE	19
MARION	466
MARTIN	133
OKALOOSA	219
OSCEOLA	206
POLK	10
PUTNAM	140
ST. JOHNS	104
SARASOTA	510
SUMTER	180
UNION	2
VOLUSIA	738
WALTON	115

Total adversarial	
County	Total Adversarial
MARION	1
SARASOTA	1
UNION	1
VOLUSIA	9

Estates valued \$1,000 or more (2020)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	3
CITRUS	257
GULF	25
LEE	20
MARION	490
MARTIN	196
OKALOOSA	195
OSCEOLA	197
POLK	7
PUTNAM	149
ST. JOHNS	138
SARASOTA	579
SUMTER	172
UNION	3
VOLUSIA	846
WALTON	111

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	3
CITRUS	257
GULF	25
LEE	19
MARION	488
MARTIN	195
OKALOOSA	195
OSCEOLA	196
POLK	7
PUTNAM	149
ST. JOHNS	138
SARASOTA	579
SUMTER	172
UNION	3
VOLUSIA	842
WALTON	111

Total adversarial	
County	Total Adversarial
LEE	1
MARION	2
MARTIN	1
OSCEOLA	1
VOLUSIA	4

Estates valued \$1,000 or more (2021)

Total summary admin cases	
County	Total Summary Admin Cases
CITRUS	334
GULF	40
LEE	32
MARION	713
MARTIN	218
OKALOOSA	101
OSCEOLA	255
POLK	6
PUTNAM	179
ST. JOHNS	215
SARASOTA	655
SUMTER	180
VOLUSIA	981
WALTON	111

Total non-adversarial	
County	Total Non-Adversarial
CITRUS	334
GULF	40
LEE	30
MARION	708
MARTIN	218
OKALOOSA	101
OSCEOLA	253
POLK	6
PUTNAM	179
ST. JOHNS	214
SARASOTA	655
SUMTER	180
VOLUSIA	974
WALTON	111

Total adversarial	
County	Total Adversarial
LEE	2
MARION	5
OSCEOLA	2
ST. JOHNS	1
VOLUSIA	7

Estates valued \$1,000 or more (2022)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	1
CITRUS	348
GULF	27
LEE	31
MARION	706
MARTIN	216
OSCEOLA	219
POLK	2
PUTNAM	164
ST. JOHNS	219
SARASOTA	644
SUMTER	223
UNION	2
VOLUSIA	695
WALTON	127

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	1
CITRUS	348
GULF	27
LEE	30
MARION	705
MARTIN	216
OSCEOLA	219
POLK	2
PUTNAM	164
ST. JOHNS	218
SARASOTA	644
SUMTER	223
UNION	2
VOLUSIA	693
WALTON	127

Total adversarial	
County	Total Adversarial
LEE	1
MARION	1
ST. JOHNS	1
VOLUSIA	2

Estates valued \$1,000 or more (2023)

Total summary admin cases	
County	Total Summary Admin Cases
CITRUS	333
GULF	19
LEE	52
MARION	638
MARTIN	235
OSCEOLA	269
POLK	5
PUTNAM	169
ST. JOHNS	170
SARASOTA	539
SUMTER	210
UNION	4
VOLUSIA	588
WALTON	139

Total non-adversarial	
County	Total Non-Adversarial
CITRUS	332
GULF	19
LEE	51
MARION	637
MARTIN	234
OSCEOLA	269
POLK	5
PUTNAM	169
ST. JOHNS	170
SARASOTA	539
SUMTER	210
UNION	4
VOLUSIA	585
WALTON	139

Total adversarial	
County	Total Adversarial
CITRUS	1
LEE	1
MARION	1
MARTIN	1
VOLUSIA	3

Estates valued \$1,000 or more (2024 YTD)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	2
CITRUS	90
ESCAMBIA	2
GULF	13
LEE	13
MARION	544
MARTIN	173
OSCEOLA	264
PUTNAM	141
ST. JOHNS	145
SARASOTA	255
SUMTER	171
UNION	1
VOLUSIA	371
WALTON	109

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	2
CITRUS	90
ESCAMBIA	2
GULF	13
LEE	13
MARION	543
MARTIN	173
OSCEOLA	264
PUTNAM	141
ST. JOHNS	145
SARASOTA	255
SUMTER	171
UNION	1
VOLUSIA	370
WALTON	109

Total adversarial	
County	Total Adversarial
MARION	1
VOLUSIA	1

Estates valued below \$1,000 (2019)

Total summary admin cases	
County	Total Summary Admin Cases
CHARLOTTE	338
CITRUS	30
CLAY	4
COLUMBIA	1
FLAGLER	157
GULF	11
INDIAN RIVER	260
LEE	4
LEON	350
LEVY	61
MARION	16
MARTIN	69
OKALOOSA	16
OSCEOLA	60
POLK	3
PUTNAM	5
ST. JOHNS	130
ST. LUCIE	384
SARASOTA	96
SEMINOLE	471
SUMTER	7
VOLUSIA	32
WALTON	4

Total non-adversarial	
County	Total Non-Adversarial
CHARLOTTE	338
CITRUS	30
CLAY	4
COLUMBIA	1
FLAGLER	157
GULF	11
INDIAN RIVER	260
LEE	4
LEON	350
LEVY	61
MARION	16
MARTIN	69
OKALOOSA	16
OSCEOLA	60
POLK	3
PUTNAM	5
ST. JOHNS	129
ST. LUCIE	365
SARASOTA	96
SEMINOLE	471
SUMTER	7
VOLUSIA	31
WALTON	4

Total adversarial	
County	Total Adversarial
ST. JOHNS	1
ST. LUCIE	19
VOLUSIA	1

Estates valued below \$1,000 (2020)

Total summary admin cases	
County	Total Summary Admin Cases
CHARLOTTE	211
CITRUS	61
CLAY	5
FLAGLER	176
GULF	2
INDIAN RIVER	236
LEE	2
LEON	387
MARION	6
MARTIN	18
OKALOOSA	25
OSCEOLA	97
PUTNAM	2
ST. JOHNS	115
ST. LUCIE	435
SARASOTA	128
SEMINOLE	450
SUMTER	4
VOLUSIA	45
WALTON	2

Total non-adversarial	
County	Total Non-Adversarial
CHARLOTTE	211
CITRUS	61
CLAY	5
FLAGLER	171
GULF	2
INDIAN RIVER	236
LEE	2
LEON	387
MARION	6
MARTIN	18
OKALOOSA	25
OSCEOLA	97
PUTNAM	2
ST. JOHNS	115
ST. LUCIE	424
SARASOTA	127
SEMINOLE	450
SUMTER	4
VOLUSIA	45
WALTON	2

Total adversarial	
County	Total Adversarial
FLAGLER	5
ST. LUCIE	11
SARASOTA	1

Estates valued below \$1,000 (2021)

Total summary admin cases	
County	Total Summary Admin Cases
CHARLOTTE	402
CITRUS	74
CLAY	9
FLAGLER	187
HAMILTON	1
INDIAN RIVER	312
LEE	6
LEON	253
MARION	14
MARTIN	48
OKALOOSA	10
OSCEOLA	105
PUTNAM	6
ST. JOHNS	67
ST. LUCIE	445
SARASOTA	152
SEMINOLE	518
SUMTER	16
UNION	1
VOLUSIA	56
WALTON	4

Total non-adversarial	
County	Total Non-Adversarial
CHARLOTTE	402
CITRUS	74
CLAY	9
FLAGLER	187
HAMILTON	1
INDIAN RIVER	310
LEE	6
LEON	253
MARION	13
MARTIN	48
OKALOOSA	10
OSCEOLA	105
PUTNAM	6
ST. JOHNS	67
ST. LUCIE	436
SARASOTA	152
SEMINOLE	516
SUMTER	16
UNION	1
VOLUSIA	55
WALTON	4

Total adversarial	
County	Total Adversarial
INDIAN RIVER	2
MARION	1
ST. LUCIE	9
SEMINOLE	2
VOLUSIA	1

Estates valued below \$1,000 (2022)

Total summary admin cases	
County	Total Summary Admin Cases
CHARLOTTE	539
CITRUS	81
CLAY	21
FLAGLER	234
INDIAN RIVER	298
LEE	12
LEON	445
MARION	10
MARTIN	55
OSCEOLA	107
PUTNAM	6
ST. JOHNS	28
ST. LUCIE	446
SARASOTA	216
SEMINOLE	511
SUMTER	2
VOLUSIA	98
WALTON	1

Total non-adversarial	
County	Total Non-Adversarial
CHARLOTTE	539
CITRUS	81
CLAY	21
FLAGLER	234
INDIAN RIVER	298
LEE	12
LEON	445
MARION	10
MARTIN	54
OSCEOLA	107
PUTNAM	6
ST. JOHNS	28
ST. LUCIE	440
SARASOTA	215
SEMINOLE	510
SUMTER	2
VOLUSIA	97
WALTON	1

Total adversarial	
County	Total Adversarial
MARTIN	1
ST. LUCIE	6
SARASOTA	1
SEMINOLE	1
VOLUSIA	1

Estates valued below \$1,000 (2023)

Total summary admin cases	
County	Total Summary Admin Cases
CHARLOTTE	476
CITRUS	66
CLAY	34
ESCAMBIA	1
FLAGLER	245
GULF	16
INDIAN RIVER	315
LEE	7
LEON	455
MARION	12
MARTIN	38
OSCEOLA	79
PUTNAM	3
ST. JOHNS	42
ST. LUCIE	6
SARASOTA	236
SEMINOLE	473
SUMTER	6
VOLUSIA	58
WALTON	2

Total non-adversarial	
County	Total Non-Adversarial
CHARLOTTE	476
CITRUS	66
CLAY	32
ESCAMBIA	1
FLAGLER	245
GULF	16
INDIAN RIVER	315
LEE	7
LEON	455
MARION	12
MARTIN	38
OSCEOLA	79
PUTNAM	3
ST. JOHNS	42
ST. LUCIE	6
SARASOTA	236
SEMINOLE	473
SUMTER	6
VOLUSIA	57
WALTON	2

Total adversarial	
County	Total Adversarial
CLAY	2
VOLUSIA	1

Estates valued below \$1,000 (2024 YTD)

Total summary admin cases	
County	Total Summary Admin Cases
CHARLOTTE	396
CITRUS	25
CLAY	169
FLAGLER	177
GULF	11
INDIAN RIVER	217
LEE	2
LEON	309
MARION	10
MARTIN	36
OSCEOLA	5
PUTNAM	4
ST. JOHNS	43
SARASOTA	223
SEMINOLE	371
SUMTER	5
VOLUSIA	141
WALTON	2

Total non-adversarial	
County	Total Non-Adversarial
CHARLOTTE	396
CITRUS	25
CLAY	168
FLAGLER	173
GULF	11
INDIAN RIVER	217
LEE	2
LEON	309
MARION	10
MARTIN	36
OSCEOLA	5
PUTNAM	4
ST. JOHNS	43
SARASOTA	223
SEMINOLE	371
SUMTER	5
VOLUSIA	140
WALTON	2

Total adversarial	
County	Total Adversarial
CLAY	1
FLAGLER	4
VOLUSIA	1

Deceased less than 2 years (2019)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	34
BROWARD	936
CALHOUN	11
CHARLOTTE	209
CITRUS	184
CLAY	2
COLUMBIA	99
ESCAMBIA	1
FLAGLER	65
GULF	21
HAMILTON	1
INDIAN RIVER	192
LEE	665
LEON	181
LEVY	36
LIBERTY	2
MARION	387
MARTIN	143
MONROE	61
OKALOOSA	209
OSCEOLA	142
PINELLAS	1040
POLK	525
PUTNAM	1
ST. JOHNS	164
ST. LUCIE	262
SARASOTA	432
SEMINOLE	327
SUMTER	193

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	34
BROWARD	936
CALHOUN	11
CHARLOTTE	209
CITRUS	184
CLAY	2
COLUMBIA	99
ESCAMBIA	1
FLAGLER	65
GULF	21
HAMILTON	1
INDIAN RIVER	192
LEE	661
LEON	181
LEVY	36
LIBERTY	2
MARION	386
MARTIN	143
MONROE	61
OKALOOSA	209
OSCEOLA	142
PINELLAS	1020
POLK	525
PUTNAM	1
ST. JOHNS	163
ST. LUCIE	245
SARASOTA	432
SEMINOLE	327
SUMTER	193

Total adversarial	
County	Total Adversarial
LEE	4
MARION	1
PINELLAS	20
ST. JOHNS	1
ST. LUCIE	17
UNION	1
VOLUSIA	11

Deceased less than 2 years (2019)

SUWANNEE	27
UNION	9
VOLUSIA	745
WALTON	79

SUWANNEE	27
UNION	8
VOLUSIA	734
WALTON	79

Deceased less than 2 years (2020)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	21
BROWARD	971
CALHOUN	8
CHARLOTTE	138
CITRUS	200
COLUMBIA	75
FLAGLER	101
GULF	15
HAMILTON	3
INDIAN RIVER	171
LEE	795
LEON	210
LEVY	47
LIBERTY	2
MARION	395
MARTIN	173
MONROE	42
OKALOOSA	199
OSCEOLA	171
PINELLAS	1090
POLK	605
PUTNAM	2
ST. JOHNS	173
ST. LUCIE	302
SARASOTA	513
SEMINOLE	320
SUMTER	191
SUWANNEE	25
UNION	6

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	21
BROWARD	971
CALHOUN	8
CHARLOTTE	138
CITRUS	200
COLUMBIA	75
FLAGLER	98
GULF	15
HAMILTON	3
INDIAN RIVER	171
LEE	784
LEON	210
LEVY	47
LIBERTY	2
MARION	394
MARTIN	173
MONROE	42
OKALOOSA	199
OSCEOLA	170
PINELLAS	1068
POLK	605
PUTNAM	2
ST. JOHNS	173
ST. LUCIE	291
SARASOTA	512
SEMINOLE	320
SUMTER	191
SUWANNEE	25
UNION	6

Total adversarial	
County	Total Adversarial
FLAGLER	3
LEE	11
MARION	1
OSCEOLA	1
PINELLAS	22
ST. LUCIE	11
SARASOTA	1
VOLUSIA	2

Deceased less than 2 years (2020)

VOLUSIA	919
WALTON	71

VOLUSIA	917
WALTON	71

Deceased less than 2 years (2021)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	23
BROWARD	1218
CALHOUN	10
CHARLOTTE	244
CITRUS	271
COLUMBIA	117
FLAGLER	107
GULF	18
INDIAN RIVER	248
LEE	900
LEON	134
LEVY	65
LIBERTY	3
MARION	565
MARTIN	188
MONROE	64
OKALOOSA	96
OSCEOLA	229
PINELLAS	1230
POLK	720
PUTNAM	3
ST. JOHNS	192
ST. LUCIE	317
SARASOTA	573
SEMINOLE	374
SUMTER	184
SUWANNEE	45
UNION	9
VOLUSIA	1013

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	23
BROWARD	1218
CALHOUN	10
CHARLOTTE	244
CITRUS	271
COLUMBIA	117
FLAGLER	107
GULF	18
INDIAN RIVER	246
LEE	891
LEON	134
LEVY	65
LIBERTY	3
MARION	559
MARTIN	188
MONROE	64
OKALOOSA	96
OSCEOLA	226
PINELLAS	1204
POLK	720
PUTNAM	3
ST. JOHNS	192
ST. LUCIE	308
SARASOTA	573
SEMINOLE	372
SUMTER	184
SUWANNEE	45
UNION	9
VOLUSIA	1005

Total adversarial	
County	Total Adversarial
INDIAN RIVER	2
LEE	9
MARION	6
OSCEOLA	3
PINELLAS	26
ST. LUCIE	9
SEMINOLE	2
VOLUSIA	8

Deceased less than 2 years (2021)

WALTON	96
--------	----

WALTON	96
--------	----

Deceased less than 2 years (2022)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	35
BROWARD	1296
CALHOUN	14
CHARLOTTE	305
CITRUS	256
COLUMBIA	116
FLAGLER	136
GULF	16
INDIAN RIVER	204
LEE	895
LEON	229
LEVY	66
LIBERTY	5
MARION	593
MARTIN	197
MONROE	83
OSCEOLA	195
PINELLAS	1148
POLK	771
PUTNAM	1
ST. JOHNS	175
ST. LUCIE	301
SARASOTA	618
SEMINOLE	367
SUMTER	224
SUWANNEE	49
UNION	8
VOLUSIA	765

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	35
BROWARD	1296
CALHOUN	14
CHARLOTTE	305
CITRUS	256
COLUMBIA	116
FLAGLER	136
GULF	16
INDIAN RIVER	204
LEE	885
LEON	229
LEVY	65
LIBERTY	5
MARION	591
MARTIN	196
MONROE	83
OSCEOLA	195
PINELLAS	1128
POLK	771
PUTNAM	1
ST. JOHNS	174
ST. LUCIE	296
SARASOTA	617
SEMINOLE	366
SUMTER	224
SUWANNEE	49
UNION	8
VOLUSIA	762

Total adversarial	
County	Total Adversarial
LEE	10
LEVY	1
MARION	2
MARTIN	1
PINELLAS	20
ST. JOHNS	1
ST. LUCIE	5
SARASOTA	1
SEMINOLE	1
VOLUSIA	3

Deceased less than 2 years (2022)

WALTON	101
--------	-----

WALTON	101
--------	-----

Deceased less than 2 years (2023)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	26
BROWARD	1128
CALHOUN	7
CHARLOTTE	257
CITRUS	203
CLAY	2
COLUMBIA	70
ESCAMBIA	1
FLAGLER	150
GULF	2
INDIAN RIVER	224
LEE	715
LEON	214
LEVY	63
LIBERTY	2
MARION	531
MARTIN	198
MONROE	74
OKEECHOBEE	1
OSCEOLA	197
PINELLAS	1200
POLK	626
PUTNAM	2
ST. JOHNS	146
ST. LUCIE	2
SARASOTA	529
SEMINOLE	310
SUMTER	211
SUWANNEE	41

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	26
BROWARD	1128
CALHOUN	7
CHARLOTTE	257
CITRUS	202
CLAY	2
COLUMBIA	70
ESCAMBIA	1
FLAGLER	150
GULF	2
INDIAN RIVER	224
LEE	707
LEON	214
LEVY	63
LIBERTY	2
MARION	530
MARTIN	197
MONROE	74
OKEECHOBEE	1
OSCEOLA	197
PINELLAS	1171
POLK	626
PUTNAM	2
ST. JOHNS	146
ST. LUCIE	2
SARASOTA	529
SEMINOLE	310
SUMTER	211
SUWANNEE	41

Total adversarial	
County	Total Adversarial
CITRUS	1
LEE	8
MARION	1
MARTIN	1
PINELLAS	29
VOLUSIA	3

Deceased less than 2 years (2023)

UNION	15
VOLUSIA	698
WALTON	103

UNION	15
VOLUSIA	695
WALTON	103

Deceased less than 2 years (2024 YTD)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	29
BROWARD	779
CALHOUN	10
CHARLOTTE	201
CITRUS	56
CLAY	2
COLUMBIA	53
ESCAMBIA	2
FLAGLER	105
GULF	8
INDIAN RIVER	149
LEE	574
LEON	141
LEVY	36
LIBERTY	3
MARION	440
MARTIN	145
MONROE	68
OKEECHOBEE	21
OSCEOLA	157
PINELLAS	869
POLK	444
ST. JOHNS	126
SARASOTA	296
SEMINOLE	250
SUMTER	191
SUWANNEE	47
UNION	9
VOLUSIA	514
WALTON	68

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	29
BROWARD	778
CALHOUN	10
CHARLOTTE	201
CITRUS	56
CLAY	2
COLUMBIA	53
ESCAMBIA	2
FLAGLER	103
GULF	8
INDIAN RIVER	149
LEE	574
LEON	141
LEVY	36
LIBERTY	3
MARION	439
MARTIN	145
MONROE	68
OKEECHOBEE	21
OSCEOLA	157
PINELLAS	848
POLK	444
ST. JOHNS	126
SARASOTA	296
SEMINOLE	250
SUMTER	191
SUWANNEE	47
UNION	9
VOLUSIA	510
WALTON	68

Total adversarial	
County	Total Adversarial
BROWARD	1
FLAGLER	2
MARION	1
PINELLAS	21
VOLUSIA	4

Deceased 2 years or more (2019)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	17
BROWARD	580
CALHOUN	8
CHARLOTTE	130
CITRUS	100
CLAY	1
COLUMBIA	54
FLAGLER	50
GULF	10
HAMILTON	2
INDIAN RIVER	70
LEE	355
LEON	165
LEVY	32
LIBERTY	1
MARION	281
MARTIN	56
MONROE	38
OKALOOSA	86
OSCEOLA	120
PINELLAS	448
POLK	309
PUTNAM	3
ST. JOHNS	69
ST. LUCIE	137
SARASOTA	176
SEMINOLE	139
SUMTER	47
SUWANNEE	11

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	17
BROWARD	580
CALHOUN	8
CHARLOTTE	130
CITRUS	100
CLAY	1
COLUMBIA	54
FLAGLER	50
GULF	10
HAMILTON	2
INDIAN RIVER	70
LEE	354
LEON	165
LEVY	32
LIBERTY	1
MARION	281
MARTIN	56
MONROE	38
OKALOOSA	86
OSCEOLA	120
PINELLAS	437
POLK	309
PUTNAM	3
ST. JOHNS	69
ST. LUCIE	135
SARASOTA	175
SEMINOLE	139
SUMTER	47
SUWANNEE	11

Total adversarial	
County	Total Adversarial
LEE	1
PINELLAS	11
ST. LUCIE	2
SARASOTA	1
VOLUSIA	8

Deceased 2 years or more (2019)

UNION	7
VOLUSIA	335
WALTON	83

UNION	7
VOLUSIA	327
WALTON	83

Deceased 2 years or more (2020)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	27
BROWARD	509
CALHOUN	10
CHARLOTTE	72
CITRUS	115
COLUMBIA	39
FLAGLER	42
GULF	14
INDIAN RIVER	65
LEE	339
LEON	174
LEVY	34
MARION	318
MARTIN	38
MONROE	46
OKALOOSA	71
OSCEOLA	123
PINELLAS	451
POLK	317
PUTNAM	4
ST. JOHNS	86
ST. LUCIE	138
SARASOTA	193
SEMINOLE	121
SUMTER	56
SUWANNEE	20
UNION	4
VOLUSIA	393
WALTON	91

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	27
BROWARD	509
CALHOUN	10
CHARLOTTE	72
CITRUS	115
COLUMBIA	39
FLAGLER	41
GULF	14
INDIAN RIVER	65
LEE	334
LEON	174
LEVY	34
MARION	316
MARTIN	37
MONROE	46
OKALOOSA	71
OSCEOLA	123
PINELLAS	438
POLK	317
PUTNAM	4
ST. JOHNS	86
ST. LUCIE	138
SARASOTA	193
SEMINOLE	121
SUMTER	56
SUWANNEE	20
UNION	4
VOLUSIA	390
WALTON	91

Total adversarial	
County	Total Adversarial
FLAGLER	1
LEE	5
MARION	2
MARTIN	1
PINELLAS	13
VOLUSIA	3

Deceased 2 years or more (2021)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	10
BROWARD	563
CALHOUN	8
CHARLOTTE	158
CITRUS	133
COLUMBIA	43
FLAGLER	72
GULF	18
INDIAN RIVER	63
LEE	541
LEON	111
LEVY	50
LIBERTY	4
MARION	470
MARTIN	76
MONROE	48
OKALOOSA	44
OSCEOLA	131
PINELLAS	415
POLK	357
PUTNAM	2
ST. JOHNS	92
ST. LUCIE	132
SARASOTA	233
SEMINOLE	146
SUMTER	75
SUWANNEE	19
UNION	4
VOLUSIA	365
WALTON	87

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	10
BROWARD	561
CALHOUN	8
CHARLOTTE	158
CITRUS	133
COLUMBIA	43
FLAGLER	72
GULF	18
INDIAN RIVER	63
LEE	540
LEON	111
LEVY	50
LIBERTY	4
MARION	469
MARTIN	76
MONROE	48
OKALOOSA	44
OSCEOLA	131
PINELLAS	407
POLK	357
PUTNAM	2
ST. JOHNS	91
ST. LUCIE	132
SARASOTA	233
SEMINOLE	146
SUMTER	75
SUWANNEE	19
UNION	4
VOLUSIA	361
WALTON	87

Total adversarial	
County	Total Adversarial
BROWARD	2
LEE	1
MARION	1
PINELLAS	8
ST. JOHNS	1
VOLUSIA	4

Deceased 2 years or more (2022)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	21
BROWARD	595
CALHOUN	14
CHARLOTTE	233
CITRUS	168
COLUMBIA	57
FLAGLER	91
GULF	8
INDIAN RIVER	94
LEE	676
LEON	190
LEVY	61
LIBERTY	11
MARION	548
MARTIN	75
MONROE	57
OSCEOLA	129
PINELLAS	499
POLK	424
PUTNAM	3
ST. JOHNS	75
ST. LUCIE	147
SARASOTA	246
SEMINOLE	146
SUMTER	62
SUWANNEE	24
UNION	10
VOLUSIA	319
WALTON	105

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	21
BROWARD	595
CALHOUN	14
CHARLOTTE	233
CITRUS	168
COLUMBIA	57
FLAGLER	91
GULF	8
INDIAN RIVER	94
LEE	672
LEON	190
LEVY	61
LIBERTY	11
MARION	547
MARTIN	75
MONROE	57
OSCEOLA	129
PINELLAS	487
POLK	424
PUTNAM	3
ST. JOHNS	75
ST. LUCIE	146
SARASOTA	246
SEMINOLE	146
SUMTER	62
SUWANNEE	24
UNION	10
VOLUSIA	318
WALTON	105

Total adversarial	
County	Total Adversarial
LEE	4
MARION	1
PINELLAS	12
ST. LUCIE	1
VOLUSIA	1

Deceased 2 years or more (2023)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	13
BROWARD	693
CALHOUN	11
CHARLOTTE	217
CITRUS	192
COLUMBIA	76
FLAGLER	95
GULF	2
INDIAN RIVER	91
LEE	578
LEON	233
LEVY	74
LIBERTY	7
MARION	640
MARTIN	75
MONROE	53
OKEECHOBEE	1
OSCEOLA	150
PINELLAS	532
POLK	421
ST. JOHNS	70
ST. LUCIE	3
SARASOTA	247
SEMINOLE	164
SUMTER	53
SUWANNEE	29
UNION	16
VOLUSIA	343
WALTON	102

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	13
BROWARD	693
CALHOUN	11
CHARLOTTE	217
CITRUS	192
COLUMBIA	76
FLAGLER	95
GULF	2
INDIAN RIVER	91
LEE	573
LEON	233
LEVY	74
LIBERTY	7
MARION	639
MARTIN	75
MONROE	53
OKEECHOBEE	1
OSCEOLA	150
PINELLAS	522
POLK	421
ST. JOHNS	70
ST. LUCIE	3
SARASOTA	247
SEMINOLE	164
SUMTER	53
SUWANNEE	29
UNION	15
VOLUSIA	340
WALTON	102

Total adversarial	
County	Total Adversarial
LEE	5
MARION	1
PINELLAS	10
UNION	1
VOLUSIA	3

Deceased 2 years or more (2024 YTD)

Total summary admin cases	
County	Total Summary Admin Cases
ALACHUA	27
BROWARD	484
CALHOUN	14
CHARLOTTE	190
CITRUS	56
CLAY	1
COLUMBIA	36
FLAGLER	70
GULF	4
INDIAN RIVER	69
LEE	560
LEON	156
LEVY	51
MARION	637
MARTIN	62
MONROE	41
OKEECHOBEE	19
OSCEOLA	111
PINELLAS	379
POLK	309
PUTNAM	1
ST. JOHNS	62
SARASOTA	188
SEMINOLE	121
SUMTER	42
SUWANNEE	24
UNION	7
VOLUSIA	243
WALTON	95

Total non-adversarial	
County	Total Non-Adversarial
ALACHUA	27
BROWARD	484
CALHOUN	14
CHARLOTTE	190
CITRUS	56
CLAY	1
COLUMBIA	36
FLAGLER	68
GULF	4
INDIAN RIVER	69
LEE	559
LEON	156
LEVY	51
MARION	637
MARTIN	62
MONROE	41
OKEECHOBEE	19
OSCEOLA	111
PINELLAS	369
POLK	309
PUTNAM	1
ST. JOHNS	62
SARASOTA	188
SEMINOLE	121
SUMTER	42
SUWANNEE	24
UNION	7
VOLUSIA	241
WALTON	94

Total adversarial	
County	Total Adversarial
FLAGLER	2
LEE	1
PINELLAS	10
VOLUSIA	2
WALTON	1

Data Synthesis

Note: the "assigned judges" figures below are derived from estimates of chief judges and trial court administrators for probate assignments in each judicial circuit as reflected in the Judgeship Needs Application for the Fiscal Year 2025-26 Certification of Need for Additional Judges. The estimates include magistrates in circuits where magistrates are assigned to probate proceedings.

Total Probate Filings		Assigned Judges		Clearance Rate		Percentage Uncontested	
County	5-year Average	County	Judges	County	5-year Average	County	6-year Average
ALACHUA	695	ALACHUA	0.45	ALACHUA	87.7%	ALACHUA	98.8%
BAKER	75	BAKER	0.45	BAKER	28.6%	BAKER	100.0%
BAY	820	BAY	0.36	BAY	80.8%	BAY	100.0%
BRADFORD	94	BRADFORD	0.45	BRADFORD	95.7%	BRADFORD	95.4%
BREVARD	2480	BREVARD	0.65	BREVARD	98.3%	BREVARD	100.0%
BROWARD	4580	BROWARD	4.00	BROWARD	93.0%	BROWARD	99.2%
CALHOUN	56	CALHOUN	0.36	CALHOUN	74.1%	CALHOUN	100.0%
CHARLOTTE	1565	CHARLOTTE	3.20	CHARLOTTE	100.1%	CHARLOTTE	100.0%
CITRUS	1065	CITRUS	1.20	CITRUS	93.3%	CITRUS	99.9%
CLAY	623	CLAY	0.95	CLAY	87.6%	CLAY	99.9%
COLLIER	1743	COLLIER	3.20	COLLIER	85.3%	COLLIER	98.7%
COLUMBIA	249	COLUMBIA	0.56	COLUMBIA	89.0%	COLUMBIA	100.0%
MIAMI-DADE	5114	MIAMI-DADE	2.66	MIAMI-DADE	111.1%	MIAMI-DADE	94.4%
DESOTO	131	DESOTO	0.9	DESOTO	77.9%	DESOTO	100.0%
DIXIE	80	DIXIE	0.56	DIXIE	66.4%	DIXIE	100.0%
DUVAL	2809	DUVAL	0.95	DUVAL	84.9%	DUVAL	99.9%
ESCAMBIA	1198	ESCAMBIA	1.45	ESCAMBIA	98.3%	ESCAMBIA	99.6%
FLAGLER	585	FLAGLER	0.75	FLAGLER	78.9%	FLAGLER	98.3%
FRANKLIN	80	FRANKLIN	1.00	FRANKLIN	73.5%	FRANKLIN	100.0%
GADSDEN	177	GADSDEN	1.00	GADSDEN	94.4%	GADSDEN	100.0%
GILCHRIST	66	GILCHRIST	0.45	GILCHRIST	32.5%	GILCHRIST	100.0%
GLADES	53	GLADES	3.20	GLADES	59.2%	GLADES	100.0%
GULF	100	GULF	0.36	GULF	83.3%	GULF	100.0%
HAMILTON	62	HAMILTON	0.56	HAMILTON	17.5%	HAMILTON	100.0%
HARDEE	74	HARDEE	0.33	HARDEE	76.8%	HARDEE	100.0%
HENDRY	122	HENDRY	3.20	HENDRY	79.4%	HENDRY	100.0%
HERNANDO	1019	HERNANDO	1.20	HERNANDO	94.4%	HERNANDO	99.9%
HIGHLANDS	543	HIGHLANDS	0.33	HIGHLANDS	95.1%	HIGHLANDS	99.3%
HILLSBOROUGH	3255	HILLSBOROUGH	1.50	HILLSBOROUGH	94.2%	HILLSBOROUGH	97.8%

Data Synthesis

Total Probate Filings	
County	5-year Average
HOLMES	99
INDIAN RIVER	823
JACKSON	248
JEFFERSON	67
LAFAYETTE	31
LAKE	1325
LEE	3190
LEON	904
LEVY	237
LIBERTY	30
MADISON	88
MANATEE	1437
MARION	1863
MARTIN	782
MONROE	391
NASSAU	347
OKALOOSA	655
OKEECHOBEE	199
ORANGE	2722
OSCEOLA	840
PALM BEACH	5213
PASCO	1869
PINELLAS	3947
POLK	2372
PUTNAM	418
ST. JOHNS	774
ST. LUCIE	1309
SANTA ROSA	542
SARASOTA	2281
SEMINOLE	1133
SUMTER	645
SUWANNEE	193

Assigned Judges	
County	Judges
HOLMES	0.36
INDIAN RIVER	0.50
JACKSON	0.36
JEFFERSON	1.00
LAFAYETTE	0.56
LAKE	1.20
LEE	3.20
LEON	1.00
LEVY	0.45
LIBERTY	1.00
MADISON	0.56
MANATEE	0.90
MARION	1.20
MARTIN	0.50
MONROE	0.50
NASSAU	0.95
OKALOOSA	1.45
OKEECHOBEE	0.50
ORANGE	1.75
OSCEOLA	1.75
PALM BEACH	1.30
PASCO	2.00
PINELLAS	2.00
POLK	0.33
PUTNAM	0.75
ST. JOHNS	0.75
ST. LUCIE	0.50
SANTA ROSA	1.45
SARASOTA	0.90
SEMINOLE	0.65
SUMTER	1.20
SUWANNEE	0.56

Clearance Rate	
County	5-year Average
HOLMES	85.5%
INDIAN RIVER	93.2%
JACKSON	90.3%
JEFFERSON	77.3%
LAFAYETTE	21.0%
LAKE	91.6%
LEE	87.2%
LEON	84.1%
LEVY	91.5%
LIBERTY	77.7%
MADISON	40.8%
MANATEE	89.6%
MARION	93.5%
MARTIN	96.9%
MONROE	89.6%
NASSAU	92.2%
OKALOOSA	102.1%
OKEECHOBEE	109.5%
ORANGE	95.3%
OSCEOLA	94.0%
PALM BEACH	99.3%
PASCO	89.1%
PINELLAS	96.4%
POLK	94.5%
PUTNAM	92.8%
ST. JOHNS	98.1%
ST. LUCIE	95.9%
SANTA ROSA	83.8%
SARASOTA	94.3%
SEMINOLE	82.8%
SUMTER	86.1%
SUWANNEE	83.3%

Percentage Uncontested	
County	6-year Average
HOLMES	100.0%
INDIAN RIVER	97.4%
JACKSON	98.1%
JEFFERSON	100.0%
LAFAYETTE	100.0%
LAKE	98.5%
LEE	98.7%
LEON	100.0%
LEVY	99.6%
LIBERTY	100.0%
MADISON	100.0%
MANATEE	100.0%
MARION	99.3%
MARTIN	99.2%
MONROE	100.0%
NASSAU	100.0%
OKALOOSA	100.0%
OKEECHOBEE	100.0%
ORANGE	97.5%
OSCEOLA	99.7%
PALM BEACH	98.2%
PASCO	99.7%
PINELLAS	95.6%
POLK	100.0%
PUTNAM	99.6%
ST. JOHNS	99.6%
ST. LUCIE	94.6%
SANTA ROSA	98.8%
SARASOTA	97.3%
SEMINOLE	99.7%
SUMTER	100.0%
SUWANNEE	100.0%

Data Synthesis

Total Probate Filings	
County	5-year Average
TAYLOR	100
UNION	35
VOLUSIA	2514
WAKULLA	143
WALTON	373
WASHINGTON	128

Assigned Judges	
County	Judges
TAYLOR	0.56
UNION	0.45
VOLUSIA	0.75
WAKULLA	1.00
WALTON	1.45
WASHINGTON	0.36

Clearance Rate	
County	5-year Average
TAYLOR	83.4%
UNION	93.1%
VOLUSIA	97.2%
WAKULLA	84.8%
WALTON	83.2%
WASHINGTON	84.1%

Percentage Uncontested	
County	6-year Average
TAYLOR	99.7%
UNION	96.7%
VOLUSIA	98.4%
WAKULLA	100.0%
WALTON	99.9%
WASHINGTON	100.0%

APPENDIX

E

50-STATE SURVEY – ALTERNATIVES TO FORMAL ADMINISTRATION

Alternatives to Formal Administration

I. Florida Law

Florida recognizes two exceptions to the formal administration of estates.

“Disposition without administration” is authorized when the estate of a decedent consists only of personal property not exceeding the value of exempt property, preferred funeral expenses, and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. [§ 735.301, Fla. Stat.](#) Upon application by affidavit, letter, or otherwise by any interested party, and if the court is satisfied that the requirements have been met, the court, by letter or other writing under the seal of the court, may authorize the payment, transfer, or disposition of the personal property, tangible or intangible, belonging to the decedent to those persons entitled. [§ 735.301\(2\), Fla. Stat.](#)

“Summary administration” is authorized when the value of the estate, less the value of property exempt from the claims of creditors, does not exceed \$75,000, or the decedent has been dead for more than two years. [§ 735.201, Fla. Stat.](#) Summary administration is initiated when the personal representative or any beneficiary files a verified petition. [§ 735.203\(1\), Fla. Stat.](#) Upon the filing of the petition for summary administration, the will, if any, is proved in accordance with chapter 733 and admitted to probate. [§ 735.206\(1\), Fla. Stat.](#) Prior to the court's order of summary administration, the petitioner must conduct a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors, serve a copy of the petition on those creditors, and make provision for their payment to the extent assets are available. [§ 735.206\(2\), Fla. Stat.](#) If the court determines that the estate qualifies for summary administration, it issues an order distributing the assets. [§ 735.206\(3\), \(4\), Fla. Stat.](#)

II. Informal Probate and Unsupervised Administration of Estates

a. States that have adopted the Uniform Probate Code (UPC)

The UPC, which has not been adopted by Florida,¹ provides two alternatives to formal administration. The UPC also specifically addresses uncontested probate proceedings. The states that have adopted these provisions are summarized in the chart below.

¹ *In re Swanson's Estate*, 397 So. 2d 465 (Fla. 2d DCA 1981) (Acknowledging that [§ 732.502\(2\), Fla. Stat.](#), is patterned on the UPC, but does not contain identical language).

"Informal probate" proceedings are an alternative to formal administration that involve the initial recognition of a will and the appointment of an executor. These proceedings are administrative in nature and conducted *ex parte* (without the need to notify interested parties) before nonjudicial court personnel, such as a registrar or clerk, rather than a judge.

"Unsupervised administration" is an alternative to formal administration that authorizes the personal representative to manage and close the estate without ongoing court supervision. Although the administration is unsupervised, the personal representative may still be subject to court oversight if disputes or complexities arise during the unsupervised administration.

UPC State	Informal Probate	Unsupervised Administration	Uncontested Formal Proceedings
Alaska	Registrar issues written statement of informal probate (Alaska Stat. Ann. § 13.16.085) and appoints a personal representative (Alaska Stat. Ann. § 13.16.115).	If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Alaska Stat. Ann. § 13.16.220(2) .	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of AS 13.16.180 (testator is dead, venue, statute of limitations) have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Alaska Stat. Ann. § 13.16.160.
Arizona	Registrar issues written statement of informal probate (Ariz. Rev. Stat. Ann. § 14-3302) and appoints a personal representative (Ariz. Rev. Stat. Ann. § 14-3307).	If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Ariz. Rev. Stat. Ann. § 14-3502(2) .	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of § 14-3409 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of

			an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Ariz. Rev. Stat. Ann. § 14-3405.
Colorado	Registrar issues written statement of informal probate (Colo. Rev. Stat. Ann. § 15-12-302) and appoints a personal representative (Colo. Rev. Stat. Ann. § 15-12-307).	If the decedent's will directs unsupervised administration such provision shall control unless the personal representative petitions for supervised administration, in which case such petition shall be granted unless the court finds that supervised administration is unnecessary for protection of persons interested in the estate. Colo. Rev. Stat. Ann. § 15-12-502(2)(b).	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 15-12-409 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of the attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Colo. Rev. Stat. Ann. § 15-12-405.
Hawaii	Registrar issues written statement of informal probate (Haw. Rev. Stat. Ann. § 560:3-302) and appoints a personal representative (Haw. Rev. Stat. Ann. § 560:3-307).	If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Haw. Rev. Stat. Ann. § 560:3-502(2).	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 560:3-409 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Haw. Rev. Stat. Ann. § 560:3-405.
Idaho	Registrar issues written statement of informal probate	If the decedent's will directs unsupervised administration, supervised administration shall be	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section

	(Idaho Code Ann. § 15-3-302) and appoints a personal representative (Idaho Code Ann. § 15-3-307).	ordered only upon a finding that it is necessary for protection of persons interested in the estate. Idaho Code Ann. § 15-3-502(2) .	15-3-409 of this Part have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Idaho Code Ann. § 15-3-405 .
Maine	Register issues written statement of informal probate (Me. Rev. State tit. 18-C, § 3-302) and appoints a personal representative (Me. Rev. Stat. tit. 18-C, § 3-307).	If the decedent's will directs unsupervised administration, the court may order supervised administration of the decedent's estate only upon a finding that it is necessary for protection of persons interested in the estate. Me. Rev. Stat. tit. 18-C, § 3-502(2) .	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 3-409 have been met or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Me. Rev. Stat. tit. 18-C, § 3-405 .
Massachusetts	Court or magistrate issues written statement of informal probate (Mass. Gen. Laws Ann. ch. 190B § 3-302) and appoints a personal representative (Mass. Gen. Laws	If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Mass. Gen. Laws Ann. ch. 190B, § 3-502(2) .	If evidence concerning execution of the will is necessary, the affidavit or testimony of 1 of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Mass. Gen. Laws Ann. ch. 190B, § 3-405 . Editors' Notes: UPC Comment – "If no hearing is required, uncontested formal probates can be

	.Ann. ch. 190B § 3-307).		completed on the strength of the pleadings. There is no good reason for summoning attestors when no interested person wants to force the production of evidence on a formal probate. Moreover, there seems to be no valid distinction between litigation to establish a will, and other civil litigation, in respect to whether the court may enter judgment on the pleadings.”
Michigan	Register issues written statement of informal probate (Mich. Comp. Laws Ann. § 700.3302) and appoints a personal representative (Mich. Comp. Laws Ann. § 700.3307).	If the decedent's will directs unsupervised administration, the court shall only order supervised administration on a finding that it is necessary for protection of persons interested in the estate. Mich. Comp. Laws Ann. § 700.3502(3)(b) .	If a petition in a testacy proceeding is unopposed, the court may either order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 34091 have been met or conduct a hearing in open court and require proof of the matters necessary to support the order sought. Mich. Comp. Laws Ann. § 700.3405(1) .
Minnesota	Registrar issues written statement of informal probate (Minn. Stat. Ann. § 524.3-302) and appoints a personal representative (Minn. Stat. Ann. § 524.3-307).	After notice to interested persons, the court shall order supervised administration of a decedent's estate if the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Minn. Stat. Ann. § 524.3-502 .	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 524.3-409 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Minn. Stat. Ann. § 524.3-405 .

<p>Montana</p>	<p>Clerk issues written statement of informal probate (Mont. Code Ann. § 72-3-212) and appoints a personal representative (Mont. Code Ann. § 72-3-222).</p>	<p>After notice to interested persons, the court shall order supervised administration of a decedent's estate only upon a finding that it is necessary for protection of persons interested in the estate if the decedent's will directs unsupervised administration. Mont. Code Ann. § 72-3-402(2)(b).</p>	<p>If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of 72-3-313 and 72-3-316 have been met or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Mont. Code Ann. § 72-3-307.</p>
<p>Nebraska</p>	<p>Registrar issues written statement of informal probate (Neb.Rev.St. § 30-2415) and appoints a personal representative (Neb.Rev.St. § 30-2420).</p>	<p>If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Neb. Rev. Stat. Ann. § 30-2440.</p>	<p>If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 30-2433 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Neb. Rev. Stat. Ann. § 30-2429.</p>
<p>New Mexico</p>	<p>Court issues written statement of informal probate (N.M. Stat. Ann. § 45-3-302) and appoints a personal representative (N.M.</p>	<p>After notice to interested persons, the district court shall order supervised administration of a decedent's estate if the decedent's will directs unsupervised administration, only upon a finding that supervised</p>	<p>If a petition in a formal testacy proceeding is unopposed, the district court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of Section 3-409 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order requested. N.M. Stat. Ann. § 45-3-405(A)</p>

	Stat. Ann. § 45-3-307).	administration is necessary for protection of persons interested in the estate. N.M. Stat. Ann. § 45-3-502(B)(2) .	
North Dakota	Court issues written statement of informal probate (N.D. Cent. Code Ann. § 30.1-14-02) and appoints a personal representative (N.D. Cent. Code Ann. §, 30.1-14-07).	If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. N.D. Cent. Code Ann. § 30.1-16-02(2) .	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 30.1-15-09 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. N.D. Cent. Code Ann. § 30.1-15-05
South Carolina	Court issues written statement of informal probate (S.C. Code Ann. § 62-3-302) and appoints a personal representative (S.C. Code Ann. § 62-3-307).	If the decedent's will directs no administration under Part 5 [sections 62-3-501 et seq.], then administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. S.C. Code Ann. § 62-3-502 . Reporter's comment: If administration under Part 5 (UPC – supervised administration) is not requested or ordered, there may be no compelling reason to employ all the available formal	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 62-3-409 have been met or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit (including an affidavit of self-proof executed in compliance with section 62-2-503) or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit.” S.C. Code Ann. § 62-3-405 .

		proceedings in the administration of an estate. S.C. Code Ann. § 62-3-501.	
South Dakota	Clerk issues written statement of informal probate (S.D. Codified Laws § 29A-3-302) and appoints a personal representative (S.D. Codified Laws § 29A-3-307).	After notice to interested persons, the court shall order supervised administration, if the decedent's will directs unsupervised administration, only upon a finding that it is necessary for the protection of persons interested in the estate. S.D. Codified Laws § 29A-3-502.	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of § 29A-3-409 have been met, or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument, including an affidavit of self-proof executed in compliance with § 29A-2-504 , is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. S.D. Codified Laws § 29A-3-405.
Utah	Registrar issues written statement of informal probate (Utah Code Ann. § 75-3-302) and appoints a personal representative (Utah Code Ann. § 75-3-307)	If the decedent's will directs unsupervised administration, supervised administration shall be ordered only upon a finding that it is necessary for protection of persons interested in the estate. Utah Code Ann. § 75-3-502(2).	If a petition in a testacy proceeding is unopposed, the court may order probate or intestacy on the strength of the pleadings if satisfied that the conditions of section 75-3-409 have been met or conduct a hearing in open court and require proof of the matters necessary to support the order sought. If evidence concerning execution of the will is necessary, the affidavit or testimony of one of any attesting witnesses to the instrument is sufficient. If the affidavit or testimony of an attesting witness is not available, execution of the will may be proved by other evidence or affidavit. Utah Code Ann. § 75-3-405.

<p>Wisconsin</p>	<p>Registrar issues written statement of informal probate and appoints a personal representative (Wis. Stat. Ann. § 865.08).</p>	<p>The personal representative shall proceed with the settlement and distribution of the decedent's estate and, except as provided by this chapter or required by interested persons, shall do so without adjudication, order or direction of the court. Wis. Stat. Ann. § 865.10(1)</p>	<p>The court may grant probate of an uncontested will on the execution in open court by one of the subscribing witnesses of a sworn statement that the will was executed as required by the statutes and that the testator was of sound mind, of full age, and not acting under any restraint at the time of the execution thereof. If an uncontested will contains an attestation clause showing compliance with the requirements for execution under s. 853.03 or 853.05 or includes an affidavit in substantially the form under s. 853.04(1) or (2), the court may grant probate without any testimony or other evidence. Wis. Stat. Ann. § 856.15(1)</p>
-------------------------	--	--	---

b. Non-UPC States

The following Non-UPC states authorize voluntary/independent administration of estates, which is similar to unsupervised administration:

- i. **California** – personal representative may petition court to request full or limited authority to independently administer estate. [Cal. Prob. Code § 10450](#). One example of independent authority: sales under fully independent administration are not subject to the statutory requirements that apply to sales made under court supervision. [Cal. Prob. Code § 10503](#).
 - 1. The Judicial Council of California has approved a mandatory form to be used for letters testamentary/letters of administration. It specifies whether the personal representative has full authority for independent administration, limited authority, or no authority to act without a court order.²
- ii. **Illinois** – unless the will, if any, expressly forbids independent administration, or if an interested party objects to independent administration and the court finds good cause as to require supervised administration, the court must grant independent administration when an order is entered appointing a personal representative or upon petition by the personal representative at any time during supervised administration. [755 ILCS 5/28-2](#).
- iii. **Indiana** – the personal representative (or decedent’s heirs if he dies intestate) may, at any time, petition the court for authority to have a decedent’s estate administered without court supervision. [Ind. Code Ann. § 29-1-7.5-1](#).

² A copy of this mandatory form can be found at https://www.courts.ca.gov/partners/documents/order_letter_instructions_packet.pdf#page=4.

- iv. **Nevada** - personal representative may petition court to request full or limited authority to independently administer estate. [Nev. Rev. Stat. Ann. § 143.340](#). Section 143.800 provides a template form for letters testamentary/letters of administration specifically for independent administration of estates. [Nev. Rev. Stat. Ann. § 143.800](#).
- v. **Texas** – “any action that a personal representative subject to court supervision may take with or without a court order may be taken by an independent executor without a court order.” [Tex. Est. Code Ann. § 402.002](#). A decedent may designate whether his will be settled through independent administration in his will. [Tex. Est. Code Ann. § 401.001](#). If a decedent’s will names an executor but does not provide for independent administration, the distributees of the decedent may agree to independent administration and designate such in the application for administration. [Tex. Est. Code Ann. § 401.002](#). Even if there is no will, a decedent’s distributees can agree to independent administration and designate such in an application for administration. [Tex. Est. Code Ann. § 401.003](#).
- vi. **Georgia** – If it is believed that no one will contest the will, common form probate can be chosen. *See, In re Lyons, 578 S.E.2d 241, 242 (Ga. Ct. App. 2003)*. Common form probate does not require notice to either beneficiaries or other persons. [Ga. Code Ann. § 53-5-17](#). However, probate in common form shall not become conclusive upon all parties in interest until four years from the date the order admitting the will to probate. [Ga. Code Ann. § 53-5-19](#).

III. States where Clerks/Registrars have broad authority

- a. **Arkansas** – The clerk of court has the authority to issue letters of administration or letters testamentary. [Ark. Code Ann. § 28-48-102](#); *see also* [Ark. Code Ann. § 26-59-120](#) (requiring probate clerk to immediately advise Revenue Division of the Department of Finance and Administration when the clerk issues letters of administration or letters testamentary).
- b. **Maryland** – Maryland authorizes probate of a will, and the grant of letters, to be accomplished through administrative probate by the register of wills as described in [Subtitle 3 Administrative Probate](#) (Title 5 Opening the Estate).
 - i. “[C]lose to 26,000 probate cases have been filed in Maryland in the past three years, but fewer than 1% were designated as requiring judicial handling.”³
- c. **Missouri** – “The probate division of the circuit court, or the clerk thereof, subject to modification or revocation by the court, shall grant letters testamentary and of administration.” [Mo. Ann. Stat. § 473.023](#).

³ D.C. Estate Administration Working Group, *Strengthening Probate Administration in the District of Columbia* (February 2022) (citing Vickie McCartney, *Off. of Reg. of Wills* (Stat. on Regular Jud. Ests., Last Three Years 2021) (on file with CCE)).

- d. **North Carolina** – “The clerk of superior court of each county, ex officio judge of probate, shall have jurisdiction of the administration, settlement, and distribution of estates of decedents including, but not limited to, estate proceedings as provided in [G.S. 28A-2-4.](#)” [N.C. Gen. Stat. Ann. § 28A-2-1.](#)
 - i. **Uncontested Estate Proceedings** – “Estate proceedings before the clerk of superior court that are uncontested may be decided without hearing according to practice and procedure provided by law and shall be commenced by the filing of a petition, setting forth the facts entitling the petitioners to relief and the nature of the relief demanded. In these proceedings, the clerk of superior court may hear and decide the petition summarily.” [N.C. Gen. Stat. Ann. § 28A-2-6\(b\).](#)
- e. **Pennsylvania** – [Section 3151, Pa. Stat.](#), states that the register of the county where the decedent had his last family or principal residence has the authority to grant letters testamentary or letters of administration.
- f. **Virginia** - The clerk of any circuit court, or any duly qualified deputy of such clerk, may admit wills to probate, appoint and qualify executors, administrators, and curators of decedents, and require and take from them the necessary bonds, in the same manner and with like effect as the circuit court. [Va. Code Ann. § 64.2-444\(A\).](#)

IV. **Small Estate Administration**

For small estates, there are two primary methods to distribute assets: “summary administration” and the “affidavit procedure.” Summary administration requires court approval before collecting assets, while the affidavit procedure allows for direct collection without court involvement. These procedures are available only for estates below certain maximum values, which vary by state. Due to differing policy goals, each state handles small estates differently, with few having identical rules. The chart⁴ below provides insight into how each state handles the administration of small estates.

⁴ Joseph N. Blumberg, American Bar Association, 51 FLAVORS - A Survey of Small Estate Procedures Across the Country, Prob. & Prop., July/August 2014 [https://www.westlaw.com/Document/I005fcec816c311e498db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cb1t1.0](https://www.westlaw.com/Document/I005fcec816c311e498db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cb1t1.0). The citations in Blumberg’s chart were updated by OSCA staff in June 2024.

STATE	SUMMARY ADMINISTRATION AND/OR AFFIDAVIT	STATUTE-- SUMMARY ADMINISTRATION	\$ CAP FOR SUMMARY ADMINISTRATION	WHO CAN OPEN SUMMARY ADMINISTRATION	STATUTE-- AFFIDAVIT	\$ CAP FOR AFFIDAVIT	WHO CAN SIGN AFFIDAVIT
ALABAMA	Court only (affidavit requires judge order)	Ala. Code §§ 43-2-690-696	\$25,000 (plus inflation adjustment)	Spouse then Distributees	n/a	n/a	n/a
ALASKA	Both	Alaska Stat. §§13.16.690-.695	Exemptions > assets	P.R.	Alaska Stat. §§ 13.16.680-.685	\$100,000 vehicles and \$50,000 other pers. prop.	Successor(s)
ARIZONA	Both	Ariz. Rev. Stat. §§14-3973-3974	Exemptions > assets	PR.	Ariz. Rev. Stat. §§14-3971-3972	\$75,000 pers. prop./\$100,000 real prop.	Successor(s)
ARKANSAS	Court only (affidavit requires court filing)	Ark. Code §§28-41-101-102	\$100,000	Distributee	n/a	n/a	n/a
CALIFORNIA	Affidavit only (summary court proceedings only for limited purposes)	Cal. Prob. Code §§13150-13158	\$166,250 (only if real prop, included in estate)	Successor	Cal. Prob. Code §§13100-13116	\$166,250 (real prop. & pers. prop.)	Successor/Any authorized party
COLORADO	Both	Colo. Rev. Stat. §§15-12-1203-1205	Exemptions > assets	P.R.	Colo. Rev. Stat. §§15-12-1201-1202	\$60,000 (plus inflation adjustment)	Any interested party
CONNECTICUT	Court only (affidavit requires judge order)	Conn. Gen. Stat. §§ 45a-273-277	\$40,000	Spouse then next of kin then interested party	n/a	n/a	n/a
DELAWARE	Affidavit only	n/a	n/a	n/a	12 Del. Code §§ 2306-2307	\$30,000	P.R./Trustee/Spouse/Descendant/Executor/Funeral Director
D.C.	Court only	D.C. Code §§ 20-351-355	\$40,000	P.R.	n/a	n/a	n/a
FLORIDA	Court only (other affidavit requires court order)	Fla. Stat. §§ 735.201-.2063	\$75,000	Beneficiary/P.R.	Fla. Stat. §735.301	Exempt pers. prop. or pers. prop. < funeral	Any interested party--Requires court approval

						and hospital expenses	
GEORGIA	Court only (except affidavit for bank account up to \$15,000)	Ga. Code Ann. §§ 53-2-40-42; Ga. Code Ann. § 7-1-239	Any amount, if all creditors and heirs consent	All heirs/P.R.	Ga. Code Ann. §7-1-239	\$15,000 in bank acct.	Spouse, children, heirs
HAWAII	Both	Haw. Rev. Stat. §§ 560:3-1203-1205	Exemptions > assets or \$100,000	P.R. Clerk (acting as P.R.)	Haw. Rev. Stat. §§560:3-1201-1202	\$100,000 plus vehicles	Successor(s)
IDAHO	Both	Idaho Code §§15-3-1203-1205	Exemptions > assets	P.R.	Idaho Code §§15-3-1201-1202	\$100,000	Successor(s)
ILLINOIS	Affidavit only	n/a	n/a	n/a	755 Ill. Comp. Stat. § 5/25-1	\$100,000	Any interested party
INDIANA	Both	Ind. Code §§29-1-8-3-4	\$50,000 (death between June 30, 2006 and July 1, 2022) \$100,000(death after June 30, 2022)	P.R.	Ind. Code §§29-1-8-1-2-5	\$50,000 (death between June 30, 2006 and July 1, 2022) \$100,000(death after June 30, 2022)	Claimant
IOWA	Both	Iowa Code §§ 635.1, et seq.	\$200,000	P.R.	Iowa Code § 633.356	\$50,000	Successor(s)
KANSAS	Both	Kan. Stat. Ann. § 59-1507	Exemptions > assets	Executor/Administrator	Kan. Stat. Ann. §59-1507b	\$75,000	Successor(s)
KENTUCKY	Court only	Ky. Rev. Stat. § 395.455	Exemptions > assets	Spouse/P.R.	n/a	n/a	n/a
LOUISIANA	Both (affidavit only allowed if intestate)	La. Code Civ. Proc. art. 3001, et seq.	Any amount, if all heirs consent and estate is relatively free of debt	Heirs	La. Code Civ. Proc. art. 3421, et seq.	\$125,000(only allowed if intestate or if testate and domiciled in LA with immovable property)	Pub. Admin./Two heirs
MAINE	Both	Me. Rev. Stat. tit. 18-C, §§ 3-1203-1204	Exemptions > assets	P.R.	Me. Rev. Stat. tit. 18-C, §§ 3-1201-1202	\$40,000	Successor(s)

MARYLAND	Court only	Md. Code Ann., Est. & Trusts §§ 5-601-607	\$50,000 or \$100,000 if spouse is sole heir	Heir/P.R./Any interested party	n/a	n/a	n/a
MASSACHUSETTS	Both (but affidavit must be filed in court)	Mass. Gen Laws. ch. 190B, §§ 3-1203-1204	Exemptions > assets	P.R.	Mass. Gen Laws. ch. 190B, §§ 3-1201-1202	\$25,000	Any interested party
MICHIGAN	Both	Mich. Comp. Laws §§ 700.3982, et seq.	\$50,000 (plus inflation adjustment)	P.R.	Mich. Comp. Laws §§ 700.3983-3984	\$50,000 (plus inflation adjustment)	Successor(s)r
MINNESOTA	Both	Minn. Stat. §§ 524.3-1203-1204	\$150,000	Any interested party	Minn. Stat. §§ 524.3-1201-1202	\$75,000	Successor(s)
MISSISSIPPI	Affidavit only	n/a	n/a	n/a	Miss. Code Ann. § 91-7-322	\$75,000	Successor(s)
MISSOURI	Court only (“affidavit” requires court filing)	Mo. Rev. Stat §§ 473.097, .100, .107	\$40,000	Distributees	n/a	n/a	n/a
MONTANA	Both	Mont. Code Ann. §§ 72-3-1103-1104	Exemptions > assets	P.R.	Mont. Code Ann. §§ 72-3-1101-1102	\$100,000	Successor(s)
NEBRASKA	Both	Neb. Rev. Stat. §§ 30-24, 127-128	Exemptions > assets	P.R.	Neb. Rev. Stat. §§ 30-24, 125-126, 129-130	Effective July 1, 2024:-\$100,000 for real estate/\$100,000 for pers. prop, and automobiles	Successor(s)
NEVADA	Both	Nev. Rev. Stat. § 146.070	\$100,000	Any interested party	Nev. Rev. Stat. § 146.080	\$25,000 (claimant other than surviving spouse)/\$100,000 (surviving spouse)	Successor(s)/Public administrator
NEW HAMPSHIRE	Court only (affidavit requires judge approval)	N.H. Rev. Stat. § 553:33	Any amount, if no debts and all legatees assent	Administrator	n/a	n/a	n/a

NEW JERSEY	Court only (affidavit requires court filing)	N.J. Stat. §§ 3B:10-3-4	\$50,000 if spouse, \$20,000 if heir	Spouse/Heir	n/a	n/a	n/a
NEW MEXICO	Both	N.M. Stat. §§45-3-1203-1204	Exemptions > assets	P.R.	N.M. Stat. §§45-3-1201-1202, 1205-1206	\$50,000/homestead	Successor(s)
NEW YORK	Court only (affidavit requires court filing)	N.Y. Surr. Ct. Pro. §§1301-1312	\$50,000	Spouse/Heirs/Creditors	n/a	n/a	n/a
NORTH CAROLINA	Both (but affidavit only allowed if intestate and must be delivered to court)	N.C. Gen. Stat. §§28A-28-1-7	Available only to spouse if sole heir	Spouse	N.C. Gen. Stat. §§28A-25-1-7	\$30,000 if sole spouse (only allowed if intestate), \$20,000 otherwise	Spouse/Heirs
NORTH DAKOTA	Both	N.D. Cent. Code §§ 30.1-23-03-05	Exemptions > assets	P.R.	N.D. Cent. Code §§30.1-23-01-02	\$50,000	Successor(s)
OHIO	Court only	Ohio Rev. Code §§2113.01-.14	\$35,000, or \$100,000 if spouse is sole heir or sole devisee survives	Any interested party	n/a	n/a	n/a
OKLAHOMA	Court only, except affidavit authorized for \$50,000 bank account only	Okla. Stat. tit. 58. §§241-247	\$150,000	P.R.	Okla. Stat. tit. 6. § 906	\$50,000, bank acct. only	Heirs
OREGON	Both (but affidavit must be filed in court)	Or. Rev. Stat. § 114.510	\$75,000 pers. prop. & \$200,000 real prop. (\$275,000 total)	Successor(s)/P.R./State medical agencies	Or. Rev. Stat. §§114.505-.545	Same	Same
PENNSYLVANIA	Court, but affidavits	20 Pa. Cons. Stat. Ann. §§3101-3102	\$50,000	Any interested party	20 Pa. Cons. Stat. Ann. §3101	\$11,000 life ins., \$10,000 wages, \$10,000 banks	Heirs

	allowed for certain assets					and patient accts, \$11,000 unclaimed property.	
RHODE ISLAND	Court only (affidavit requires court filing)	R.I. Gen. Laws §§33-24-1-2	\$15,000	Any interested party	n/a	n/a	n/a
SOUTH CAROLINA	Both	S.C. Code §§62-3-1203-1204	\$25,000	P.R./Sole heir	S.C. Code §§62-3-1201-1202	\$25,000	Successor(s)
SOUTH DAKOTA	Affidavit only	n/a	n/a	n/a	S.D. Codified Laws §§29A-3-1201-1202 S.D. Codified Laws §§29A-3-1203	\$100,000 (personal property) \$50,000 (real property)	Successor(s)
TENNESSEE	Court only (except wages and other funds up to \$10,000)	Tenn. Code §§30-4-101-105	\$50,000	Any interested party, with consent of all next of kin	Tenn. Code §30-2-103	n/a (except wages and other funds up to \$10,000)	Spouse/Children
TEXAS	Court only (affidavit requires judge approval)	Tex. Est. Code §§ 205.001-.008	\$75,000 (pers. prop.) & “Homestead” (if only real prop, in estate)	Heirs	n/a	n/a	n/a
UTAH	Both	Utah Code §§75-3-1203-1204	Exemptions > assets	P.R.	Utah Code §§75-3-1201-1202	\$100,000; and 4 automobiles/boats /trailers	Successor(s)
VERMONT	Court only	14 Vt. Stat. Ann. §§1901-1903	\$45,000	Administrator or Executor	n/a	n/a	n/a
VIRGINIA	Both	Va. Code. § 64.2-602	\$25,000	Successor(s)	Va. Code § 64.2-601 (small assets) Va. Code § 64.2-510 (real estate – intestate estate)	\$50,000 (small assets) n/a (real estate)	Successor(s)

WASHINGTON	Affidavit only	n/a	n/a	n/a	Wash. Rev. Code §§ 11.62.010-.020	\$100,000	Successor(s)
WEST VIRGINIA	Court only	W.Va.Code §§44-3A-5	\$100,000, or unlimited if PR/spouse is sole beneficiary	P.R./Spouse if sole beneficiary	n/a	n/a	n/a
WISCONSIN	Both	Wis. Stat. §§867.01-.02	\$50,000 (if survived by spouse or minor children) or if exemptions > assets	Any person named in will; Any interested party	Wis. Stat. § 867.03	\$50,000	Heir/Guardian/Trustee
WYOMING	Both (but affidavit must be filed with county clerk)	Wyo. Stat. §2-1-205	\$200,000	Distributees	Wyo. Stat. §2-1-201	\$200,000	Distributees

V. Other unique probate code provisions

a. States with Specialized Probate Courts and Elected Probate Judges

- i. **Ohio** – Judges are elected specifically to serve as probate judges for six-year terms. *See* [Ohio Rev. Code Ann. § 2301.01](#).⁵
- ii. **Alabama** – probate judges are elected to serve six-year terms. [Ala. Code § 12-13-30](#).
- iii. **Connecticut**⁶ – probate judges are elected to serve four-year terms. [Conn. Gen. Stat. Ann. § 45a-18](#).
- iv. **Georgia** – probate judges are elected to serve four-year terms. [Ga. Code Ann. § 15-9-1](#).
- v. **Michigan**⁷ – probate judges are elected to serve six-year terms. [MI CONST Art. 6, § 16](#).
- vi. **Maine** – judges of probate and registers of probate are elected to serve four-year terms. [Me. Const. art. VI, § 6](#); *see also* [Me. Rev. Stat. tit. 4, § 301](#).

⁵ In several of the smaller counties, judges are elected to serve in more than one court. *See* [Ohio Rev. Code Ann. § 2301.02](#).

⁶ Connecticut is divided into probate districts, and each district is comprised of one or more town. [Conn. Gen. Stat. Ann. § 45a-2](#). The Chief Justice of the Connecticut Supreme Court appoints a Probate Court Administrator from among the judges elected to serve in probate court. [Conn. Gen. Stat. Ann. § 45a-74](#).

⁷ Each county in Michigan has its own probate court except for 10 counties which have consolidated to form five probate court districts. *See* [MI CONST Art. 6, § 15](#).

- vii. **Rhode Island** – each city/town in Rhode Island has a probate court with judges elected by the city/town council. [8 R.I. Gen. Laws Ann. § 8-9-4](#).
- viii. **South Carolina** – probate judges are elected to serve four-year terms. [S.C. Code Ann. § 14-23-30](#). Acts and orders in South Carolina’s probate code that specify they are “performable by the court” may be performed by the probate judge or by a person as designated by written order (including clerks). [S.C. Code Ann. § 62-1-307](#).
- ix. **Vermont** – each probate district in each county elects one probate judge. The Chief Superior Judge may specially assign a probate judge to hear a case in a district other than the one in which the probate judge was elected. [Vt. Stat. Ann. tit. 4, § 272](#).

APPENDIX

F

INDEPENDENT PROBATE ADMINISTRATION RESEARCH SUMMARY

Independent Probate Administration Research Summary

This document provides an overview of probate processes in five states: Illinois, Maryland, Michigan, Minnesota, and Texas. It outlines the necessary steps for initiating independent or unsupervised probate, the responsibilities of personal representatives, and the requirements for closing an estate in each jurisdiction. Most states refer to “independent administration” as “unsupervised administration.” In Maryland “unsupervised administration” is known as “administrative probate” and “supervised administration” is known as “judicial probate.”

Process for Independent Probate Administration in Illinois

1. Application for Independent Probate or Appointment:
 - Anyone desiring to have letters of administration issued on the estate of decedent must file a petition in the court of the proper county.
 - The petition must state, if known, the name and place of residence of the decedent at the time of death, the date and place of death, the approximate value of the decedent's real and personal estate in Illinois, the names and post office addresses of all heirs, and whether any of them is a minor or person with a disability.
 - If the decedent has a will, the petition must also include, among other things, the will date; estate value; and names and addresses of heirs, legatees, and executor.
 - It must also include the name and address of the person nominated as administrator and the facts showing the right of the petitioner to act as or to nominate the administrator ([755 ILCS 5/6-2](#); [755 ILCS 5/9-4](#)).
2. Admission of Will to Probate:
 - A petition to admit a will to probate must be filed in the proper county and include details such as the testator's residence, date of death, will date, estate value, and the names and addresses of heirs, legatees, and the executor.
 - If the will involves a trust, the petition must name the trustee, but does not need to list trust beneficiaries who are not heirs or legatees. For letters of administration with the will annexed, additional details about the petitioner's right to act and the nominated administrator must be included.
 - If there are others entitled to administer or nominate an administrator, the petitioner must send a copy of the petition to them and file proof of mailing with the court.
 - A will can be admitted to probate when two attesting witnesses confirm the testator signed the will in their presence and was of sound mind, unless there is proof of fraud, forgery, or misconduct that invalidates the will. Witness statements can be provided in court, via an attestation clause, or through a signed affidavit. ([755 ILCS 5/6-2](#); [755 ILCS 5/6-4](#)).
3. Notice Requirements:
 - When independent administration is granted, the independent representative must include with the required notice to heirs or legatees (under Sections 6-10 or 9-5) an explanation of their rights and a petition form to terminate the independent administration (as outlined in subsection 28-4(a)). The representative must file proof of mailing with the court clerk.

- If an interested party objects to independent administration, the court may require supervised administration unless the will directs otherwise, and supervised administration is only mandated if necessary to protect the objector's interest ([755 ILCS 5/28-2](#)).
4. Clerk/Register's Duties:
- When the court clerk is required to publish a notice in a newspaper, the estate representative or their attorney can choose the newspaper. If the clerk publishes it in a different newspaper, they cannot charge for the cost unless the court specifies the publication outlet.
 - All original wills admitted to probate must remain in the custody of the clerk, unless the court orders otherwise.
 - The Circuit Clerk's office plays a key role in probate by managing estate files and documents, but clerks are barred from serving as personal representatives or preparing documents not mandated by law.
 - The Circuit Clerk or a deputy usually handles filed documents, and manages notice publications, though attorneys may handle notices in some cases ([705 ILCS 110/1](#); [755 ILCS 5/27-9](#); [755 ILCS 5/6-7](#); [705 ILCS 105/13](#)).
5. Personal Representative Duties:
- To qualify as an executor, an individual must be at least 18 years old, a U.S. resident, mentally sound, not disabled or incarcerated, and without a felony conviction (with certain exceptions).
 - If a named executor becomes qualified after probate, they can petition the court, take an oath, and give bond to serve as co-executor or sole executor if no one else is qualified.
 - Letters testamentary will be issued to the named executor upon probate of the will, provided they qualify and accept the role, unless waived.
 - A person with a felony conviction may act as executor if acknowledged in the will, legally permitted to inherit, and without prior financial crimes against vulnerable individuals; the court may also require nonresident executors to post a bond.
 - An independent representative has broad powers without court approval, allowing them to lease, sell, or mortgage property, continue the decedent's business, settle claims, employ professionals, and manage real estate, as long as these actions align with the will. They can also retain and invest estate assets using the prudent investor rule if the estate is solvent and all interested parties agree. ([755 ILCS 5/6-13](#); [755 ILCS 5/6-8](#); [755 ILCS 5/28-8](#)).
6. Closing the Estate:
- An independent representative is accountable to interested persons for estate administration but only needs to present court accounting if requested.
 - To seek discharge, the representative must mail an accounting to interested persons and file a verified report with the court detailing notifications and resolutions regarding heirs, creditors, and taxes.
 - The report must confirm that all claims have been addressed according to priority and that all taxes, expenses, and liabilities have been settled.

- The representative must certify that the estate's remaining assets have been distributed to the appropriate individuals and that fees for themselves and their attorney have been approved.
 - Notice of the report filing must be given to all interested persons, except creditors and heirs with signed approvals or receipts, and beneficiaries of trusts whose interests have been addressed. ([755 ILCS 5/28-11](#)).
7. Actions Taken After Probate is Final:
- If no notice is needed, the court will discharge the independent representative and close the estate.
 - When notice is required, the independent representative must send the report to entitled persons within 14 days, notifying them that objections must be filed within 42 days; the estate will close if no objections arise.
 - If an entitled person's address is unknown or the estate was opened based on presumed death, a public notice must be published for three weeks, starting within 14 days of the report's filing.
 - After 42 days, the independent representative may request a discharge, which will be granted if no objections are pending; if objections exist, the court may require a verified account.
 - The discharge order is binding on all who received notice or whose approval was filed, except for wards without a personal fiduciary, unless there was fraud, accident, or mistake. ([755 ILCS 5/28-11](#)).
8. Grounds for Setting Aside Independent Probate:
- The court may require supervised administration for minors or individuals with disabilities if their interests aren't represented, unless a fiduciary or guardian is involved; it can also allow independent administration with protective conditions.
 - If an interested party objects to independent administration, the court will usually require supervised administration unless specified otherwise in the will or if the objector is a creditor or non-residuary legatee, in which case it will be mandated only if necessary to protect their interests.
 - An interested person can petition to terminate independent administration, but if the will directs it, good cause must be shown; for creditors or non-residuary legatees, termination requires a finding of necessity for their protection.
 - Upon termination of independent administration, the representative must notify all known interested persons and file proof of mailing with the court.
 - After termination, the representative must follow supervised administration rules and comply with timelines for required actions, like filing an inventory or account.
 - Once independent administration is terminated, the representative cannot exercise powers from that status and is liable for unauthorized actions; however, the validity of their actions remains unless third parties are aware of the termination. ([755 ILCS 5/28-2](#); [755 ILCS 5/28-4](#)).
9. Hearings/Court Proceedings in Independent Probate:
- During independent administration, any interested person can petition the court for a hearing on matters related to the estate, following the same rules as supervised administration.

- If the independent representative seeks court instructions on exercising discretionary powers, they relinquish their discretion, allowing the court to make the decision. ([755 ILCS 5/28-5](#))

Process for Independent Probate Administration in Maryland

1. Application for Independent Probate or Appointment:
 - Administrative probate is initiated by an interested person filing a petition for probate with the register, seeking either the probate of a will or a determination of the decedent's intestacy, along with the appointment of a personal representative.
2. Admission of Will to Probate:
 - The register presumes the will's due execution if it appears properly executed and includes a statement from attesting witnesses confirming this.
 - If the will lacks this appearance or statement, the register can accept a verified statement from someone with personal knowledge of the execution circumstances, regardless of whether they were an attesting witness.
 - This process ensures that the validity of the will is established based on the documentation or credible testimony available. ([MD Code, Estates and Trusts, § 5-302](#); [MD Code, Estates and Trusts, § 5-303](#)).
3. Notice Requirements:
 - The proceeding can take place without prior notice and is final, although an interested party retains the right to request judicial probate in accordance with § 5-402 of this title. ([MD Code, Estates and Trusts, § 5-301](#)).
4. Clerk/Register's Duties:
 - Administrative probate is exclusively handled by the register of wills, requires no prior notice or formal court hearing, and is typically available immediately upon application.
 - After the appointment, the register issues letters to the personal representative.
 - The register is responsible for receiving, filing, and securely storing all original documents and maintaining a proper docket that records grants of letters and entries for every paper filed or order issued.
 - The register, in cooperation with the Attorney General, provides public instructional materials for probate procedures, regularly reviews and updates these materials, and offers assistance to individuals in preparing forms for administrative probate. ([Holt v. Ellis, Not Reported in Atl. Rptr. \(2022\)](#); [Md Code Ann., Est. & Trusts, § 6-103](#); [Md. Code Ann., Est. & Trusts § 2-208](#), [Md. Code Ann., Est. & Trusts § 2-211](#); [Md. Code Ann., Est. & Trusts § 2-212](#)).
5. Personal Representative Duties:
 - The register appoints personal representatives based on the petition for probate and may require additional verified proof before proceeding.
 - As a condition of appointment, the personal representative must file a statement accepting duties, any required bond, and consent to personal jurisdiction in Maryland for matters arising from their duties.
 - Once appointed, the register will issue letters of appointment to the personal representative.

- The letters include details such as the court’s name, decedent’s name, personal representative’s name, appointment date, probate date, register’s signature, and the certificate's issue date. ([Md. Code Ann., Est. & Trusts § 5-302](#); [Md. Code Ann., Est. & Trusts § 6-101](#); [Md. Code Ann., Est. & Trusts § 6-103](#)).
6. Closing the Estate:
- The estate is automatically closed when the final account is approved, and the personal representative’s appointment may terminate if requested in the final account.
 - If the appointment is not terminated by the final account, the personal representative can petition the court to terminate the appointment after the claim period has passed, with notice provided to all interested persons.
 - After the final account is filed, the independent representative must confirm all claims, taxes, and expenses are resolved and that remaining assets have been distributed, with approvals from all interested parties.
 - If no objections are raised within 20 days of report filing, the court will discharge the independent representative and close the estate; notice requirements vary depending on whether the entitled persons or creditors have waived notice or approved the report. ([Md Code Ann., Est. & Trusts, § 10-101](#)).
7. Actions Taken After Probate is Final:
- Actions taken after administrative probate are final and binding on all interested persons unless a timely request for judicial probate is filed within 6 months.
 - A defect in the petition or proceeding related to administrative probate does not affect the probate or the issuance of letters, except in specific cases outlined in the law. ([Md. Code Ann., Est. & Trusts § 5-304](#)
8. Grounds for Setting Aside Independent Probate:
- An administrative probate can be set aside and replaced with judicial probate if an interested person requests it within 18 months of the decedent's death.
 - Judicial probate may be granted if the proponent of a later will was unaware of its existence despite reasonable diligence, or if required notice was not given to the interested person.
 - Judicial probate may also be instituted within the period after administrative probate provided by section 5-304 of this title at the request of an interested person, by a creditor if there has been no administrative probate, if it appears the petition for administrative probate is materially incomplete or incorrect, if the will has been damaged in a significant way, or if it is alleged the will has been lost or destroyed.
 - The court may also set aside the probate if there was fraud, a material mistake, or significant irregularities in the prior probate proceedings. ([Md. Code Ann., Est. & Trusts § 5-402](#), [Md. Code Ann., Est. & Trusts § 5-304](#)).
9. Hearings/Court Proceedings in Independent Probate:
- An interested person can initiate judicial probate by filing a petition with the orphans' court if there are concerns like fraud, duress, or undue influence related to the will.
 - A petition to caveat a will, challenging its validity, can also serve as a request for judicial probate if filed before or after administrative probate.

- Filing for judicial probate automatically terminates any administrative probate that was previously granted.
- No specific grounds for removing the personal representative are needed when requesting judicial probate. ([Green v. Nelson, 227 Md.App. 698 \(2016\)](#); [Carrick v. Henley, 44 Md.App. 124 \(1979\)](#); [MD Code, Estates and Trusts, § 2-207](#)).

Process for Independent Probate Administration in Michigan

1. Application for Independent Probate or Appointment:
 - An interested person must file an application directed to the register.
 - The application must be sworn to be accurate and complete, including details such as the decedent's name, date of death, domicile, and the names and addresses of heirs and devisees.
 - If the decedent was not domiciled in Michigan, the application must show venue.
 - For informal probate of a will, the application must state that the original will is in the court's possession or accompanies the application, and that the will was validly executed.
 - For intestacy, the application must state the lack of any known testamentary instrument or justify why it is not being probated, and outline the priority of the proposed representative and others with equal or higher rights.
 - Applications for informal appointment of a personal representative must include details such as the will's execution date, time/place of probate, a statement adopting prior probate statements, and the proposed representative's name and address. ([M.C.L.A. 700.3301](#)).
2. Admission of Will to Probate:
 - A will must be declared valid either through a register's order of informal probate or a court's adjudication of probate for it to be effective in proving the transfer of property or nominating a personal representative, except when used solely to collect assets. ([M.C.L.A. 700.3102](#))
3. Notice Requirements:
 - A person seeking appointment as a personal representative must serve notice of intent to seek appointment and a copy of the application on each person with a prior or equal right to appointment who has not renounced this right in writing.
 - Notice must be served at least 14 days by mail or 7 days by personal service before the appointment.
 - If the address of any person with a prior or equal right is unknown, notice must be published at least 14 days prior to the appointment. ([MI Rules MCR 5.309](#)).
4. Clerk/Register's Duties:
 - The register must determine that the application is complete, the applicant is an interested person, venue is proper, and the will has been probated if applicable.
 - The register shall deny the application if a personal representative has already been appointed in this or another county, or if the decedent was not domiciled in Michigan and a personal representative has been appointed in the state of domicile. ([M.C.L.A. 700.3308](#)).
5. Personal Representative Duties:

- Successor appointments require referencing the previous testacy order, identifying the new and outgoing representatives, and specifying the new applicant's priority.
 - When succeeding a resigning or deceased personal representative, the applicant must adopt the prior appointment's statements, provide their name and address, and describe their priority.
 - By swearing to an application, the applicant submits to court jurisdiction for potential fraud or perjury claims.
 - Upon receiving a valid application, the register will appoint the proposed personal representative after required checks, with a delay if the decedent was a nonresident, unless otherwise directed.
 - The personal representative's powers, detailed in [section 700.3715](#) (powers for both supervised and unsupervised administration), are established upon appointment, though the role is subject to termination as outlined in sections 3608-3612, it cannot be retroactively vacated. ([M.C.L.A. 700.3301](#); [M.C.L.A. 700.3307](#), [M.C.L.A.](#))
6. Closing the Estate:
- A personal representative or a devisee under an informally probated will may petition the court for a settlement order that does not adjudicate the decedent's testacy status. A devisee can petition after one year from the personal representative's appointment.
 - The court cannot accept a petition until the time limit for presenting claims that arose before the decedent's death has passed.
 - The petition can request actions like reviewing the final account, compelling or approving distribution, interpreting the will, or finalizing estate settlement.
 - After notice and a hearing, the court may issue orders regarding estate distribution, approve settlements, and discharge the personal representative from further claims by involved devisees. If intestacy is involved, proceedings may be dismissed or amended accordingly. ([M.C.L.A. 700.3953](#)).
7. Actions Taken After Probate is Final:
- If no objection to the closing statement is filed within 28 days of its submission, the personal representative and their sureties are entitled to a certificate from the register, indicating that the estate has been fully administered. This certificate serves as evidence of the discharge of any lien on property securing the personal representative's obligation.
 - The certificate does not prevent actions against the personal representative or their sureties.
 - Unless adjudicated or barred, a successor or creditor's right to claim against the personal representative for breach of fiduciary duty is limited to 6 months after the filing of the closing statement.
 - Claims by heirs, devisees, or successor personal representatives to recover improperly distributed property are barred 3 years after the decedent's death or 1 year after the distribution, whichever is later, unless previously adjudicated.
 - The section does not bar claims for recovery of property or value received due to fraud, misrepresentation, or inadequate disclosure related to the estate settlement. ([M.C.L.A. 700.3958](#); [M.C.L.A. 700.3956](#); [M.C.L.A. 300.3957](#)).
8. Grounds for Setting Aside Independent Probate:

- The court can reopen a settled estate if newly discovered property is found after the personal representative has been discharged or one year has passed since the filing of the closing statement, or if there is good cause presented by an interested person.
 - Upon reopening, the court may appoint the same or a successor personal representative to manage the newly discovered estate, and any previously barred claims cannot be asserted in the new administration unless specified by the court. ([M.C.L.A. 700.3415](#)).
9. Hearings/Court Proceedings in Independent Probate:
- An interested person can initiate judicial probate by filing a petition with the orphans' court if they suspect fraud, duress, or undue influence related to the will.
 - A petition to caveat the will, which contests its validity, can also function as a request for judicial probate, applicable whether filed before or after administrative probate.
 - Filing for judicial probate automatically terminates any previously granted administrative probate.
 - There is no need to provide grounds for the removal of the personal representative when judicial probate is requested.
 - A personal representative must settle and distribute a decedent's estate promptly without court intervention, unless specified otherwise for supervised representatives, but may seek court guidance to resolve estate-related questions. ([M.C.L.A. 700.3415](#); [M.C.L.A. 700.3704](#)).

Process for Independent Probate Administration in Minnesota

1. Application for Independent Probate or Appointment:
- The process begins with an application directed to the registrar.
 - The application must be verified by the applicant and include detailed information such as the decedent's name, birthdate, date of death, domicile, and the names and addresses of the spouse, children, heirs, and devisees.
 - If the decedent was not domiciled in Minnesota, the application must show venue.
 - The application must also state whether the applicant has received or is aware of any demand for notice of any probate or appointment proceeding concerning the decedent.
 - If the application is for the independent probate of a will, it must include additional statements confirming that the original will is in possession of the court or accompanies the application, that the applicant believes the will was validly executed, and that no instrument revoking the will is known. The application must also confirm that the time limit for informal probate has not expired. ([M.S.A. § 524.3-301](#)).
2. Admission of Will to Probate:
- A will with required signatures and an attestation clause showing proper execution will be probated without further proof, but the registrar may rely on the will's appearance or a sworn statement if necessary.

- Informal probate of a will already probated elsewhere can be granted upon application and submission of an authenticated copy of the will and its prior probate statement.
 - Wills from places without post-death probate can be probated in the state if the registrar receives an authenticated copy of the will and a certificate confirming its legal validity. ([M.S.A. § 524.3-303](#)).
3. Notice Requirements:
- The moving party must give notice of the application for informal probate to any person demanding it and to any personal representative of the decedent whose appointment has not been terminated. Upon issuance of the written statement by the registrar, notice of the informal probate proceedings must be published once a week for two consecutive weeks in a legal newspaper in the county where the application is filed.
 - A copy of the notice must be mailed by ordinary first-class mail to all interested persons, other than creditors. If the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice must be given to the consul or other representative of such country if they reside in Minnesota and have filed a copy of their appointment with the secretary of state ([M.S.A. § 524.3-306](#)).
4. Clerk/Registrar's Duties:
- The registrar is responsible for issuing the written statement that allows the independent probate to proceed. The registrar's actions are conclusive as to all persons until superseded by an order in a formal testacy proceeding ([In re Estate of Strub, 907 N.W.2d 676 \(2018\)](#)).
5. Personal Representative Duties:
- For informal appointment of a personal representative under a will, the application must describe the will by its execution date, state probate details, and adopt prior probate statements while naming the proposed representative and their appointment priority.
 - For intestacy, the application must confirm there is no known valid will or explain why an existing will is not being probated, and state the priority of the proposed representative, along with others having equal or higher priority.
 - When succeeding a personal representative appointed under a different testacy status, the application must reference the prior testacy order, provide the name and address of both the incoming and outgoing representatives, and describe the applicant's priority.
 - To replace a resigning, deceased, or removed personal representative, the application must adopt prior statements, include the name and address of the successor, and describe their priority.
 - A person must be appointed by a court or registrar, qualify, and be issued letters to gain the powers and responsibilities of a personal representative for a decedent, officially commencing the estate's administration.

- Successor applications should reflect any specific changes to prior statements and ensure the succession is properly documented. ([M.S.A. § 524.3-301](#); [M.S.A. § 524.3-103](#)).
6. Closing the Estate:
- A personal representative may close an estate by filing a statement with the court at least four months after their original appointment, unless prohibited by a court order or if the estate is under supervised administration.
 - The statement must confirm that notice to creditors has been published, with the first publication occurring more than four months prior to filing.
 - The personal representative must indicate that all claims, administrative expenses, and taxes have been addressed, or provide details about any outstanding liabilities and arrangements made to accommodate them.
 - Prior to filing the closing statement, the personal representative must send copies to all distributees and known claimants whose claims remain unpaid or unbarred, along with a full account of the estate's administration.
 - If no proceedings involving the personal representative are pending one year after the closing statement is filed, the personal representative's appointment terminates, although their letters of appointment remain effective for that year. ([M.S.A. § 524.3-1003](#)).
7. Actions Taken After Probate is Final:
- If estate property is discovered after settlement and the personal representative is discharged or one year after a closing statement, the court or registrar may appoint the same or a successor personal representative to handle the newly discovered estate.
 - The newly appointed personal representative will follow applicable provisions of the estate administration, but previously barred claims cannot be asserted during this subsequent administration.
 - The personal representative may seek court orders to resolve outstanding debts, establish payment timelines, and authorize the sale of estate property to satisfy debts. ([M.S.A. § 524.3-1008](#); [In re Estate of Zych, 983 N.W.2d 466 \(2022\)](#)).
8. Grounds for Setting Aside Independent Probate:
- Rights of successors and creditors against a personal representative for breach of fiduciary duty are barred unless a proceeding is initiated within six months after the filing of the closing statement, unless previously adjudicated.
 - Judgment obtained through perjury, subornation of perjury, or any fraudulent act can be overturned within three years of discovering the fraud, with the conclusive presumption regarding signature requirements being deemed inapplicable.
 - A formal probate order for a will may be vacated due to excusable neglect if the objecting party demonstrates a reasonable claim on the merits, provides a valid excuse for the neglect, acts with due diligence, and shows that no significant prejudice was caused to the other party.
 - Procedural errors, such as failing to hold a hearing on all objections to a will, can also serve as grounds for setting aside probate. For instance, if a hearing is limited to only one issue when multiple objections exist, it may be considered an abuse of discretion. ([M.S.A. § 524.3-1005](#), [M.S.A. § 548.14](#); [In re Estate of McCue, 449 N.W.2d 509 \(1990\)](#)).

9. Hearings/Court Proceedings in Independent Probate

- A personal representative must settle and distribute the decedent's estate promptly and independently, without requiring court orders or supervision, unless specified otherwise for supervised estates. However, the personal representative can seek court intervention to address questions or issues regarding the estate or its administration.
- An interested person or other authorized individual must petition the court for supervised administration. If the decedent's will directs unsupervised administration, supervised administration will only be ordered if the court finds that invoking the court's authority is filed by an interested person. The court has broad discretion in making this determination and will weigh the evidence and balance the concerns of the opposing parties. ([M.S.A. § 524.3-704](#); [M.S.A. § 524.3-502](#); [In re Estate of Strub, 907 N.W.2d 676 \(2018\)](#)).

Process for Independent Probate Administration in Texas

1. Application for Independent Probate or Appointment:

- If a decedent's will names an executor but does not provide for independent administration, the distributees may agree on independent administration.
- The distributees can designate the named executor as the independent executor by including this request in the probate application or a separate document.
- They may request that no further probate court actions occur other than probating the will and returning an inventory, appraisal, and list of claims.
- The probate court will grant independent administration and appoint the designated independent executor unless it finds it against the estate's best interests.
- In cases where the decedent dies intestate; the distributees can agree to independent administration and designate a qualified person, firm, or corporation to serve as the independent administrator.
- The probate court will grant independent administration under the same conditions unless it's not in the estate's best interest. ([Tex. Est. Code Ann. § 401.002](#); [Tex. Est. Code Ann. § 401.003](#))

2. Admission of Will to Probate:

- Admission of Will: If the court determines that a will should be admitted to probate after a hearing, it will enter an order to that effect, allowing certified copies to be recorded in other counties and used as evidence.
- Probate Application Requirements: The applicant must prove that the testator is deceased, that less than four years have passed since their death, that the court has jurisdiction, that proper citation has been served, and that the applicant is entitled to letters testamentary or of administration.
- Proving an Attested Will: An attested will that is not self-proved may be validated through the sworn testimony or affidavit of one or more subscribing witnesses presented in court.
- Non-Resident Witnesses: If all subscribing witnesses are non-residents or unable to attend, the will can be proved via depositions or testimony of available witnesses concerning the signature or handwriting.

- Proving Wills Without Witnesses: If no witnesses are alive or available, the will may still be proved by the testimony of two witnesses to the handwriting of the subscribing witnesses or testator, or by one witness if diligently searched for.
 - Depositions Without Contest: If no contest has been filed, depositions to establish a will can be taken without the need to serve notice to an opposing party, following specific deposition procedures. ([Tex. Est. Code Ann. § 256.201](#); [Tex. Est. Code Ann. § 256.151](#); [Tex. Est. Code Ann. § 256.153](#); [Tex. Est. Code Ann. § 256.155](#)).
3. Notice Requirements:
- Within one month of receiving letters testamentary or of administration, a personal representative must notify creditors to present claims by publishing notice in a local newspaper and, if applicable, sending notice to the comptroller.
 - The notice must include the date the letters were issued, an address for claim submission, and instructions on how the claim should be addressed (to the representative, attorney, or estate).
 - If no local newspaper exists, the notice must be posted and filed according to the applicable legal requirements. ([Tex. Est. Code Ann. § 308.051](#)).
4. Clerk/Register's Duties:
- When Issuance of Letters Testamentary: An independent executor can request any number of letters testamentary from the clerk before their authority is terminated as specified by law.
 - Recording Foreign Wills: If a foreign will has been probated in the testator's domicile, the court clerk is required to record the will and its probate evidence in the probate docket. ([Tex. Est. Code Ann. § 501.004](#); [Tex. Est. Code Ann. § 405.010](#)).
5. Personal Representative Duties:
- If a decedent's will names an executor but does not provide for independent administration, distributees can agree to request independent administration.
 - The distributees may designate the named executor as the independent executor by including the request in the probate application or a separate document.
 - The request can limit further probate court actions to probating the will and returning an inventory and appraisal.
 - The probate court will grant independent administration unless it finds it against the estate's best interests.
 - If a decedent's will does not authorize the executor to sell property, the court can grant this authority in its order with consent from distributees who have an interest in the property.
 - The court will grant letters testamentary to an executor who is not disqualified and is willing to serve, but delays in issuing letters do not invalidate them if eventually done in accordance with the law.
 - The court may grant administration if a necessity exists, such as debts against the estate, partitioning the estate, recovering funds, or preventing public safety hazards related to the estate's real property. ([Tex. Est. Code Ann. § 306.002](#); [Tex. Est. Code Ann. § 306.001](#); [Tex. Est. Code Ann. § 401.006](#); [Tex. Est. Code Ann. § 401.002](#)).
6. Closing the Estate:
- An independent executor is not required to close the estate under Sections 405.003 or 405.004-405.007.
 - Any distributee can apply to close the estate once it has been fully administered and independent administration is no longer needed.

- After a hearing, the court may order the independent executor to file a closing report, terminate their authority, and release any sureties from future liability.
 - The court's closure order provides legal authority for asset transfers to distributees, who can enforce their rights through legal action if necessary. ([Tex. Est. Code Ann. § 405.009](#); [Tex. Est. Code Ann. § 405.012](#)).
7. Actions Taken After Probate is Final:
- Creditors can still sue the independent executor to enforce payment of debts or claims against the estate, with judgments executed against estate assets held by the executor.
 - Interested parties may petition the court for an accounting and distribution of the estate after 12 months from tax payments or three years from the start of independent administration.
 - The independent executor can seek a judicial declaration to close the estate and discharge liability, retaining a reasonable reserve of assets for this purpose.
 - Once the court approves the final account, those entitled to distribution have the right to demand their share.
 - The probate court retains jurisdiction to order distribution of estate property even after a family settlement agreement, if some property remains undistributed. ([Tex. Est. Code Ann. § 403.059](#); [Matter of Estate of Minnick, 653 S.W.2d 503 \(1983\)](#); [Texas Commerce Bank-Rio Grande Valley, N.A. v. Correa, 28 S.W. 3d 723 \(2000\)](#); [Carter ex rel. Estate of Haley v. Campbell, 427 S.W.3d 503 \(2014\)](#)).
8. Grounds for Setting Aside Independent Probate:
- Contestants must demonstrate the testator's incapacity by a preponderance of the evidence, focusing on their mental state at the time the will was executed.
 - Contestants need to show that the testator was coerced or manipulated into creating the will, which does not reflect their true intentions.
 - A will can be contested if probate proceedings fail to comply with legal requirements, such as improper authentication or witness signatures.
 - An interested person must contest a will's validity within two years of its probate date, or within two years of discovering forgery or fraud, while an incapacitated person may contest it within two years of their disabilities being removed. ([Jowers v. Smith, 237 S.W.2d 805 \(1950\)](#); [In Estate of Romo, 503 S.W.3d 672 \(2016\)](#); [Tex. Est. Code Ann. §256.204](#))
9. Hearings/Court Proceedings in Independent Probate:
- Once an independent administration is established and the independent executor is appointed, no further probate court actions are allowed unless explicitly authorized by law.
 - The independent executor must file an inventory, appraisal, and list of claims, which must be approved by the court, or an affidavit may be filed in lieu of these documents.
 - If a will does not fully distribute the estate or if there is no probated will, the independent executor may petition the court for partition and distribution or an order of sale for any portion of the estate deemed undividable.
 - Any partition, distribution, or sale of the estate must follow the procedures established for supervised estates regarding property partitioning and sales. ([Tex. Est. Code Ann. § 402.001](#); [Tex. Est. Code Ann. § 405.008](#)).

APPENDIX

G

EXPANDED CLERK DUTIES

Probate – Expanded Clerk Duties

This document examines the specific duties and powers of court clerks in probate matters in North Carolina, Virginia, and Pennsylvania. It outlines the clerk's jurisdiction and judicial powers, with statutory references and relevant case law to illustrate the clerk's role in estate administration.

North Carolina

1. Exclusive Original Jurisdiction

- *N.C. Gen. Stat. Ann. § 28A-2-1.*
 - The clerk of superior court of each county, ex officio judge of probate, shall have jurisdiction of the administration, settlement, and distribution of estates of decedents including, but not limited to, estate proceedings.

- *N.C. Gen. Stat. Ann. § 28A-2-4.*
 - The clerk's jurisdiction over estate proceedings includes:
 - Probate of wills.
 - Granting and revoking of letters testamentary and letters of administration, or other proper letters of authority for the administration of estates.
 - Determination of the elective share for a surviving spouse.
 - The clerk lacks jurisdiction regarding:
 - Proceedings to ascertain heirs or devisees.
 - Approving settlement agreements.
 - Determining questions of construction of wills.
 - Determining priority among creditors.
 - Determining whether a person is in possession of property belonging to an estate.
 - Ordering the recovery of property of the estate in possession of third parties.
 - Determining the existence or nonexistence of any immunity, power, privilege, duty, or right.
 - Any party or the clerk may file a notice of transfer of a proceeding to the Superior Court Division of the General Court of Justice.

- *Case Law Examples*
 - *Livesay v. Carolina First Bank*, 683 S.E.2d. 453 (2009) (The clerk of superior court, acting as ex officio judge of probate, is given exclusive original jurisdiction in the administration of decedents' estates except in cases where the clerk is disqualified to act.).
 - *In re Pitchi's Est.*, 57 S.E.2d 649, 651 (N.C. 1950) (“When the appointment has been made and letters of administration have been issued, the letters are valid.”).

2. *Concurrent Jurisdiction*

- *N.C. Gen. Stat. Ann. § 28A-2-3.*
 - Whenever the clerk of superior court is a subscribing witness to a will offered for probate in the clerk's county or has an interest, direct or indirect, in an estate or trust within the clerk's jurisdiction, jurisdiction with respect thereto shall be vested in the senior resident superior court judge of the clerk's district, and shall extend to all things which the clerk of superior court might have done in the administration of such estate.
- *Case Law Example*
 - *Beck v. Beck*, 245 S.E.2d 199 (1978) (Where there was no allegation that clerk of superior court was disqualified to act and there were no proceedings before the clerk on claims against estate for administrator's fees and related expenses, the superior court lacked jurisdiction to hear the claims.).

3. *Judicial Powers*

- *N.C. Gen. Stat. Ann. § 7A-103.*
 - The clerk of superior court is authorized to:
 - (1) Issue subpoenas to compel the attendance of any witness residing or being in the State, or to compel the production of any document or paper, material to any inquiry in his court.
 - (2) Administer oaths, and to take acknowledgment and proof of the execution of all instruments or writings.
 - (3) Issue commissions to take the testimony of any witness within or without the State.

- (4) Issue citations and orders to show cause to parties in all matters cognizable in his court, and to compel the appearance of such parties.
- (5) Enforce all lawful orders and decrees, by execution or otherwise, against those who fail to comply therewith or to execute lawful process. Process may be issued by the clerk, to be executed in any county of the State, and to be returned before him.
- (6) Certify and exemplify, under seal of his court, all documents, papers or records therein, which shall be received in evidence in all the courts of the State.
- (7) Preserve order in this court, punish criminal contempt, and hold persons in civil contempt.
- (8) Adjourn any proceeding pending before him from time to time.
- (9) Open, vacate, modify, set aside, or enter as of a former time, decrees or orders of his court.
- (10) Enter default or judgment in any action or proceeding pending in his court as authorized by law.
- (11) Award costs and disbursements as prescribed by law, to be paid personally, or out of the estate or fund, in any proceeding before him.
- (12) Compel an accounting by magistrates and compel the return to the clerk of superior court by the person having possession thereof, of all money, records, papers, dockets and books held by such magistrate by virtue or color of his office.
- (13) Grant and revoke letters testamentary, letters of administration, and letters of trusteeship.
- (14) Appoint and remove guardians and trustees, as provided by law.
- (15) Audit the accounts of fiduciaries, as required by law.
- (16) Exercise jurisdiction conferred on him in every other case prescribed by law.

- *Case Law Examples*

- *In re Wood's Will*, 81 S.E.2d 127 (N.C. 1954) (Clerk of Superior Court has full power in first instance to determine whether a decedent died testate or intestate and, if he died testate, whether script in dispute is his will.).
- *In re Watson*, 318 S.E.2d 544 (N.C. 1984) (Clerk of superior court correctly treated voluntarily dismissed wrongful death action as a “claim” against decedent's estate and acted within his authority in

correcting his erroneous discharge of the administrator of the estate by ordering the administrator to continue as such upon learning of the order permitting the action to be refiled.).

Virginia

1. Jurisdiction

- *VA Const. Art. 6, § 8.*
 - The General Assembly may provide for additional judicial personnel, such as judges of courts not of record and magistrates or justices of the peace, and may prescribe their jurisdiction and provide the manner in which they shall be selected and the terms for which they shall serve.
 - The General Assembly may confer upon the clerks of the several courts having probate jurisdiction, jurisdiction of the probate of wills and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of persons adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

- *VA Code Ann. § 64.2-443.*
 - The circuit courts shall have jurisdiction of the probate of wills. A will shall be offered for probate in the circuit court in the county or city wherein the decedent has a known place of residence; if he has no such known place of residence, then in a county or city wherein any real estate lies that is devised or owned by the decedent; and if there is no such real estate, then in the county or city wherein he dies or a county or city wherein he has estate.

- *Case Law Example*
 - *First Church of Christ, Scientist v. Hutchings*, 163 S.E.2d 178 (Va. 1968) (In admitting will to probate, clerk acts in judicial capacity and order made by him, admitting or rejecting will, is as much a judgment as though entered by court and is a judgment *in rem* whose validity can be drawn in question only in manner and within time prescribed by law.).

2. Judicial Powers

- *VA Code Ann. § 64.2-444.*
 - The clerk of any circuit court, or any duly qualified deputy of such clerk, may admit wills to probate, appoint and qualify executors, administrators, and curators of decedents, and require and take from them the necessary bonds, in the same manner and with like effect as the circuit court.
 - The clerk shall keep an order book, in which shall be entered all orders made by him, or his deputy, in performance of his duties, except probate orders that are recorded in the will book need not be entered in the order book.

- *Case Law Example*
 - *Beavers v. Beavers*, 39 S.E.2d 288 (1946) (Clerk of circuit court had power to appoint distributee who applied as administrator with will annexed, and such distributee was one of the statutory preferred class.).

Pennsylvania

1. Jurisdiction

- *20 Pa.C.S.A. § 901.*
 - Within the county for which he has been elected or appointed, the register shall have jurisdiction of the probate of wills, the grant of letters to a personal representative, and any other matter as provided by law.

- *Case Law Examples*
 - *Whitby v. Cottrell*, 62 Pa. D. & C.2d 797, 798 (Pa. Com. Pl. 1973) (The register of wills is the only judicial officer with jurisdiction to grant letters to a personal representative.).
 - *In re Culbertson's Est.*, 152 A. 540, 543 (1930) (“The jurisdiction of the register is limited to the determination as to whether the paper presented has been legally executed as the will of the deceased, and, if his action has been induced by fraud, the order following is void and may be set aside.”).

2. *Judicial Powers*

- *20 Pa.C.S.A. § 3151.*

- Letters testamentary or of administration on the estate of a decedent shall be granted only by the register.

- *20 Pa.C.S.A. § 906.*

- Bond. – When a caveat has been filed, the register shall not delay the probate of a will or the grant of letters for more than ten days after the filing of the petition for probate or for the grant of letters, or after the filing of the caveat, whichever shall be later, unless within such ten-day period a party in interest shall file with the register his bond in the name of the Commonwealth with sufficient surety in such amount, not less than \$500 or more than \$5,000, as the register considers necessary, conditioned for the payment of any costs which may be decreed against the caveator.
- Failure to give bond. – If no bond is filed within the ten-day period, the caveat shall be considered abandoned, except as the register, for cause shown, shall extend the time.
- Costs. – The register, or the court upon appeal, shall determine the amount of costs occasioned by a caveat and direct by whom they shall be paid. If all or part of the costs shall be finally decreed to be paid by the caveator, any party interested in the costs may bring suit on the caveator's bond as provided by law.

- *Case Law Examples*

- *In re Craig's Est.*, 109 A.2d 190, 195 (1954) (executor became “appointed representative of the court” at the time the register of wills granted letters of administration).
- *Erie Indem. Co. v. Greene*, 14 Pa. D. & C.2d 301 (1958) (the granting of letters is a judicial act which cannot be set aside in a collateral proceeding in the common pleas court).
- *Sheerin v. Beattie*, 76 A.2d 206 (1950) (The register of wills properly refused to probate a will where, before a formal decree of probate had been signed, verbal and written notice of intention to file a caveat had been given him by the attorney for contestant, followed in 20 days by entry of formal caveat and filing of statutory bond.).

APPENDIX

H

COMPARATIVE ANALYSIS OF PROBATE AFFIDAVIT PROCEDURES: FLORIDA & VIRGINIA

Comparative Analysis of Probate Affidavit Procedures: Florida & Virginia

The following chart compares the probate affidavit procedures in Florida and Virginia, focusing on the processes for disposing of a decedent's estate without formal administration. Both states allow for simplified disposition when the value of the estate falls below certain thresholds, but the requirements, timing, and types of property that can be transferred by affidavit vary significantly between the two jurisdictions. This chart highlights those differences, including the specific content required for affidavits, deadlines for filing, and the types of assets that can be transferred using this streamlined process.

General	Florida	Virginia
Court Involvement	<p>If the court is satisfied that the requirements have been met, it may authorize the payment, transfer, or disposition of personal property, tangible or intangible, belonging to the decedent to those persons entitled upon application by affidavit made by any interested party.</p> <p>§ 735.301(2), Fla. Stat.</p>	<p>Court action is not required. Any person having possession of a small asset (explained below) shall pay or deliver the small asset to the designated successor of the decedent upon being presented an affidavit made in compliance with the statute.</p> <p>§ 64.2-601, Va. Code.</p> <p>Small assets valued less than \$25,000 may be paid or delivered without an affidavit if greater than 60 days have elapsed since death and a personal representative has not been appointed or requested.</p> <p>§ 64.2-602, Va. Code.</p>
Asset Class	Florida	Virginia
Tangible Personal Property	<p>Content Requirements: Affidavit must state:</p> <p>1. Decedent's personal property is exempt or nonexempt and meets the threshold requirements (i.e., exempt property or nonexempt property covering specific</p>	<p>Content Requirements: Affidavit must state:</p> <p>1. The estate's value does not exceed \$50,000 in small assets. Small assets include any asset belonging or presently distributable to the decedent, other than real property, having a value, on the date of the decedent's death, of</p>

	<p>expenses). Tangible exempt personal property includes household furniture, furnishings, and appliances in the decedent's usual place of abode up to a net value of \$20,000 as of the date of death and two motor vehicles held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal motor vehicles.</p> <ol style="list-style-type: none"> 2. Property belongs to the decedent. 3. Identification of the rightful recipient. <p>Timing Requirements: No specific timing required before filing the affidavit. §§ 735.301, 732.402, Fla. Stat.</p>	<p>no more than \$50,000.</p> <ol style="list-style-type: none"> 2. At least 60 days have passed since death. 3. No personal representative has been appointed or requested. 4. The will, if any, has been admitted to probate. 5. Entitlement to the property. 6. Names and addresses of all successors. 7. The designated successor has a fiduciary duty: (a) to receive payment or delivery on behalf of all successors, and (b) to safeguard and promptly pay or deliver the small asset. § 64.2-601, Va. Code. <p>Timing Requirements: Affidavit may be filed 60 days after death. § 64.2-601, Va. Code.</p>
Intangible Personal Property	<p>Content Requirements: Affidavit must state:</p> <ol style="list-style-type: none"> 1. Decedent's personal property is exempt or nonexempt and meets the threshold requirements (i.e., exempt property or nonexempt property covering specific expenses). Intangible exempt property includes all qualified tuition programs and all benefits paid pursuant to s. 112.1915 (Teacher and School Administrator Death Benefits). 2. Property belongs to the decedent. 3. Identification of the rightful recipient. 	<p>Content Requirements: Affidavit must state:</p> <ol style="list-style-type: none"> 1. The estate's total value does not exceed \$50,000 in small assets. A small asset includes any bank account, savings institution account, credit union account, brokerage account, security, deposit, tax refund, overpayment, item of tangible personal property, or an instrument evidencing a debt, obligation, stock, or chose in action. 2. At least 60 days have passed since death. 3. No personal representative has been appointed or requested.

	<p>Timing Requirements: No specific timing required before filing the affidavit. §§ 735.301, 732.402, Fla. Stat.</p>	<p>4. The will, if any, has been admitted to probate. 5. Entitlement to the property. 6. Names and addresses of all successors. 7. The designated successor has a fiduciary duty: (a) to receive payment or delivery on behalf of all successors, and (b) to safeguard and promptly pay or deliver the small asset. § 64.2-601, Va. Code.</p> <p>Timing Requirements: Affidavit can be filed 60 days after death. § 64.2-601, Va. Code.</p>
Vehicles	<p>Content Requirements: Affidavit procedures are authorized if decedent leaves personal property exempt under the provisions of s. 732.402. Under this provision, exempt personal property includes up to two motor vehicles, which do not have a gross vehicle weight in excess of 15,000 pounds, held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal motor vehicles. § 735.301, Fla. Stat.</p> <p>Timing Requirements: No specific timing required before filing the affidavit. § 735.301, Fla. Stat.</p>	<p>Content Requirements: If the decedent held title to a motor vehicle and no personal representative has been appointed, an affidavit submitted to the Department of Motor Vehicles must state:</p> <ol style="list-style-type: none"> 1. Name, residence at the time of death, date of death, and the names of any other persons having an interest in the motor vehicle sought to be transferred and, if these persons are of legal age, their written consent. 2. There has not been and there is not expected to be a qualification on the estate. 3. The decedent's debts have been paid or that the proceeds from the sale of the motor vehicle will be applied against his debts. <p>§ 64.2-606-B., Va. Code. § 46.2-634, Va. Code.</p>

		<p>Timing Requirements: No specific timing required before filing the affidavit.</p> <p>§ 64.2-606(B), Va. Code.</p>
Securities and Stocks	<p>Content Requirements: Affidavit is authorized for nonexempt intangible personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.</p> <p>§ 735.301, Fla. Stat.</p> <p>Timing Requirements: No specific timing required before filing the affidavit.</p> <p>§ 735.301, Fla. Stat.</p>	<p>Content Requirements: Affidavit is authorized for intangible personal property, including brokerage accounts, if the estate's total value does not exceed \$50,000 in small assets.</p> <p>§ 64.2-601, Va. Code.</p> <p>Timing Requirements: Affidavit can be filed 60 days after death.</p> <p>§ 64.2-601, Va. Code.</p>
Funeral Expenses	<p>Content Requirements: The value of personal property disposed by affidavit may not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.</p> <p>§ 735.301, Fla. Stat.</p> <p>Timing Requirements: No specific timing required before filing the affidavit.</p> <p>§ 735.301, Fla. Stat.</p>	<p>Content Requirements: At the request of a successor, a funeral home may present an affidavit stating:</p> <ol style="list-style-type: none"> 1. It handled the funeral, if any, and the disposition of the decedent. 2. Name and address of the funeral establishment. 3. The amount owed. 4. The reasons and supporting evidence that the person to whom the affidavit is presented is in possession of a small assets belonging to the decedent.

		<p>5. No personal representative has been appointed or requested. § 64.2-604, Va. Code.</p> <p>Timing Requirements: Funeral expenses can be claimed 30 days after death. § 64.2-604, Va. Code.</p>
Medical Expenses	<p>Content Requirements: The value of nonexempt personal property disposed by affidavit may not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.</p> <p>Timing Requirements: No specific time limit for payment.§ 735.301, Fla. Stat.</p>	<p>Content Requirements: Medical expenses are not explicitly addressed in the Virginia small estate provisions, but creditor claims, including medical, would follow general creditor claims.</p> <p>Timing Requirements: Medical expenses may be addressed through general creditor claims, which can be made after 60 days from death. § 64.2-600 et seq., Va. Code.</p>
General Creditor Claims	<p>Content Requirements: Property subject to the affidavit process must be exempt from creditor claims or valued less than preferred funeral expenses and reasonable and necessary medical expenses of the last 60 days of illness. Any person, firm, or corporation paying, delivering, or transferring property under the authorization is forever discharged from liability thereon. § 735.301, Fla. Stat.</p>	<p>Content Requirements: Successor has a fiduciary duty to safeguard assets and address creditor claims. Affidavit must state that no personal representative has been appointed and that the successor will distribute the assets according to law. § 64.2-601, Va. Code.</p> <p>Timing Requirements: Can be filed 60 days after death, and creditors retain rights to enforce claims against the successor. § 64.2-601, Va. Code.</p>

	<p>Timing Requirements: No specific time limit. § 735.301, Fla. Stat.</p>	
<p>Real Property</p>	<p>Content Requirements: Real property cannot be transferred via affidavit. Real property requires formal probate administration. § 735.301 et seq., Fla. Stat.</p>	<p>Content Requirements: Real property is not included in Virginia’s small estate affidavit process. § 64.2-600 et seq., Va. Code.</p> <p>However, there is a separate affidavit process that can be used to transfer real property when a decedent dies intestate.</p> <p>Any person, including a qualified personal representative, interested in real estate that is part of an intestate decedent’s estate may execute an affidavit, on a form provided to each clerk of the court by the Office of the Executive Secretary of the Supreme Court, setting forth briefly:</p> <ol style="list-style-type: none"> 1. a description of the real estate owned by the decedent at the time of his death situated within the jurisdiction where the affidavit is to be recorded; 2. that the decedent died intestate; and 3. the names and last known addresses of the decedent's heirs at law. <p>The clerk of the court where the affidavit is recorded shall transmit the affidavit to the commissioner of revenue of the jurisdiction. Upon receipt of the affidavit, the commissioner may transfer the real estate</p>

		<p>upon the land books and assess the real estate in accordance therewith. § 64.2-510, Va. Code.</p> <p>Time requirements: No specific time limit in statute. § 64.2-510, Va. Code.</p>
Bank Accounts	<p>Content Requirements: Affidavit must state:</p> <ol style="list-style-type: none"> 1. Certified death certificate. 2. The affiant is the rightful family member. 3. Amount in all qualified accounts does not exceed \$1,000. 4. Date of death and address of decedent's last residence. 5. No probate or summary administration procedure has been commenced. 6. Affiant has no knowledge of the existence of any will relating to the estate. 7. Acknowledging that payment constitutes a full release and discharge. 8. Affiant understands they are liable to creditors for overpayment. 9. Affiant understands that making a false statement in the affidavit is a criminal offense. <p>Timing Requirements: Payment may not be made until 6 months after death. § 735.303, Fla. Stat.</p>	<p>Content Requirements: Bank accounts are considered small assets if the estate is valued at \$50,000 or less. Affidavit must meet the same requirements as for other small assets. § 64.2-601, Va. Code.</p> <p>Timing Requirements: Affidavit can be filed 60 days after death. § 64.2-601, Va. Code.</p>

<p>Intestate Small Estates</p>	<p>Content Requirements: Affidavit must state or include:</p> <ol style="list-style-type: none"> 1. Decedent died intestate leaving only exempt personal property or nonexempt personal property valued below the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. 2. Affiant’s relationship to the decedent. 3. No probate proceedings have been initiated. 4. Affiant has made a diligent search for creditors. 5. The proposed distribution makes provision for the payment of creditors. 6. The affidavit is signed and verified by the surviving spouse and any heirs. 7. The affidavit is served on all heirs who have not joined in the affidavit. 8. The Agency for Healthcare Administration must be notified If the decedent was over the age of 55 at the time of death. <p>§ 735.304, Fla. Stat.</p> <p>Timing Requirements: The decedent has been deceased for more than one year. § 735.304(1), Fla. Stat.</p>	<p>Content Requirements: Intestate estates are handled under general small estate affidavit provisions; no separate intestate affidavit procedure exists in Virginia. § 64.2-600 et seq., Va. Code Ann.</p> <p>Timing Requirements: Affidavit can be filed 60 days after death under the small estate procedures. § 64.2-601, Va. Code.</p>
--------------------------------	--	---

<p>Income Tax Refunds</p>	<p>Content Requirements: If the income tax refund is \$2,500 or less, the affidavit must state:</p> <ol style="list-style-type: none"> 1. The decedent was not indebted. 2. Provision has been made for the payment of the decedent's debts, or that the entire estate is exempt from the claims of creditors under the constitution and statutes of the state. 3. No administration of the estate, including summary administration, has been initiated and that none is planned, to the knowledge of the applicant. 4. Affiant's relationship to the decedent. <p>§ 735.302, Fla. Stat.</p> <p>Timing Requirements: No specific time frame.</p> <p>§ 735.302, Fla. Stat.</p>	<p>Content Requirements: Income tax refunds are treated as part of the decedent's personal property under the small estate affidavit provisions.</p> <p>§ 64.2-600, Va. Code.</p> <p>Affidavit must state the value of the tax refund as part of the estate's total value does not exceed \$50,000. § 64.2-601, Va. Code.</p> <p>Timing Requirements: The affidavit can be filed 60 days after death, with the refund included in the total estate value.</p> <p>§ 64.2-601, Va. Code.</p>
---------------------------	--	--

APPENDIX

I

MEMORANDUM ON PROBATE FRAUD PREVENTION STRATEGIES

Memorandum

TO: Workgroup on Uncontested Probate Proceedings
FROM: Dustin Metz, Chief of Innovations and Outreach
DATE: October 16, 2024
SUBJECT: Probate Fraud Prevention Strategies

I. Introduction

This memorandum addresses two key points: (1) an overview of traditional probate fraud detection and reduction measures, and (2) a summary of probate fraud prevention techniques and strategies used in other states.

II. Traditional Fraud Detection and Reduction Measures in Probate Law

Probate law contains various mechanisms to reduce fraud, undue influence, and other misconduct. These traditional safeguards focus on formalities, procedural requirements, and fiduciary duties.

A. Formalities in Will Execution

The requirement of strict compliance with will formalities—such as a signed, written will witnessed by two disinterested parties—serves several purposes, including fraud prevention.¹ These formalities create a clear record of the testator’s intentions and make it difficult for fraudulent actors to introduce fabricated documents.

1. Ritual Function: Will formalities emphasize the seriousness of the decision-making process and ensure that the testator is aware of the legal significance of their actions.²
2. Evidentiary Function: The requirement of a written document and witnesses provides reliable evidence that the testator executed the will voluntarily and with intent.³

¹ Mark Glover, Decoupling the Law of Will-Execution, 88 St. John's L. Rev. 597, 628 (2014).

² Mark Glover, Formal Execution and Informal Revocation: Manifestations of Probate's Family Protection Policy, 34 Okla. City U.L. Rev. 411, 426 (2009).

³ Glover (2014), *supra* note 1, at 614-618.

3. Protective Function: By having witnesses, particularly disinterested ones, the formalities offer a layer of protection against undue influence, coercion, or fraud.⁴

B. Fiduciary Duties of Executors

Executors of estates are held to fiduciary standards, meaning they must act in good faith, with loyalty, and in the best interests of the estate and beneficiaries.⁵ Executors who breach these duties by committing fraud or embezzlement can be held accountable through removal and civil liability.⁶

C. Contesting Wills Based on Fraud and Undue Influence

A will that is shown to be the result of fraud, undue influence, or duress is invalid.⁷ Fraud can occur in two forms: fraud in the inducement and fraud in the execution. Fraud in the inducement involves misleading the testator about a material fact to influence their decisions,⁸ while fraud in the execution involves misrepresenting the content or nature of the will.⁹

Undue influence occurs when the testator's free agency and willpower are destroyed or hampered by over persuasion, duress, force, coercion, or artful or fraudulent contrivances.¹⁰ Courts apply a burden-shifting mechanism in cases of undue influence. Once suspicious circumstances are shown, the burden shifts to the proponent of the will to prove that it was executed without undue influence.¹¹

III. Summary of Probate Fraud Prevention in Other States

While the research did not reveal extensive examples of state-specific innovations in probate fraud prevention, some relevant practices were identified.¹² Florida has adopted many reforms proposed in the literature, which are primarily focused on deterring fraud. These include:

⁴ Glover (2009), *supra* note 2, at 427-428.

⁵ § 733.602, Fla. Stat. (2024); § 733.609, Fla. Stat. (2024).

⁶ § 733.504, Fla. Stat. (2024); § 733.609, Fla. Stat. (2024).

⁷ § 732.5165, Fla. Stat. (2024).

⁸ *See DeWitt v. Duce*, 408 So. 2d 216, 219 (Fla. 1981).

⁹ *See Allen v. Dalk*, 826 So. 2d 245, 249 (Fla. 2002) (Anstead, concurring).

¹⁰ *Gardiner v. Goertner*, 149 So. 186, 189 (Fla. 1932).

¹¹ § 733.107, Fla. Stat. (2024); Fla. Prob. R. 5.275.

¹² This may be attributed, in part, to the relative infrequency of probate fraud. *See, e.g.*, Mark Glover, Minimizing Probate-Error Risk, 49 U. Mich. J.L. Reform 335, 355 (2016) (fraudulent wills are rare); Ronald J. Scalise, Jr., Will Formalities in Louisiana: Yesterday, Today, and Tomorrow, 80 La. L. Rev. 1331, 1407 (2020) (“Fraud is rare.”) (quoting James Lindgren, Abolishing the Attestation Requirement for Wills, 68 N.C.L. Rev. 541, 573 (1990)).

1. Private Cause of Action for Elder Abuse: A vulnerable adult who has been abused, neglected, or exploited may bring a civil action for damages, including punitive damages, against the perpetrator.¹³ “Exploitation” includes actions such as breaching a fiduciary duty or misappropriating the vulnerable adult's funds, assets, or property.¹⁴ The action may be brought by the vulnerable adult, their guardian, the personal representative of their estate, or person or organization acting on behalf of the vulnerable adult.¹⁵
2. Guardianship Oversight: Wards in guardianship proceedings are protected by screening requirements¹⁶ and oversight of the guardian's management of the ward's assets.¹⁷ In the past decade, Florida has implemented significant reforms to enhance guardianship oversight and accountability.¹⁸
3. Tort of Intentional Interference with Inheritance: A person with an expectancy in an estate may file a claim for intentional interference with the expectancy through tortious conduct.¹⁹ This tort is directed at the testator, meaning the fraud, duress, undue influence, or other independent tortious conduct required for this tort is directed at the testator, not the beneficiary.²⁰
4. Presumption of Undue Influence: The common law recognizes this presumption for beneficiaries who were in a confidential relationship with the decedent.²¹ As explained above, when the presumption applies, the burden shifts to the proponent of the will to prove that it was executed without undue influence.²²

Despite adopting many of the reforms recommended in the literature, Florida's probate fraud deterrence framework still has a critical gap: there is little to prevent an individual from destroying or concealing an authentic will. Research indicates that traditional probate remedies are inadequate to effectively deter

¹³ § 415.1111, Fla. Stat. (2024).

¹⁴ § 415.102(8), Fla. Stat. (2024).

¹⁵ § 415.1111, Fla. Stat. (2024).

¹⁶ § 744.3135, Fla. Stat. (2024).

¹⁷ See § 744.20041, Fla. Stat. (2024); § 744.368, Fla. Stat. (2024).

¹⁸ Hung V. Nguyen & Stacy B. Rubel, The Shifting Landscape of Guardianship Law: Three Consecutive Years of Changes, Fla. B.J., September/October 2016, at 52.

¹⁹ *Allen v. Leybourne*, 190 So. 2d 825, 829 (Fla. 3d DCA 1966).

²⁰ *Schilling v. Herrera*, 952 So. 2d 1231, 1235 (Fla. 3d DCA 2007).

²¹ See 2 William Blackstone, Commentaries (explaining that “madmen” cannot execute valid wills); Moses Dropsie, Roman Law of Testaments, Codicils, and Gifts in the Event of Death 44-45 (1892) (explaining that, under Roman law, “entreaty or flattery if not connected with fraudulent or deceitful persuasions[] do not invalidate a testament”).

²² § 733.107, Fla. Stat. (2024); Fla. Prob. R. 5.275.

this type of misconduct.²³ For example, the common law remedy of refusing to enforce the instrument is unlikely to deter someone who destroys or conceals a will—as achieving that outcome is precisely their intent.²⁴

Recognizing the limitations of traditional probate remedies in deterring the destruction or concealment of wills,²⁵ several states have enacted laws specifically criminalizing this behavior. Utah’s “Fraudulent Handling of Recordable Writings Act” makes it a crime to create a forged will or to destroy or conceal an authentic will.²⁶ In many states, forgery and destruction or suppression of testamentary instruments are treated as separate offenses, often leading to inconsistent penalties for fraudulent actions in probate proceedings.²⁷

In contrast, Florida and several other states broadly criminalize forgery but lack a corresponding statute that specifically criminalizes the destruction of written instruments.²⁸ Under Florida law, it is a felony to “utter and publish as true a false, forged or altered record, deed, instrument or other writing” with the knowledge that it is false and with the intent to defraud.²⁹ This statute applies to forged wills because a “will” is unquestionably an “instrument or other writing.”³⁰

IV. Conclusion

Florida is proactive in its efforts to prevent probate fraud. However, a notable gap in its framework is the lack of an explicit criminal sanction for the destruction or concealment of an authentic will. Adding such a provision to

²³ David Horton & Reid K. Weisbord, The New Undue Influence, 2024 Utah L. Rev. 231, 234 (2024) (compensatory or punitive damages are not generally available in cases of undue influence; rather, the court will simply refuse to enforce the tainted instrument or impose a constructive trust on the improperly obtained assets).

²⁴ *Id.*

²⁵ *Id.*

²⁶ Utah Code Ann. § 76-6-503.6(2) (2024) (“An actor commits fraudulent handling of recordable writings if the actor has intent to deceive or injure; and falsifies, destroys, removes, records, or conceals any will, deed, mortgage, security instrument, lien, or other writing for which the law provides public recording.”).

²⁷ For example, in Maine, forgery of a will is punishable by up to ten years in prison, but the suppression of a will carries a maximum penalty of six months in prison. Kevin Bennardo & Mark Glover, Crimes Against Probate, 75 Fla. L. Rev. 357, 376-377 (2023).

²⁸ *See Id.*, 75 Fla. L. Rev. at 378.

²⁹ § 831.02, Fla. Stat. (2024).

³⁰ *See Pate v. State*, 256 So. 2d 223 (Fla. 1st DCA 1972) (state failed to establish prima facie case that defendant knowingly uttered, published, altered or forged a will whose subscribing witnesses’ signatures had concededly been tampered with, and admission of will, without having first proven continuity of possession or custody of the tampered will).

Florida's statutes would strengthen fraud prevention efforts by providing a clear deterrent to this type of misconduct.³¹

³¹ See Glover, *supra* note 3, at 379.

APPENDIX

J

WRITTEN SUBMISSIONS

From: [Kypreos, Theodore S.](#)
To: [Michael McHugh](#)
Cc: [Dustin W. Metz](#); [Kypreos, Theodore S.](#)
Subject: FW: Uncontested Proceeding Suggestions
Date: Tuesday, June 25, 2024 6:25:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.png](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below email 1 of 2

Theodore S. Kypreos
Shareholder
Fellow, American College of Trust and Estate Counsel

D 561 650 0406 O 561 659 3000
tkypreos@jonesfoster.com

505 South Flagler Drive, Suite 1100 West Palm Beach, FL 33401
jonesfoster.com

Incoming emails are filtered which may delay receipt. This email is to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, any review, dissemination, or copying of this email is prohibited. Please immediately notify us by email and delete the message.

From: Stuart Haft <Stuart.Haft@amrl.com>
Sent: Friday, June 14, 2024 9:41 AM
To: Kypreos, Theodore S. <TKypreos@jonesfoster.com>
Subject: Uncontested Proceeding Suggestions

EXTERNAL EMAIL - This Message originated outside your organization. DO NOT click any links before verifying the email is safe.

Respectfully submitted for consideration:

1. The original Last Will & Testament must be filed with the Clerk of Court. I have found that it is best to file the original LW&T after a case number is assigned. A case number is assigned usually 1 or 2 days after E-filing the initial probate pleadings. It has been my experience that it often takes 5 business days from the day I hand-deliver the original LW&T to the probate desk in the main courthouse of Palm Beach County until it appears on the docket. I cannot submit the proposed Order Admitting/Appointing or the proposed Letters to the Judge until the original LW&T is on the docket. This 5-business day period of time delays the opening of the estate by a week. It would greatly effectuate the timely administration of an estate if the Clerk could docket the original LW&T upon receipt.
2. An Affidavit of No Florida Estate Tax is required to be filed in every probate administration even though Florida has not had a Florida estate tax for two decades. The Florida estate tax was abolished in 2004. If there is some reason the Court needs to know there is no Florida estate tax due (despite it being abolished prior to the appointment of virtually every probate judge in Florida), why could that not be referenced in the Petition for Administration.
3. In a case where there is a sole beneficiary who is also the sole Personal Representative (often the case with a surviving spouse), a notarized Waiver consenting to the relief sought in the Petition for Administration must be filed by this person. Given the Petitioner on the Petition for Administration is one and the same as the sole Personal Representative and sole beneficiary, this requirement of such a Waiver could be eliminated. In the alternative, the requirement that it be notarized can be eliminated. Notarization is a requirement in Palm Beach County (since 2019).

4. In a case where there is a sole beneficiary who is also the sole Personal Representative (often the case with a surviving spouse), a notarized final Full Waiver and Receipt consenting to the relief sought in the Petition for Discharge must be filed. Given the Petitioner on the Petition for Discharge is one and the same as the sole beneficiary, this requirement could be eliminated. In the alternative, the requirement that it be notarized can be eliminated. Notarization is a requirement in Palm Beach County (since 2019).
5. In cases where there is more than one beneficiary in an uncontested proceeding, the requirement that the Waiver consenting to the relief sought in the Petition for Administration and the Full Waiver and Receipt consenting to the relief sought in the Petition for Discharge (if the Petitions are not going to be served on such person) be notarized (at least in Palm Beach County) is unnecessary and not required by the statutes. Notarization is difficult for many people to accomplish. A nefarious character can easily fake a notary block so this requirement accomplishes very little.
6. In a summary administration, there is a requirement that a copy of a paid funeral bill be filed. It would be more efficient for the Petitioner to simply state in the Petition for Summary Administration that the funeral bill has been paid. This is not a requirement under the statutes. In my almost 30 years of practice, and hundreds of estate administrations, I have never seen a funeral home not paid. Typically, funeral homes receive payment before they do their work.
7. On each Petition for Administration the petitioner must state whether or not a federal estate tax return is required to be filed. If a federal estate tax return is required to be filed, the Court requires that the estate be closed within 2 years. The Court also requires that an Estate Tax Return Closing Letter from the IRS be filed. This is too soon and causes the estate to have to file a Petition for Extension of Time to Close the Estate. If a federal estate tax return is required to be filed, it is generally filed 9 months after the death of the decedent. Currently, and for several years, the typical time when an Estate Tax Return Closing Letter is "issued" by the IRS (when there is no audit) is over 18 months. At that point, no notice is given to the attorney by the IRS. The attorney only knows it has been "issued" by checking the IRS online transcript. At that point, the attorney has to file an application online with the IRS for an Estate Tax Return Closing Letter to be mailed to the attorney. In my experience in the last year, it then takes 6 to 8 weeks to receive the requested Estate Tax Return Closing Letter. So, the return is filed 9 months after death, and then the return is approved more than 18 months later, and then the closing letter is received 2 months later. That is at least 29 months, if everything goes well (and if the return was not put on automatic 6 month extension). And then there are final administration matters that need to be dealt with. The Court should provide that the deadline to close estates is 3 years after issuance of the Letters of Administration in estates that are required to file a federal estate tax return.

Stuart Haft

Stuart J. Haft
Attorney at Law
ALLEY, MAASS, ROGERS & LINDSAY, P.A.
Trusted Legal Counsel Since 1950
340 Royal Poinciana Way, Suite 321
P.O. Box 431
Palm Beach, FL 33480
Telephone: 561.659.1770 Ext. 4612
Facsimile: 561.833.2261
Stuart.Haft@AMRL.com
www.AMRL.com

Pursuant to the Electronic Communications Privacy Act, 18 U.S.C. 2510-2522, this email and any attachments are confidential, privileged and exempt from disclosure and are intended only for disclosure to and use by the intended recipient of this email. If you are not the intended recipient, the receipt of this email is not intended to and does not waive any confidentiality or privilege and you are notified that any dissemination, printing, or copying of this email is prohibited. If you are not the intended recipient, delete this email. Emails are not guaranteed to be secure or error-free and may contain viruses. We expressly disclaim any representation or warranty regarding the safety of this email and for any errors in this email.

From: [Kypreos, Theodore S.](#)
To: [Michael McHugh](#)
Cc: [Dustin W. Metz](#); [Kypreos, Theodore S.](#)
Subject: FW: Workgroup on Uncontested Probate Proceedings
Date: Tuesday, June 25, 2024 6:27:12 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image009.png](#)
[image011.jpg](#)
[image012.jpg](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image9ac47a.PNG](#)
[image321d38.PNG](#)
[image4a77b1.PNG](#)
[image0f9f58.PNG](#)
[image620b02.PNG](#)
[image001.png](#)
[image004.png](#)
[image006.jpg](#)
[image008.png](#)
[image010.png](#)
[image011.jpg](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below email 2 of 2

Theodore S. Kypreos
Shareholder
Fellow, American College of Trust and Estate Counsel

D 561 650 0406 O 561 659 3000
tkypreos@jonesfoster.com

505 South Flagler Drive, Suite 1100 West Palm Beach, FL 33401
jonesfoster.com

Incoming emails are filtered which may delay receipt. This email is to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, any review, dissemination, or copying of this email is prohibited. Please immediately notify us by email and delete the message.

From: Laura Kristin Sundberg <lsundberg@zkslaw.com>
Sent: Thursday, May 30, 2024 11:27 AM
To: Kypreos, Theodore S. <tkypreos@jones-foster.com>; llile@lairdalile.com; Darby Jones (darbyjones@professionalfiduciary.com) <darbyjones@professionalfiduciary.com>; 'ben@diamondlawflorida.com' <ben@diamondlawflorida.com>
Cc: Andrew H. Thompson <athompson@zkslaw.com>
Subject: Workgroup on Uncontested Probate Proceedings

EXTERNAL EMAIL - This Message originated outside your organization. DO NOT click any links before verifying the email is safe.

Hi friends,

When working on this workgroup, I'd love to see if we could consider a procedure for small uncontested estates similar to California's: <https://selfhelp.courts.ca.gov/probate/small-estate>. Not sure I'd agree to use the same dates or amounts, but it sure would be helpful to be able to transfer smaller estates without a summary administration. Also, I wish we would codify standalone homestead petitions without an open estate administration – some counties still do this, and many do not.

Appreciate your help on this.



LAURA SUNDBERG
BOARD CERTIFIED
WILLS, TRUSTS AND ESTATES

ZIMMERMAN, KISER & SUTCLIFFE, P.A.
Office • 407.425.7010 • Fax • 407.425.2747
315 E Robinson Street, Suite 600 • Orlando, FL 32801

ZKSLAW.COM



The information in this email, including attachments, is confidential and protected the attorney-client privilege. It is intended only for the use of the addressee(s). If you are not the intended recipient, you are hereby notified that any review, copying, printing, distribution, forwarding or the taking of any action based on the contents of this communication is prohibited. If you have received this email in error, please immediately notify the sender by replying to this email. Then delete the original email from any device/media where the message is stored.

From: plc-bounces@lists.flabarrpptl.org <plc-bounces@lists.flabarrpptl.org> **On Behalf Of** Kypreos, Theodore S.
Sent: Wednesday, May 29, 2024 5:31 PM
To: 'plc@lists.flabarrpptl.org' <plc@lists.flabarrpptl.org>
Cc: Stephens, Hilary <HStephens@floridabar.org>; tceller@gmail.com
Subject: Re: [RPPTL-plc] Probate Law & Procedure Committee Agenda and Materials - May 30, 2024 Meeting

This sender is outside your organization.

Dear Committee Members,

As a supplement to the below, please see the attached Administrative Order from the Supreme Court of Florida concerning the Workgroup on Uncontested Probate Proceedings. The attached AO and the mission of the recently created Workgroup will be briefly discussed at tomorrow’s committee meeting.

Thank you,

Theo



Theodore S. Kypreos
Shareholder
Fellow, American College of Trust and Estate Counsel



D 561 650 0406 O 561 659 3000
tkypreos@jonesfoster.com



505 South Flagler Drive, Suite 1100 West Palm Beach, FL 33401
jonesfoster.com

Incoming emails are filtered which may delay receipt. This email is to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, any review, dissemination, or copying of this email is prohibited. Please immediately notify us by email and delete the message.

From: Kypreos, Theodore S. <TKypreos@jonesfoster.com>
Sent: Thursday, May 23, 2024 11:15 AM
To: 'plc@lists.flabarrpptl.org' <plc@lists.flabarrpptl.org>
Cc: tceller@gmail.com; Stephens, Hilary <HStephens@floridabar.org>; Kypreos, Theodore S. <TKypreos@jonesfoster.com>
Subject: Probate Law & Procedure Committee Agenda and Materials - May 30, 2024 Meeting

Dear Probate Law & Procedure Committee Members,

Attached please find the agenda and materials for our upcoming Committee meeting in Bonita Springs. The agenda and materials are also being posted to our Committee webpage. As a reminder, our meeting will be held from **11:00 a.m. to 12:30 p.m. on Thursday, May 30** at the Hyatt Regency Coconut Point Resort and Spa in Bonita Springs. We will be meeting in the **Calusa DE meeting room**.

We are also permitting virtual attendance at this meeting through Zoom video conference. You can access the zoom link by

following this link <https://us06web.zoom.us/j/86459940536?pwd=4ualmaUjD48j8sThSAe09rwAlvAzdX.1>

I hope everyone is doing well and I look forward to seeing you all (either in-person or via Zoom) on Thursday.

Best regards,

Theo



Theodore S. Kypreos

Shareholder
Fellow, The American College of Trust and Estate Counsel



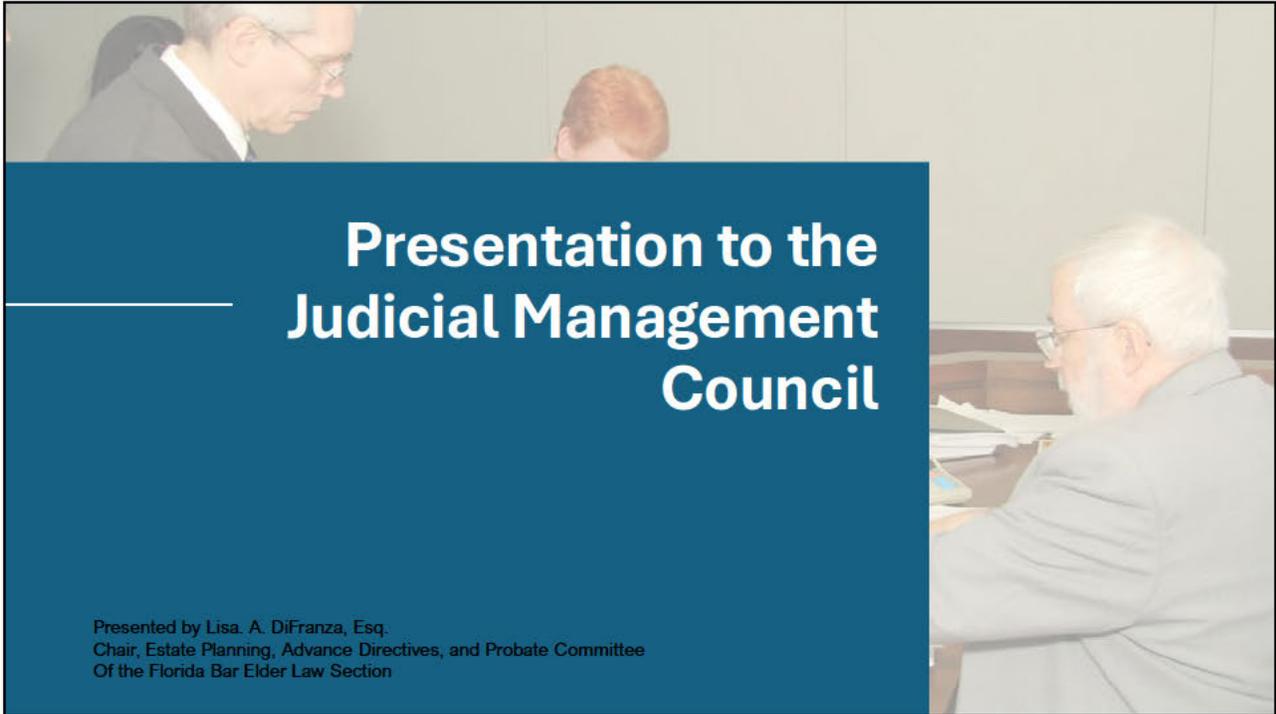
D 561 650 0406 O 561 659 3000

tkypreos@jonesfoster.com



505 South Flagler Drive, Suite 1100 West Palm Beach, FL 33401
jonesfoster.com

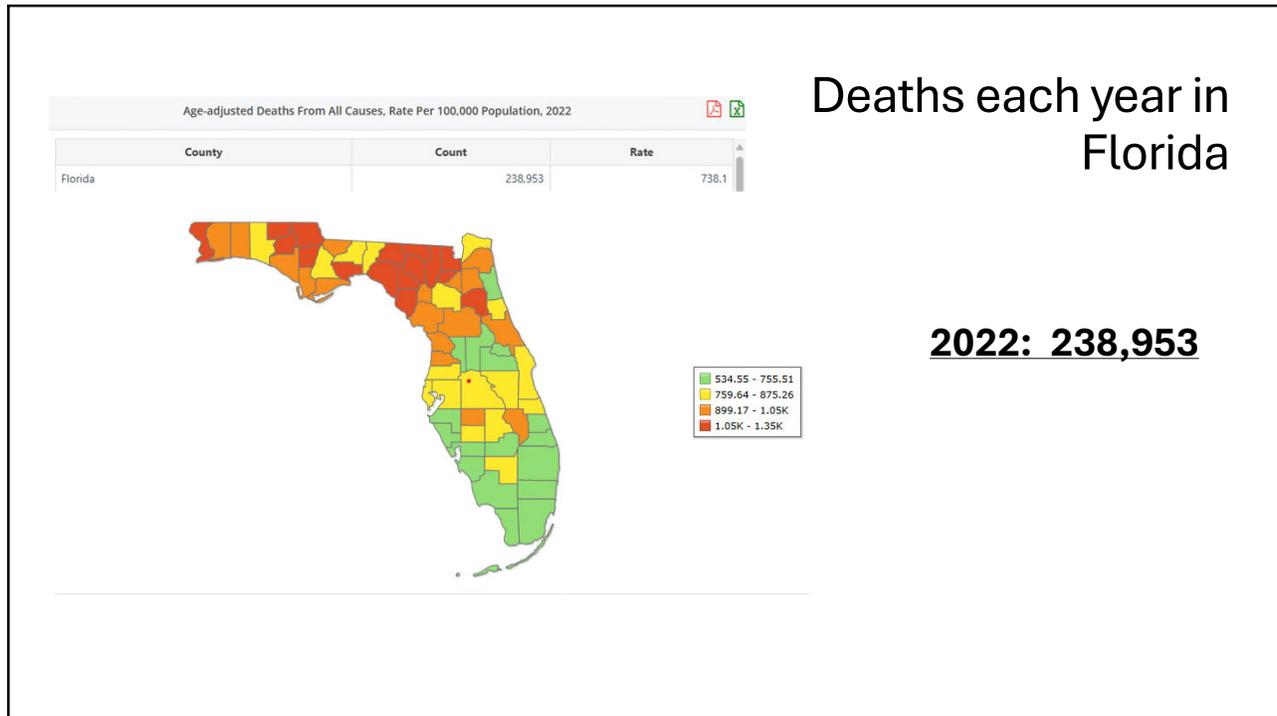
Incoming emails are filtered which may delay receipt. This email is to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, any review, dissemination, or copying of this email is prohibited. Please immediately notify us by email and delete the message.



1



2



3

Imagine a Consistent and Transparent System

Imagine a system where the rules are consistent across all 20 judicial circuits, where each of Florida's 67 clerks of court can confidently administer cases without navigating a patchwork of varying requirements.

This is not just a vision—it is a necessity. Uniformity in procedural requirements would not only streamline the process but also ensure that every Floridian, regardless of their location, receives the same level of service, access, and the same standard of justice.

4

Consistency

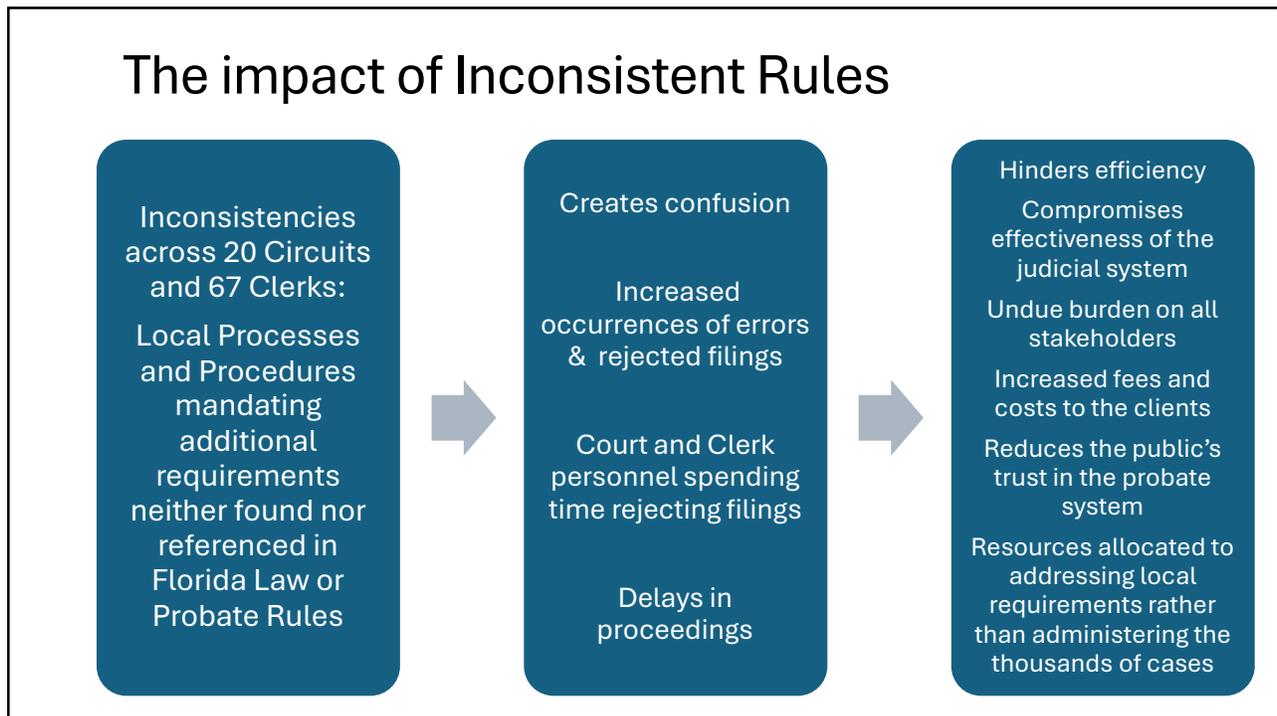
Reduction of Redundancies

Transparency and Notice

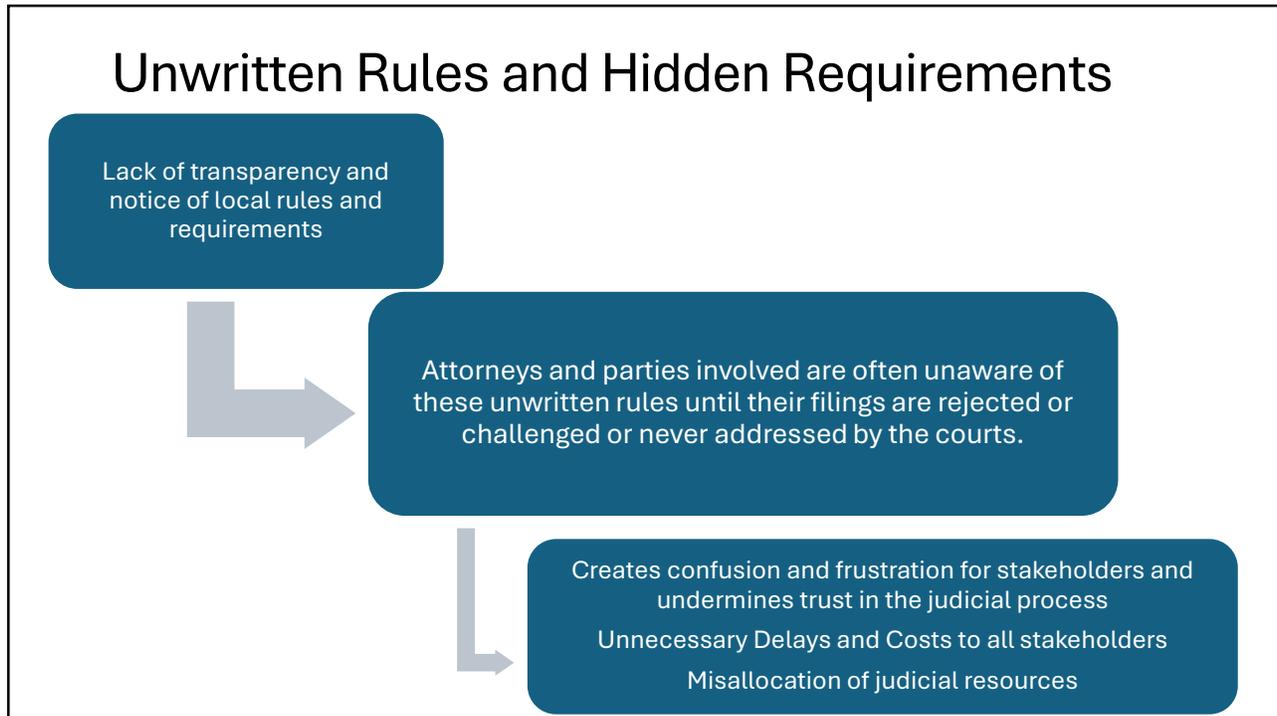


Focus for Improvement

5



6



7

Improvements through consistency, transparency, notice and reduction of redundancies

Clear delineation of Roles & Training	<ul style="list-style-type: none"> • Reaffirm the roles and responsibilities of clerks as ministerial rather than substantive. Provide training webinars for clerks and non-attorney personnel to ensure a proper understanding of their duties.
Standardization of Procedures	<ul style="list-style-type: none"> • Establish standardized procedures and filing requirements <i>for uncontested probate proceedings</i> consistent with Florida Law and Florida Rules of Probate.
Training for Stakeholders	<ul style="list-style-type: none"> • Create a centralized location for standardized procedures and filing requirements, accessible to all stakeholders.
Transparency & Communication Channels	<ul style="list-style-type: none"> • Develop a transparent communication channel between the judiciary and clerks' offices. Ensure procedural changes are promptly and clearly communicated through bulletins, mandatory briefings, or a centralized online platform.

8

WHAT COULD THE PROCESS AND PROCEDURE LOOK LIKE?

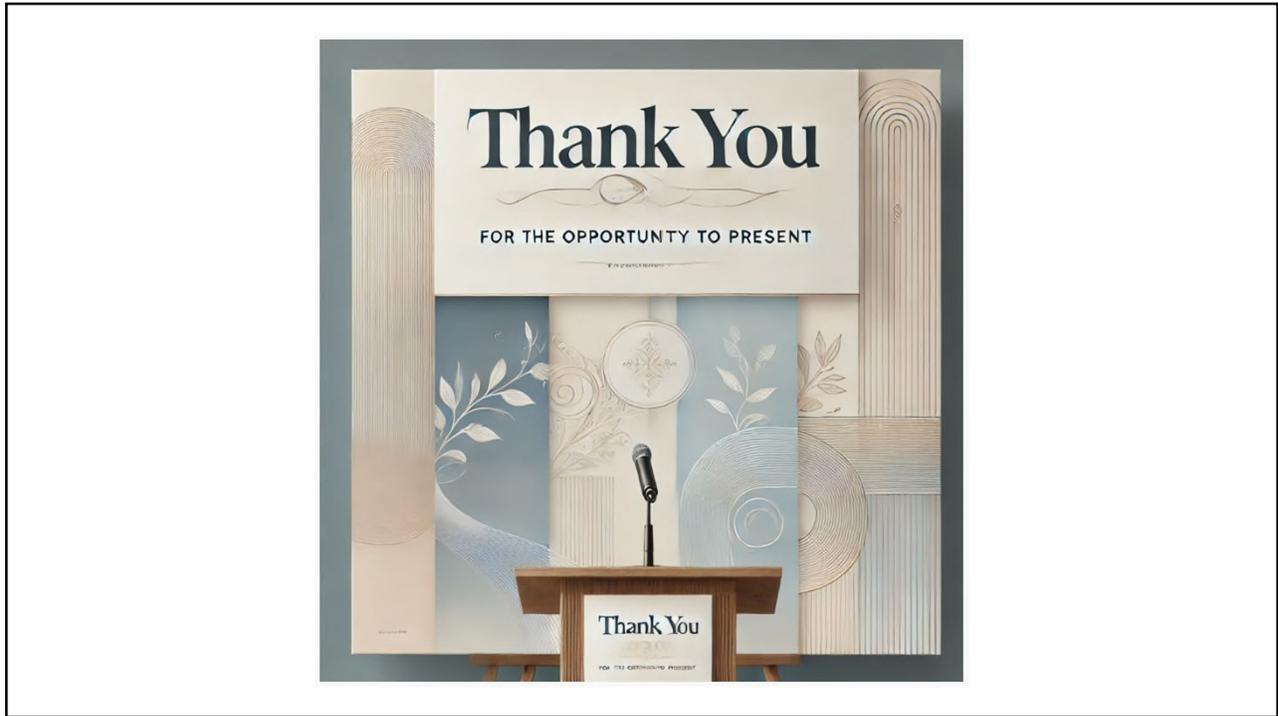
- A collaborative system where clerks and judiciary work together efficiently and equitably, respecting their respective roles.
- A transparent process with clearly outlined steps, allowing clerks and the judiciary to focus on moving cases forward and protecting stakeholders' rights.
- Forms would conform to statute and rule, ensuring that attorneys can represent clients in uncontested probate cases without confusion, or creating unnecessary allocation of resources directed to corrections for the clerks or judiciary, regardless of location.

9

REQUIRED ATTITUDES AND ACTIONS FOR SUCCESS

- **Check Egos at the Door:** All stakeholders must prioritize the greater good over individual agendas.
- **Statewide Focus:** These improvements serve justice with efficiency, fairness, and clarity across the state.
- **Centralized Requirements:** Establish one location for all procedural requirements, ensuring transparency and notice.
- **Streamline Requirements:** Narrow down requirements to statutory and rule-based essentials, ensuring efficiency and continued movement of case while protecting interests.
 - Eliminate extraneous requirements that do not conform to the law, rules or spirit of the law and create redundant processes to already formed statutes and rules.
 - Proof of assets, proof of debts, affidavit of heirs in testate proceedings, consent of PR who is also beneficiary when closing uncontested estate

10



11



Legal Services[®]
of NORTH FLORIDA
HOPE. JUSTICE. FOR ALL.
WWW.LSNF.ORG

LSC
America's Partner
for Equal Justice
LEGAL SERVICES CORPORATION

Kristin Northrup
Staff Attorney
Legal Services of North Florida
1741 North Palafox Street
Pensacola, Florida 32501
Direct: 850-701-4236
Email: KNorthrup@LSNF.org

August 19, 2024

Workgroup on Uncontested Probate Proceedings

Re: Public meeting, September 11, 2024, via Zoom

Dear Workgroup Members,

Thank you for the opportunity to present my ideas to improve the efficiency and effectiveness of Florida's uncontested probate processes and procedures. As an attorney at a non-profit legal aid organization, I hope to speak on behalf of my clients, who are primarily low-income, and often elderly, heirs' property owners.

My comments will focus on the following topics:

- 1) An affidavit procedure for distribution, as in used in other states, to avoid a probate case entirely.
- 2) Meaningful *pro se* assistance offered by court case managers and the clerk's staff.
- 3) Larger reforms, for example to Florida's *per stirpes* default model of distribution.

I look forward to joining the discussion on September 11!

Sincerely,

Kristin Northrup

From: [REDACTED]
To: [Dustin W. Metz](#)
Cc: [REDACTED]; [Maggie Lewis](#); [Caitlin McCaffrey](#)
Subject: RE: Workgroup on Uncontested Probate Proceedings
Date: Friday, August 9, 2024 9:10:17 AM
Attachments: [image001.png](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the invitation, Mr. Metz. I currently have a dependency trial scheduled on the 11th. I am going to still sign up, just in case the trial does not go forward. I do not need to speak at the meeting, but I would like to have the following input: There are some circuits that require practitioners to submit a verified checklist that affirms they submitted the proper pleadings, affidavits, etc., and that their petitions contain the requisite pleadings. I think this is a very good idea and recommend implementation of a recommended checklist to be utilized state-wide, so practitioners are faced with the same form rather than a different form in each circuit. Prior to taking the bench as a Judge, I served as the General Magistrate for over six years. Part of my assignment was probate and guardianship. Much of my time was spent sending letters to attorneys and self-represented litigants (though fewer in number) about why an ex parte order could not be entered, as proposed. Oftentimes, when there is a rule change that adds a component to a pleading, practitioners do not keep up with the law – I wrote countless letters about the January 1, 2020 and November 4, 2021 amendments to R. 5.200, as one small example. Our circuit will soon be implementing the checklist requirement in hopes of combatting the inefficiency of submissions.

I kept a Word Document of “frequent letters” to make the process easier. If requested, I can provide you with examples of the common mistakes that I saw. If you need additional participants in the workgroup, I would be happy to help.

Thank you,
Jennifer Griffin
Suwannee County Judge

From: Dustin W. Metz <metzd@flcourts.org>
Sent: Thursday, August 8, 2024 7:11 PM
To: [REDACTED]
Cc: [REDACTED]; Maggie Lewis <lewism@flcourts.org>; Caitlin McCaffrey <McCaffreyC@flcourts.org>
Subject: Workgroup on Uncontested Probate Proceedings

From: [REDACTED]
To: [Dustin W. Metz](#)
Cc: [REDACTED]; [Maggie Lewis](#); [Caitlin McCaffrey](#); [REDACTED]
Subject: RE: Workgroup on Uncontested Probate Proceedings
Date: Friday, August 9, 2024 4:55:44 PM
Attachments: [image001.png](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Metz: Thank you so much for the kind invitation to participate in the Uncontested Probate Proceedings Workgroup on September 11th. Unfortunately, I will be out of the Country on that date and unable to participate; however, I have a few thoughts I would like to share. I currently sit in a probate/guardianship division with over 3,000 cases. I have often heard that the standard caseload should be 1,300. I do believe that the only reason in the past we have been able to keep up with the demand is due to technology and the electronic filing. In Pinellas County, our Clerk uses Odyssey/Task Manager (a Tyler product) for the case management system, which works fairly well (although, I understand this is about to change.) Since time began in Pinellas, we have had 2 judges in the probate and guardianship division – one in North County and one in South County and we are truly struggling to keep up with the case load requirements and need on the calendar for timely setting hearings.

There could be multiple reasons for creating the workgroup, for example: less demand on the courts, making the probate process easier and perhaps less expensive – and I am sure many others. Over the last few years there have been a number of changes by the Legislature to streamline “small estates.” In these cases, there is no need for an attorney and seems that most of the cases I see in the small estate category are pro se. The potential for fraud and assets going to the incorrect heirs is tremendous. We review cases in an electronic queue, easily over 100 cases daily, on top of hearings and the other demands of a judge. In reviewing the court is looking to see what is missing! For example, a Petition for Homestead going to a “spouse”, when the death certificate says the decedent is not married – or worst, looking up the property address in the public records to find the decedent never owned the property. Or another common example is the decedent had multiple adult children, although they are not included in the estate. I could go on and on with examples, but, hopefully this gives you a flavor. The current laws provide for notice and time frames for people and creditors to respond to the notice – actual due process. To take the process out of the court what oversight would there be to ensure that the rightful heirs are receiving what they are actually entitled to – and that the creditors are properly paid.

I understand there is a concern with the work generated by “checklists” on each estate. A checklist is to provide the Petitioner with a list of what else is needed for the court to make a good decision. Each of our 67 Clerks have their own checklists that they utilize in reviewing each of the cases filed. In Pinellas County, we have and to my knowledge, have always had, a good working relationship with our Clerk. So, the Court has been involved in the evolution of creating these checklists. The clerks that review these case filings are not lawyers but work hard at attempting to list things they believe

the judges would want to know and that meet the requirements of the law – they generally are not specifically trained in the intricacies of probate/guardianship law. This review of cases is very time consuming for the clerks and for the judge, as the file comes directly from the clerk to the court through this electronic queue. Turnover in staffing in the clerk’s office and the hiring and training has to be a big concern. Frankly, I don’t always have the time to carefully review the file and the statute calls for the clerks review in most of the cases. I don’t know exactly what the answer is, but doing away with the oversight, does not seem to be the best way.

In Florida, we have a diverse and vulnerable population. Our goal needs to be protecting and preserving the due process for all the parties in our cases. And, it would be greatly appreciated for more resources for the Courts in this endeavor! Since 2018, there have been great strides in protecting the vulnerable from exploitation with the creation of a Petition and fast tract to the court for injunctions, requiring the court’s oversight in guardians executing an authorization for a do not resuscitate of a medically vulnerable person, extra requirements in the appointment of Personal Representatives to exclude felons and others with criminal backgrounds, changes just earlier this year in the involuntary commitment of those suffering from mental illness and addiction issues which require more case management time on the calendar, and many other changes to help our most vulnerable. My words of caution go to continuing the help for those rightful heirs of the deceased in the State of Florida to receive what is their rightful entitlement of inheritance – and not permit those fraudsters to receive ill-gotten gain.

If you would want more specific examples, I would be glad to provide. This is just a very high level word of caution from being in the trenches.

Sincerely,

Pam Campbell
Administrative Judge for Probate and Guardianship
Sixth Circuit

Pamela A. M. Campbell
Circuit Court Judge
545 First Avenue North, Room 300
St. Petersburg, FL 33701
Office: (727) 582-7556

If you are attempting to file a pleading or document with the Court, you must file it with the Clerk of the Court.

DISCLAIMER: Please note that Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: [REDACTED]
To: [Dustin W. Metz](#)
Subject: RE: Workgroup on Uncontested Probate Proceedings
Date: Tuesday, August 13, 2024 10:10:03 AM
Attachments: [image001.png](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning –

I appreciate the invitation, but at the present time I am scheduled to be in a week-long trial that was set quite some time ago. If that goes away, I would like to be present – but if I cannot be there, I think my views are well-represented by Judge Pam Campbell’s earlier email to you regarding her concerns.

Sincerely -

Sherwood S. Coleman, Circuit Judge
Sixth Judicial Circuit
Probate, Guardianship & Mental Health Division – Section 3
Clearwater Courthouse
315 Court Street – Room 417
Clearwater, FL 33756
P: (727) 464-3933 | [REDACTED]
www.jud6.org

Please note that Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered public records. Your e-mail message may be subject to public disclosure upon request.

From: Dustin W. Metz <metzd@flcourts.org>
Sent: Thursday, August 8, 2024 7:15 PM
To: Coleman, Judge Sherwood [REDACTED] >
Cc: Section3 <[REDACTED]>; Maggie Lewis <lewism@flcourts.org>; Caitlin McCaffrey <McCaffreyC@flcourts.org>
Subject: Workgroup on Uncontested Probate Proceedings

Good afternoon, Judge Coleman:

The Judicial Management Council’s Workgroup on Uncontested Probate Proceedings, as directed by [AOSC24-20](#), is charged with recommending improvements to the efficiency and effectiveness of this state’s uncontested probate processes and procedures. Recognizing the unique and multidisciplinary nature of estate administration, the Workgroup is hosting a

Illinois Routine Probate Proceedings

Tuesday, October 22, 2024

Susan D. Snyder

President, American College of Trust & Estate Counsel (ACTEC)

Chicago, Illinois

Routine Administration in Illinois: Two Paths

1. Independent Administration:

- For routine administration, only two court appearances are needed:
 - Opening Estate:
 - Petition for Probate of Will and Letters Testamentary > Order Admitting Will and Appointing Representative (Exhibits A & B)
 - Affidavit of Heirship > Order Declaring Heirship (Exhibits C, D & E)
 - Closing Estate:
 - Final Report of Independent Representative > Order of Discharge (Exhibits F & G)
- Features:
 - Notice is sent to legatees and heirs within 2 weeks of opening estate.
 - Any legatee or heir may request that estate be converted to supervised administration.
 - No inventory or accounting is required to be filed with the court but must be sent to all interested persons, e.g., heir, legatee, creditor, person entitled to spouse's or child's award, representative.
 - After 6-month claims period has run, if no estate tax return is required to be filed, assets may be distributed, estate may be closed, and executor or administrator may be discharged.

Routine Administration in Illinois: Two Paths

2. Small Estates Affidavit:

- If the value of the decedent's assets subject to probate total \$100,000 or less and the assets do not include real estate, then a small estate affidavit may be used to transfer property to the appropriate beneficiary (will or intestacy).
- Requirements to use the affidavit include: an indication that the funeral expenses have been paid or an indication of the amount and to whom such expenses should be paid, an indication that known claims have been paid, and an indication that there are no disputes regarding the will or heirship of the decedent.
- Statutory form affidavit attached at Exhibit H.

Forms Attached

Cook County Probate Division Court Forms:

<https://www.cookcountycourt.org/division/probate-division/court-forms-probate-division>

- A. Petition for Probate of Will and for Letters Testamentary
- B. Order Admitting Will to Probate and Appointing Representative
- C. Affidavit of Heirship – first sample
- D. Affidavit of Heirship – second sample
- E. Order Declaring Heirship
- F. Final Report of Independent Representative
- G. Order of Discharge
- H. Small Estate Affidavit

DISCLOSURES

LEGAL, INVESTMENT AND TAX NOTICE: THIS INFORMATION IS NOT INTENDED TO BE AND SHOULD NOT BE TREATED AS LEGAL ADVICE, INVESTMENT ADVICE OR TAX ADVICE AND IS FOR INFORMATIONAL PURPOSES ONLY. READERS, INCLUDING PROFESSIONALS, SHOULD UNDER NO CIRCUMSTANCES RELY UPON THIS INFORMATION AS A SUBSTITUTE FOR THEIR OWN RESEARCH OR FOR OBTAINING SPECIFIC LEGAL OR TAX ADVICE FROM THEIR OWN COUNSEL. ALL INFORMATION DISCUSSED HEREIN IS CURRENT ONLY AS OF THE DATE APPEARING IN THIS MATERIAL AND IS SUBJECT TO CHANGE AT ANY TIME WITHOUT NOTICE.

DISCLAIMER: THIS PRESENTATION IS FOR YOUR GENERAL INFORMATION AND REFLECTS THE VIEWS OF THE INDIVIDUAL PRESENTER ONLY AND NOT THE VIEW OF EITHER THE NORTHERN TRUST CORPORATION OR ANY OF ITS AFFILIATES, OR THE AMERICAN COLLEGE OF TRUST AND ESTATE COUNSEL. IT IS NOT INTENDED AS LEGAL OR REGULATORY ADVICE. VIEWS AND INFORMATION EXPRESSED HEREIN ARE CURRENT ONLY AS OF THE DATE OF THE PRESENTATION AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.

PRESENTER BIOGRAPHY



Susan D. Snyder
SVP, Senior Planner
Northern Trust

Susan is a Senior Vice President and Senior Planner on the Central Regional UpMarket Team at Northern Trust. From 2010 to 2013, Susan served as Trust Counsel in the Northern Trust Legal Department, heading the group of 20 lawyers and paraprofessionals who support the fiduciary practice. Earlier in her career, Susan was Partner at Sachnoff & Weaver, Ltd. and an attorney at McDermott, Will & Emery, both in Chicago.

Susan has been a Fellow of the American College of Trust and Estate Counsel (ACTEC) since 2004. She is ACTEC President, a member of the ACTEC Board of Regents, a member of the Board's Executive Committee, and a member of its Estate & Gift Tax, Fiduciary Administration and Communications Committees. Susan is the creator and Founding Executive Producer of ACTEC Trust & Estate Talk, a podcast series launched in 2018, which has produced more than 300 podcasts and has had over 600,000 downloads.

Susan has been appointed by the Illinois Governor to serve as a Uniform Law Commissioner for Illinois since 2015. She is a member of the Uniform Law Commission's Conflicts of Laws in Trusts and Estates Acts, Uniform Transfers to Minors Act, Directed Trust Act, Electronic Wills, Electronic Execution of Estate Planning Documents and Fiduciary Income and Principal Drafting Committees. Susan is a frequent speaker on estate planning and administration topics for ACTEC, the Heckerling Institute on Estate Planning, American Bar Association RPTE Section, American Bankers Association, Delaware Bankers Association, Fiduciary & Investment Risk Management Association, OCC Asset Management Experts Conference, American Law Institute-Continuing Legal Education (ALI-CLE), Illinois Institute of Continuing Legal Education, Midwest-Midsouth Estate Planning Institute, Chicago Estate Planning Council, and Chicago Bar Association.

Susan holds a law degree from Northwestern University School of Law, where she was an Editor of the Journal of International Law and Business, and a B.A in International Studies and French from Wichita State University. She holds a Certificate with distinction in International Trust Management from STEP, the Society of Trust and Estate Practitioners.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____ Deceased

PETITION FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY

In accordance with §6-2 of the Probate Act of 1975 [755 ILCS 5/6-2], _____

_____ states under the penalties of perjury:
[printed name of the Petitioner]

1. _____, whose place of residence at the time of death was
[printed name of the decedent]

_____ [address] _____ [city] _____ [county] _____ [state]

died on _____, at _____ leaving a Will
[date] _____ [city] _____ [state]

dated _____, _____
(and Codicil dated _____)

and filed with the Clerk of the Circuit Court on _____
[date filed with the Clerk]

which the Petitioner believes to be the valid last Will of the testator;

2. The approximate value of the estate in this state is:

Personal \$ _____ Real \$ _____ Annual income
from Real Estate \$ _____;

3. The names and post office addresses of the testator's heirs and legatees (and in the case of a minor or a person with a disability, of a personal fiduciary designated to act for him or her pursuant to §28-3 of the Probate Act [755 ILCS 5/28-3]) are set forth on Exhibit A attached to this PETITION; [List heirs first, indicate the relationship of each heir and, if the heir or legatee is a minor (M) or a person with a disability (D), so state.]

4. The testator nominated as executor the following, qualified and willing to act:

Name

Post Office Address

who is qualified to serve because the person has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged person with a disability, and has not been convicted of a felony.

5. The Petitioner seeks:

- Independent Administration.
- Supervised Administration.

The Petitioner asks that the Will be admitted to probate and that _____
[printed name of the proposed executor]
 _____ be appointed _____ Executor and for Letters of Office to issue.
(independent) (supervised)

If a counsel or consular agent is to be notified, name country: _____

/s/ _____
[signature of the Petitioner]

[address]

[city/state/zip]

/s/ _____
 Attorney Certification

Attorney Number _____

Name _____

Firm Name _____

Attorneys for _____

Address _____

City/State/Zip _____

Telephone _____

Email _____

Exhibit A

attached to and made a part of a Petition for Probate of Will and for Letters Testamentary

Estate of _____, Deceased

	Name and post office address of each heir or legatee	Relationship	Check All Applicable Boxes
_____.	Name _____ Street _____ City/State/Zip _____ <i>Notice for this heir or legatee shall also be sent to:</i> <input type="checkbox"/> Guardian of the Estate <input type="checkbox"/> Agent under Power of Attorney <input type="checkbox"/> Nominated Personal Fiduciary Name _____ Street _____ City/State/Zip _____	_____	<input type="checkbox"/> Heir <input type="checkbox"/> Legatee <input type="checkbox"/> Minor <input type="checkbox"/> Person with a Disability <input type="checkbox"/> Preference <input type="checkbox"/> Equal
_____.	Name _____ Street _____ City/State/Zip _____ <i>Notice for this heir or legatee shall also be sent to:</i> <input type="checkbox"/> Guardian of the Estate <input type="checkbox"/> Agent under Power of Attorney <input type="checkbox"/> Nominated Personal Fiduciary Name _____ Street _____ City/State/Zip _____	_____	<input type="checkbox"/> Heir <input type="checkbox"/> Legatee <input type="checkbox"/> Minor <input type="checkbox"/> Person with a Disability <input type="checkbox"/> Preference <input type="checkbox"/> Equal
_____.	Name _____ Street _____ City/State/Zip _____ <i>Notice for this heir or legatee shall also be sent to:</i> <input type="checkbox"/> Guardian of the Estate <input type="checkbox"/> Agent under Power of Attorney <input type="checkbox"/> Nominated Personal Fiduciary Name _____ Street _____ City/State/Zip _____	_____	<input type="checkbox"/> Heir <input type="checkbox"/> Legatee <input type="checkbox"/> Minor <input type="checkbox"/> Person with a Disability <input type="checkbox"/> Preference <input type="checkbox"/> Equal
_____.	Name _____ Street _____ City/State/Zip _____ <i>Notice for this heir or legatee shall also be sent to:</i> <input type="checkbox"/> Guardian of the Estate <input type="checkbox"/> Agent under Power of Attorney <input type="checkbox"/> Nominated Personal Fiduciary Name _____ Street _____ City/State/Zip _____	_____	<input type="checkbox"/> Heir <input type="checkbox"/> Legatee <input type="checkbox"/> Minor <input type="checkbox"/> Person with a Disability <input type="checkbox"/> Preference <input type="checkbox"/> Equal

If additional entries are required, please attach additional sheets.

The Petitioner represents to the Court that for each minor or a person with a disability (“ward”) for whom a personal fiduciary has been nominated, each of the following statements is true:

- A. The Petitioner is not aware (i) that any guardian of the ward’s estate has been appointed and is currently acting in Illinois or (ii) that any representative for the ward’s estate has been appointed and is currently acting in any other jurisdiction.
- B. The Petitioner is not aware that the decedent designated as personal fiduciary in the decedent’s Will any person who is qualified, willing and able to serve as personal fiduciary for the ward.

Date of Death: _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____
Deceased

ORDER ADMITTING WILL TO PROBATE AND APPOINTING REPRESENTATIVE

On the PETITION of _____
[printed name of the Petitioner]

for issuance of Letters of Office, the Court having been advised that the proposed representative is qualified to act as representative under §6-13 of the Probate Act of 1975 ("Probate Act") [755 ILCS 5/6-13] or §9-1 of the Probate Act of 1975 [755 ILCS 5/9-1];

IT IS ORDERED THAT:

A. The Will of _____ dated _____,
[printed name of the decedent]
_____, and numbered _____ W _____ be admitted to probate;
(and Codicil dated _____)

B. Letters of office shall issue to _____ as
[printed name of the proposed representative]

- | | | | |
|---|------|--|------|
| <input type="checkbox"/> Supervised Executor | 4234 | <input type="checkbox"/> Supervised Administrator with the Will annexed | 4254 |
| <input type="checkbox"/> Supervised Co-Executors | 4235 | <input type="checkbox"/> Supervised Co-Administrators with the Will annexed | |
| <input type="checkbox"/> Independent Executor | 4253 | <input type="checkbox"/> Independent Administrator with the Will annexed | 4255 |
| <input type="checkbox"/> Independent Co-Executors | 4633 | <input type="checkbox"/> Independent Co-Administrators with the Will annexed | |

C. The representative shall present to the Court:

- 1. an **INVENTORY** as required by §14-1 of the Probate Act of 1975 [755 ILCS 5/14-1] by, or shall appear before the Court on _____, at _____ M 4192
[not more than 60 days after the date of this Order]
- 2. an **ACCOUNT** as required by §24-1 of the Probate Act of 1975 [755 ILCS 5/24-1] by, or shall appear before the Court on _____, at _____ M 4297
[not more than 14 months after the date of this Order]
- 3. a **FINAL REPORT** as required by §28-11 of the Probate Act of 1975 [755 ILCS 5/28-11] by, or shall appear before the Court to present a written status report on, _____, at _____ M 4297
[not more than 14 months after the date of this Order]

D. No assets shall leave the State of Illinois without court order. If the representative is a nonresident, the representative's attorney shall act as the representative's resident agent and accept service of process, notice or demand required or permitted by law. 4262

Attorney Number _____
 Name _____
 Firm Name _____
 Attorneys for _____
 Address _____
 City/State/Zip _____
 Telephone _____
 Email _____

ENTERED:

_____, 20_____

 [Judge] [Judge's number]

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – PROBATE DIVISION

Estate of:)
)
John Doe,) No.
)
Deceased.)

SAMPLE-
AFFIDAVIT OF HEIRSHIP

Mary Doe, being duly sworn on oath, states:

1. That she is the sister of John Doe, decedent herein, is of legal age and resides at Chicago, Illinois.
2. That the said decedent died on _____, 2010 and at the time of his death was a resident of Chicago, Illinois.
3. That John Doe was never married and never had or adopted any children.
4. That Joseph Doe, the father of the decedent, was married only once and then to Joan Doe, who was married only once and then to Joseph Doe. Both Joseph and Joan Doe predeceased John Doe.
5. That as a result of the marriage there were three children born and none adopted, namely:
 - a. John Doe, decedent,
 - b. Mary Doe, a sister, living, of legal age and competent and
 - c. Jack Doe, a brother who predeceased the decedent, was married only once and then to Mary Ann Doe and there were two children born of the marriage, namely:

1. Henry Doe, a nephew, living, of legal age and competent and
2. Susan Doe, a niece, living, of legal age and competent.

Jack Doe did not have or adopt any other children.

6. That Joseph Doe and Joan Doe did not have or adopt any other children.

Based on the foregoing, the decedent left surviving as his heirs, the following, Mary Doe, Henry Doe, and Susan Doe.

Mary Doe

Subscribed and sworn to before me
this ___ day of _____, 20__.

Notary Public

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – PROBATE DIVISION

Estate of:)
)
John Doe,) No.
)
Deceased.)

SAMPLE-
AFFIDAVIT OF HEIRSHIP

Henry Doe, being duly sworn on oath, states:

1. That he is an uncle of John Doe, decedent herein, on the paternal side, is of legal age and resides at Chicago, Illinois.
2. That the said decedent died on _____, 2010 and at the time of his death was a resident of Chicago, Illinois.
3. That John Doe was married only once and then to Jane Doe, who predeceased the decedent. That of said marriage three children born and none adopted, namely:
 - a. Joseph Doe, who died in infancy,
 - b. Jack Doe, who died under the age of ten and
 - c. John Doe, Jr., who predeceased the decedent, was married only once and then to Kathy Doe, that said marriage only one child was born and none adopted, namely:
 1. James Doe, who predeceased the decedent, was never married and never had or adopted any children.

John Doe, Jr., never had or adopted any other children.

John Doe, decedent and Jane Doe did not have or adopt any other children.

4. That Richard Doe, the father of the decedent was married to Jean Smith Doe, the mother of decedent, that they were married only once and then to each other, both predeceased the decedent, that of said marriage two children were born and none adopted, namely:
 - a. John Doe, the decedent herein, and
 - b. Mary Doe, who predeceased the decedent, was never married and never had or adopted any children.

That Richard Doe and Jean Doe did not have or adopt any other children.

5. That Jerry Doe, the paternal grandfather, predeceased the decedent, was married twice, the first time to Alice Doe, the paternal grandmother, who predeceased the decedent, that there were three children born of said marriage and none adopted, namely:
 - a. Richard Doe, the father of the decedent,
 - b. Sally Doe, who predeceased the decedent, was never married and never had or adopted any children and
 - c. Henry Doe, who is living, of legal age and competent.

That Jerry Doe and Alice Doe did not have or adopt any other children.

That Jerry Doe, the paternal grandfather, was married a second time to Betty Doe and no children were born or adopted as a result of the marriage.

6. That Edward Smith, the maternal grandfather, predeceased the decedent, was married only once and then to Susan Smith, the maternal grandmother, who predeceased the decedent. That there were two children born of the marriage and none adopted, namely:
 - a. Jean Smith Doe, the mother of the decedent and
 - b. Glenn Smith, who predeceased the decedent, was married only once and then to Maria Smith, that of said marriage two children were born and none adopted, namely:

1. Patrick Smith, who is living, of legal age and competent and
2. Thomas Smith, who is living, of legal age and competent.

That the said Glenn Smith did not have or adopt any other children.

That Edward Smith and Susan Smith did not have or adopt any other children.

Based on the foregoing, the decedent left surviving as his heirs, the following, Henry Doe, Patrick Smith & James Smith.

Henry Doe

Subscribed and sworn to before me
this ___ day of _____, 20__.

Notary Public

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____ Deceased

ORDER DECLARING HEIRSHIP

After considering evidence concerning heirship, the Court declares that the following are the only heirs of the decedent:

SAMPLE- C
ORDER OF HEIRSHIP

- Mary Doe, Sister
- Henry Doe, Nephew
- Susan Doe, Niece

SAMPLE- D
ORDER OF HEIRSHIP

- Henry Doe, Uncle
- Patrick Smith, Cousin
- Thomas Smith, Cousin

ENTERED:

Attorney Number _____

Name _____

Firm Name _____

Attorneys for _____

Address _____

City/State/Zip _____

Telephone _____

Email _____

_____, 20____

[Judge] _____ [Judge's number]

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT – PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____ Deceased

FINAL REPORT OF INDEPENDENT REPRESENTATIVE

_____, the independent representative of this estate, states under the penalties of perjury that the administration of this estate has been completed and, in accordance with §28-11 of the Probate Act of 1975 [755 ILCS 5/28-11], further states as follows:

- 1. Notice of probate has been given in compliance with §6-10 or 9-5 [755 ILCS 5/6-10 or 5/9-5];
- 2. The notice to creditors required by §18-3 [755 ILCS 5/18-3] has been published, reasonable care was used to determine the creditors of the decedent, and all known creditors have been given notice as required under §18-3;
- 3. Copies of the inventory and accounting have been mailed or delivered to the extent required by §§28-6 and 28-11 [755 ILCS 5/28-6 and 5/28-11];
- *4. Each claim filed has been allowed, disallowed, compromised or dismissed or is barred; and
 - (a) all claims allowed have been paid in full;
 - (b) the estate was not sufficient to pay all of the claims in full, and all claims allowed have been paid according to their respective priorities pursuant to §18-10 and 18-13 [755 ILCS 5/18-10 and 755 ILCS 5/18-13];
- 5. Notice was given where required by §§15-1 and 15-2 [755 ILCS 5/15-1 and 755 ILCS 5/15-2]; and
 - ** (a) A spouse's award has been paid. has been waived. is barred. is not applicable.
 - ** (b) A child's award has been paid. is not applicable.
- *6. (a) All death taxes have been determined and paid or otherwise provided for;
 - (b) The estate is not subject to death taxes;
- *7. All administration expenses and other liabilities of the estate have been paid and the administration
 - (a) has been completed;
 - (b) has not been completed, but has been provided for (see attached);
- 8. Notice of probate and release of the estate's interest in real estate has been recorded to the extent required by §§20-24 and 28-10(a) of the Probate Act [755 ILCS 5/20-24 and 5/28-10(a)];
- 9. The remaining assets of the estate have been distributed to the persons entitled thereto;
- ** 10. The fees paid or payable to the independent representative and the attorney have been have not been approved by all interested persons;
- ** 11. Receipts have been obtained from all heirs or legatees, and written approvals have been obtained from unpaid creditors and are filed with this **FINAL REPORT** , except as attached. . No exception is attached.

*Check the applicable statement.

**Complete the sentence by checking the appropriate box.

Attorney Number _____ Dated: _____

Name _____ /s/ _____

Firm Name _____ [signature of the independent representative]

Attorneys for the representative

Address _____ Attorney Certification

City/State/Zip _____

Telephone _____

Email _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____ Deceased

ORDER OF DISCHARGE

On the application of _____,
[printed name of the representative]

independent representative, the representative's verified **FINAL REPORT OF INDEPENDENT REPRESENTATIVE** having been filed, and the Court's having been advised that (a) due notice has been given to or waived by all interested persons entitled thereto, including any surety, (b) no objection is pending, and (c) all acts necessary for the full administration of the estate have been performed according to law;

IT IS ORDERED THAT:

- A. The independent representative be discharged and the estate be closed;
- * B. That part of the **ORDER** dated _____ which directs that (i) a verified **FINAL REPORT** pursuant to §28-11 of the Probate Act of 1975 [755 ILCS 5/28-11] or (ii) an **ACCOUNT** pursuant to §24-1 of the Probate Act of 1975 [755 ILCS 5/24-1] be filed or the representative appear in court on _____, at _____ M, be stricken.

* **Strike if not applicable.**

ENTERED:

_____, 20 _____

[Judge]

[Judge's number]

Attorney Number _____

Name _____

Firm Name _____

Attorneys for the representative

Address _____

City/State/Zip _____

Telephone _____

Email _____



AN AFFIDAVIT TO THE SECRETARY OF THE STATE OF ILLINOIS, PURSUANT TO 755 ILCS 5/ART. XXV OF THE PROBATE ACT, ILLINOIS COMPILED STATUTES, AS AMENDED BY PUBLIC ACT 98-0836 (EFF. 1-1-15).

STATE OF ILLINOIS

COUNTY OF _____

SMALL ESTATE AFFIDAVIT

I, _____ (name of affiant), on oath state:

- 1. (a) My post office address is: _____;
(b) My residence address is: _____; and
(c) I understand that if I am an out-of-state resident I submit myself to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit. My agent for service of process in Illinois is:

NAME: _____ ADDRESS: _____

CITY: _____ TELEPHONE: _____

I understand that if no person is named above as my agent for service or, if for any reason, service on the named person cannot be effectuated, the Clerk of the Circuit Court of _____ (County) _____ (Judicial Circuit) Illinois is recognized by Illinois law as my agent for service of process.

- 2. The decedent's name is _____
3. The date of the decedent's death was _____ and I have attached a copy of the death certificate hereto.
4. The decedent's place of residence immediately before his/her death was _____
5. No letters of office are now outstanding on the decedent's estate, and no petition for letters is contemplated or pending in Illinois or in any other jurisdiction, to my knowledge.
6. The gross value of the decedent's entire personal estate, including the value of all property passing to any party either by intestacy or under a will, does not exceed \$100,000 in value and consists of the following (list each asset and its fair market value):

Including vehicle(s) described below:

Table with 4 columns: Make of Vehicle, Body Type, Year Model, Vehicle Identification Number. Two rows of data.

Last licensed in the State of Illinois in (Year) _____ License Plate Number(s) _____

- 7. Mark (X) either (a) or (b): (a) [] All the decedent's funeral expenses and other debts have been paid, or (b) [] All the decedent's known unpaid debts are listed and classified as follows:

Class 1: Funeral and burial expenses, which include reasonable amounts paid for a burial space, crypt, or niche; a marker on the burial space; and care of the burial space, crypt, or niche; expenses of administration; and statutory custodial claims:

Name _____
Post Office Address _____ Amount \$ _____

Class 2: Surviving spouse's award or child's award, if applicable:

Name _____
Post Office Address _____ Amount \$ _____

Class 3: Debts due the United States:

Name _____
Post Office Address _____ Amount \$ _____

Class 4: Money due employees of the decedent of not more than \$800 for each claimant for services rendered within four months prior to the decedent's death and expenses attending the last illness:

Name _____

Post Office Address _____ Amount \$ _____

Class 5: Money and property received or held in trust by the decedent that cannot be identified or traced:

Name _____

Post Office Address _____ Amount \$ _____

Class 6: Debts due the State of Illinois and any county, township, city, town, village, or school district located within Illinois:

Name _____

Post Office Address _____ Amount \$ _____

Class 7: All other claims:

Name _____

Post Office Address _____ Amount \$ _____

7.5 I understand that all valid claims against the decedent's estate described in paragraph 7 must be paid by me from the decedent's estate before any distribution is made to any heir or legatee. I further understand that the decedent's estate should pay all claims in the order set forth above, and if the decedent's estate is insufficient to pay the claims in any one class, the claims in that class shall be paid pro rata.

8. There is no known unpaid claimant or contested claim against the decedent except as stated in paragraph 7.

9. (a) The names and places of residence of any surviving spouse, minor children and adult dependent* children of the decedent are as follows:

Name and Relationship	Place of Residence	Age of Minor Child
-----------------------	--------------------	--------------------

*(Note: An adult dependent child is one who is unable to maintain themselves and is likely to become a public charge.)

(b) The award allowable to the surviving spouse of a decedent who was an Illinois resident is \$ _____

(\$20,000, plus \$10,000 multiplied by the number of minor children and adult dependent children who resided with the surviving spouse at the time of the decedent's death. If any such child did not reside with the surviving spouse at the time of the decedent's death, so indicate in 9(a)).

(c) If there is no surviving spouse, the award allowable to the minor children and adult dependent children of a decedent who was an Illinois resident is \$ _____ (\$20,000, plus \$10,000 multiplied by the number of minor children and adult dependent children), to be divided among them in equal shares.

10. Mark (X) either 10(a) or 10(b):

(a) The decedent left no will. The names, places of residence and relationships of the decedent's heirs, and the portion of the estate to which each heir is entitled under the law where decedent died intestate are as follows:

Name, Relationship and Place of Residence	Age of Minor	Portion of Estate
---	--------------	-------------------

(b) The decedent left a will, which has been filed with the clerk of an appropriate court. A certified copy of the will on file is attached. To the best of my knowledge and belief the will on file is the decedent's last will and was signed by the decedent and the attesting witnesses as required by law and would be admissible to probate. The names and places of residence of the legatees and the portion of the estate, if any, to which each legatee is entitled are as follows:

Name, Relationship and Place of Residence	Age of Minor	Portion of Estate
---	--------------	-------------------

(c) Affiant is unaware of any dispute or potential conflict as to the heirship or will of the decedent.

10.3 My relationship to the decedent or the decedent's estate is: _____.

10.5 I understand that the decedent's estate must be distributed first to satisfy claims against the decedent's estate as set forth in paragraph 7.5 of this affidavit before any distribution is made to any heir or legatee. By signing this affidavit, I agree to indemnify and hold harmless all creditors of the decedent's estate, the decedent's heirs and legatees, and other persons, corporations, or financial institutions relying upon this affidavit who incur any loss because of reliance on this affidavit, up to the amount lost because of any act or omission by me. I further understand that any person, corporation, or financial institution recovering under this indemnification provision shall be entitled to reasonable attorney's fees and the expenses of recovery.

11. After payment by me from the decedent's estate of all debts and expenses listed in paragraph 7, any remaining property described in paragraph 6 of this affidavit should be transferred to (NAME) _____
(ADDRESS) _____;

this affidavit is made to induce the Secretary of State of Illinois, to issue a Certificate of Title to the vehicle to the assignee.

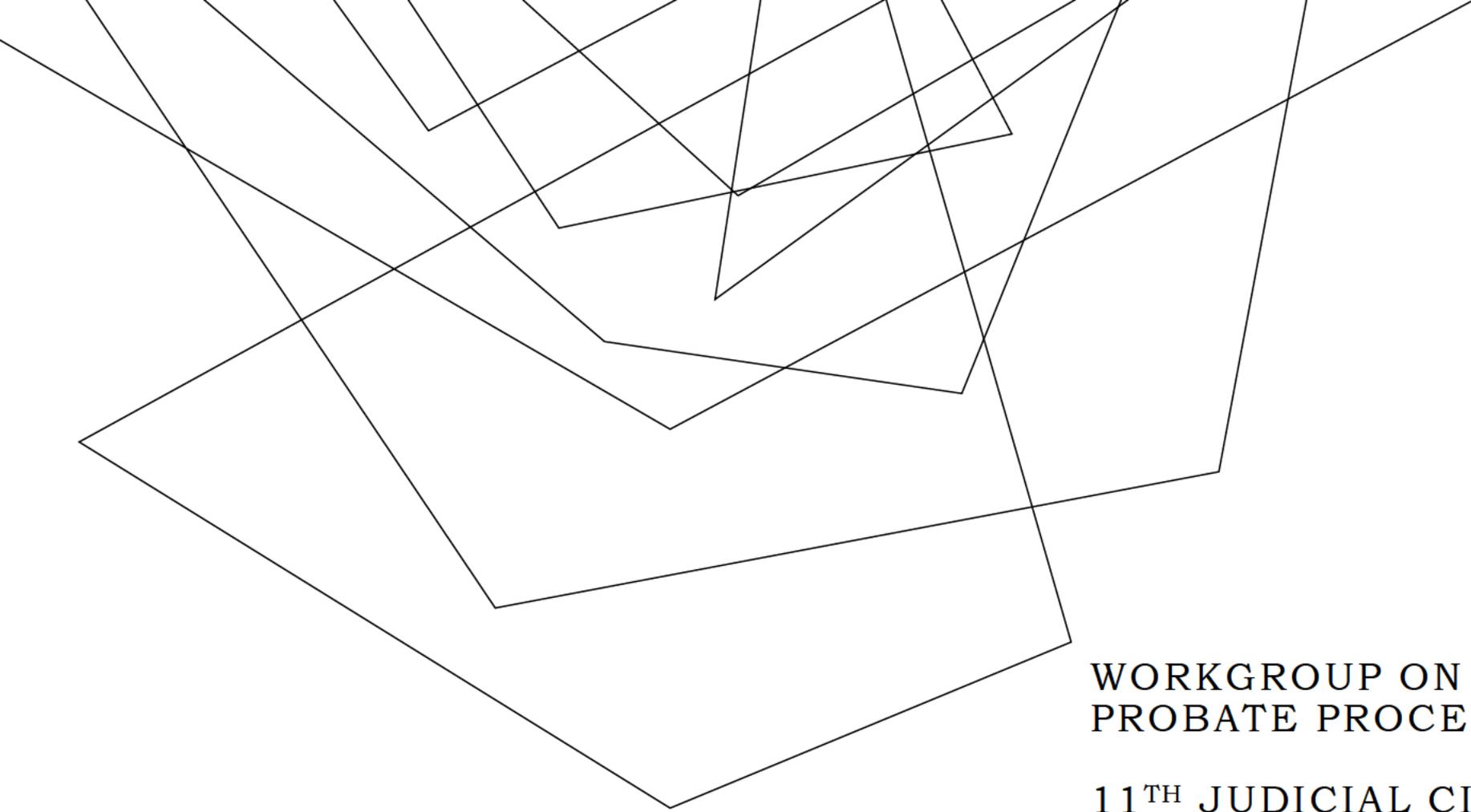
The foregoing statement is made under the penalties of perjury. (Note: A fraudulent statement made under the penalties of perjury is perjury, as defined in Section 32-2 of the Criminal Code of 2012.)

Signature of Affiant Date

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

(SEAL)



WORKGROUP ON UNCONTESTED
PROBATE PROCEEDINGS

11TH JUDICIAL CIRCUIT
PERSPECTIVE

ADMINISTRATIVE JUDGE OF
PROBATE, YVONNE COLODNY

2018

Changes to Case Management

- Became 100% judicially focused
- Use of checklists
- Creation and implementation of time standards

STAFF

Case Management

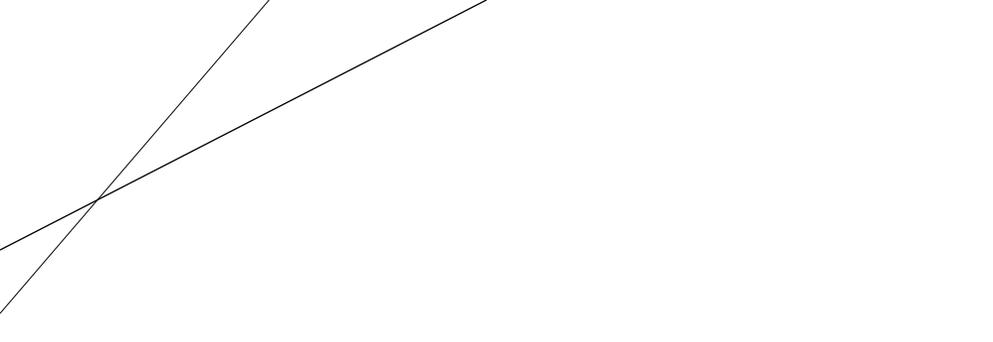
Director of Probate

Assistant Director of Probate

Court Program Specialist II – 3 CM's assigned to estates/guardianships

TIME STANDARDS

1. Created to help Judges and case managers keep track of important and ensure they are actively progressing toward a timely resolution.
2. Creation of “tracks” for Formal Administration, Summary Administration and Guardianship which are tied to specific events.
3. Once a time standard is opened by a triggering event it is assigned a target date, the date that an item is due, and the system begins looking for the closing event that will satisfy the time standard. If the due date passes without the event being filed, the time standard becomes overdue and will appear on the CM’s report.



TIME STANDARD REPORT

	A	B	C	D	E	F
1	Case Number	Case Status	Scheduled Judge	Event Date	Event Type	Days Overdue
119	2022-002839-CP-02	Sort A to Z Sort Z to A Sort by Color > Sheet View > Clear Filter From "Scheduled Judge" Filter by Color > Text Filters > Search <input checked="" type="checkbox"/> (Select All) <input checked="" type="checkbox"/> Section, PMH 01 <input checked="" type="checkbox"/> Section, PMH 03 <input checked="" type="checkbox"/> Section, PMH 04 <input checked="" type="checkbox"/> Section, PMH 05 <input checked="" type="checkbox"/> Section, PMH 06 OK Cancel		5/20/2022	Petition for Summary Administration	97
120	2022-003827-CP-02		7/14/2022	Petition for Administration	102	
121	2021-006602-CP-02		2/11/2022	Letters of Administration	103	
122	2022-000555-CP-02		2/8/2022	Letters of Administration	106	
123	2022-000129-CP-02		6/29/2022	Order of Distribution	117	
124	2022-000183-CP-02		1/28/2022	Letters of Administration	117	
125	2022-001753-CP-02		3/29/2022	Petition for Summary Administration	149	
126	2022-002034-CP-02		5/23/2022	Letters of Administration	154	
127	2022-001559-CP-02		3/21/2022	Petition for Summary Administration	157	
128	2022-002588-CP-02		5/10/2022	Petition for Administration	167	
129	2022-002075-CP-02	4/15/2022	Petition for Administration	192		
130	2022-002062-CP-02	4/14/2022	Petition for Administration	193		
131	2022-000838-CP-02	5/23/2022	Letters of Administration	2		
132	2022-002685-CP-02	5/23/2022	Letters of Administration FROM ESTATE ACCOUNT	2		
133	2022-002729-CP-02	5/23/2022	Letters of Administration	2		
134	2022-000067-CP-02	10/21/2022	Order of Distribution	3		
135	2022-004514-CP-02	8/22/2022	Petition for Summary Administration	3		
136	2022-004530-CP-02	8/22/2022	Petition for Summary Administration	3		
137	2022-002221-CP-02	5/21/2022	Letters of Administration AMENDED	4		
138	2022-002811-CP-02	10/20/2022	Order of Distribution AMENDED	4		
139	2022-004680-CP-02	10/20/2022	Letters of Administration	4		
140	2022-005609-CP-02	10/20/2022	Petition for Administration	4		
141	2022-005612-CP-02	10/20/2022	Petition for Administration	4		
142	2022-002559-CP-02	10/20/2022	Petition for Administration	4		
143	2022-002731-CP-02	10/19/2022	Order of Distribution	5		
144	2022-005427-CP-02	5/20/2022	Letters of Administration	5		
		10/19/2022	Letters of Administration	5		

CM RESPONSIBILITIES

Weekly

1. Review the time standards reports on a weekly basis and track the events in a case to make sure it is progressing properly.
2. Send OTP's and/or Judicial Orders to the Judge for signature and make sure they are getting entered.
3. Review status of OTP's that have been entered – refer cases of non-compliance to Judges.

Monthly

1. Run inactivity reports to identify cases with more than 9 months of no docket activity, determine whether OTP's or orders placing the case on inactive status are required and prepare orders for the Judge.
2. Review Estate cases open more than 365 days to identify cases that can be progressed or placed on inactive status. Provide status reports to the section Judge.

ORDER TO PROGRESS (EXAMPLE)

THIS CAUSE was reviewed by the Court for case management purposes. Review of the court file on the Clerk's docket display indicates that the petitioner has failed to timely secure Letters of Administration and an Order Appointing Personal Representative. Upon consideration of the foregoing, it is

ORDERED that:

Proposed personal representative has the obligation to actively progress the resolution of this cause. Proposed personal representative must file the required documentation, checklist, and secure Letters of Administration and Order of Appointment within 20 days of the date of this order. Failure to do so shall result in administrative closure of this case, unless a timely filed request for extension has been granted. (Dec 3 2024)

CM RESPONSIBILITIES

CM review TSR daily. At the end of the week, for each Probate section, CM will compose an email to the section Judge. The email contains the following:

- 1. A List of cases for which the CM produced and sent an OTP for the Judge to sign that week.**
- 2. List of cases for which CM as produced and sent an order of dismissal or a rule to show cause order that week.**
- 3. A list of cases CM recommends the Judge to review and provide instructions.**
- 4. CM monitors deadlines created by OTPs.**
- 5. CM checks on all dismissals to ensure COC has properly closed case.**

CM RESPONSIBILITIES – *PRO SE*

- Paper pleadings through the Clerk of Court (COC)
 - Disposition without Administration
 - Summary Administration
- COC responsibilities:
 - Provides FLSSI forms (FI Lawyers Support Services, Inc)
 - Dockets pleadings and supporting documents
 - In dispo w/o, prepare letter to financial institution for Court signature to obtain statement
 - Upload to Odyssey “Probate CM Supervisor” queue.
- Assistant Director of Probate/CM review
- If all required documents filed, COC advised to provide paper file to section Judge for judicial sufficiency review and execution of order.
- If all required documents not filed, CM sends memo to Pro Se.

CM RESPONSIBILITIES

CHECKLISTS AND COMPLIANCE WITH AO 22-02

Review proposed orders in the courtMAP pending orders queue and compare case docket with checklists on an hourly schedule when time permits. Reject submissions that do not comply with checklist and/or AO requirements.

From: [Colodny, Yvonne](#)
To: [Dustin W. Metz](#)
Cc: [BERTILA SOTO](#)
Subject: Follow-up: Workgroup Suggestion
Date: Tuesday, November 26, 2024 10:02:30 AM

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mr. Metz,

Again, thank you for the opportunity to present to the Workgroup regarding uncontested Probate matters. The panel asked me to follow up with any suggestions on how to streamline uncontested matters. In reflection, I wanted to recommend approval and support for creation of Probate self-help.

The 11th Judicial Circuit has previously considered the creation of self-help for uncontested probate matters, similar to self-help in family cases. However, there was no legal authority for us to undertake the project. Self-help lends itself to uncontested probate matters as disposition without administration and summary administration are primarily form based. Sadly, self-represented litigants often abandon their attempt to secure orders in smaller estates because they are intimidated by the forms and procedures. Self help would provide greater access to justice for these folks.

Probate self-help, as we envisioned it, would be designed to assist the community members with (1) Disposition without Administration, (2) Summary Administration, (3) Petitions for Protective Injunction Against Exploitation of a Vulnerable Adult (F.S. 825.1035), (4) Marchman Act Petitions, (5) Baker Act Petitions, and other matters falling under the probate umbrella.

Access to existing technology and a single staff member would be sufficient to operate a successful self-help program in our jurisdiction.

Please feel free to share my suggestion.

As always, I make myself available to discuss this and any other probate matter. In the 11th, we are always striving to work efficiently and provide the best access to justice.

My best wishes to you and your staff for the upcoming Thanksgiving holiday.

YC

Yvonne Colodny

Administrative Judge, Probate Division

Eleventh Judicial Circuit

305.349.7117

Administrative Assistant: Nikki S.

Court Coordinator: Jose B.

Division Policies and Information: <https://www.jud11.flcourts.org/Judge-Details?judgeid=899§ionid=32>

The mission of Florida's judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

Please do not print this e-mail unless absolutely necessary.

Attention: The information contained in this E-mail message may be privileged and confidential under Fla. R. Jud. Admin. 2.420. This information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply E-mail and destroy all copies of the original message. Thank you.

From: [Laird A. Lile, Esq.](#)
To: [Dustin W. Metz](#)
Subject: FW: Comment PLC meeting
Date: Thursday, February 6, 2025 5:54:21 PM

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A comment for us to consider.

Laird A. Lile, Esq.

Laird A. Lile, PLLC
3033 Riviera Drive, Suite 104
Naples, Florida 34103
(239) 649-7778
www.lairdalile.com

Notice: If this email, or any attachment, was not intended for you, please notify the sender and delete this email to maintain the confidential nature of this communication.

From: Marjorie Wolasky <mwolasky@wolasky.com>
Sent: Thursday, February 6, 2025 9:51 AM
To: Laird A. Lile, Esq. <llile@lairdalile.com>
Subject: Comment PLC meeting

I had to attend a hearing this am and joined late- was any consideration given to handling Summary Administrations for decedents who passed away more than 2 years ago in a different manner.

My thought is that if creditors' claims are not of concern - because the SOL has passed- pro se representation ought to be allowed.

Marjorie E. Wolasky
[9200 S Dadeland Boulevard, Suite 411](#)
[Miami, Florida 33156](#)
Tel: [305-670-7005](tel:305-670-7005) | Fax: [305-670-9983](tel:305-670-9983)
Email: mwolasky@wolasky.com
A member of the firm Lillesand, Wolasky, & Hitchcock

From: [Laird A. Lile, Esq.](#)
To: [Dustin W. Metz](#)
Subject: FW: Small accounts
Date: Friday, February 7, 2025 3:42:12 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)
[image009.jpg](#)
[Statutes RE asset information.xlsx](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Laird A. Lile, Esq.

Laird A. Lile, PLLC
3033 Riviera Drive, Suite 104
Naples, Florida 34103
(239) 649-7778
www.lairdalile.com

Notice: If this email, or any attachment, was not intended for you, please notify the sender and delete this email to maintain the confidential nature of this communication.

From: Sarah S. Butters <SButters@ausley.com>
Sent: Friday, February 7, 2025 11:34 AM
To: ben@diamonddlawflorida.com; Laird A. Lile, Esq. <llile@lairdalile.com>
Subject: FW: Small accounts

Ben and Laird,

As a follow up to the discussion yesterday. We previously tried to add statutory language that would allow/direct a bank or insurance company to disclose the value of an account so we can determine if we need a formal or summary. We did this in the context of small account legislation. Tae reminded me that the banks would not agree to it (and as of 2020, only 2 states actually allowed). Below is a string of some proposed language, none of which was ultimately passed. Attached is a chart of the two states that had it as of 2020, if you're curious of their approach.

But we do think it would be helpful if a bank could disclose how much the account is worth. Maybe just disclosure IF the account is worth less than \$75k (but not if it is over that and going to have to go through formal). The reality is that we need to know the exact amount to do a summary because the petition and order needs to recite the exact amount. But it would hugely efficient if we could stop opening formals just to get information and then convert to a summary.

To be clear, I don't like the proposal below that you have to have actually filed a petition before the bank has to disclose, because we would not know what kind of petition to file. So we would then be filing, getting the info and amending or converting... I think the better approach is to let banks disclose to any person who can establish that they have an interest in the account (either via a will or via intestate code).

Thanks for your consideration and hard work.

SARAH S. BUTTERS

Ausley McMullen

Direct Dial: [850-425-5447](tel:850-425-5447)

From: Tae Bronner <taek@estatelaw.com>
Sent: Friday, February 7, 2025 11:15 AM
To: Sarah S. Butters <SButters@ausley.com>
Subject: Fwd: Small accounts

Get [Outlook for iOS](#)

From: Sarah S. Butters <SButters@ausley.com>
Sent: Friday, January 31, 2020 10:36:10 AM
To: Martha Edenfield <MEdenfield@deanmead.com>
Cc: Tae Bronner <taek@estatelaw.com>
Subject: RE: Small accounts

Sorry, fixed that...

3. A financial institution from disclosing the existence of and amounts on deposit in any individual account of a decedent [to any person who has petitioned for administration] pursuant to administration of an estate under chapter 733, s. 735.201 and s. 735.303.



From: Sarah S. Butters
Sent: Friday, January 31, 2020 10:34 AM
To: Martha Edenfield <MEdenfield@deanmead.com>
Cc: Tae Bronner <taek@estatelaw.com>
Subject: RE: Small accounts

Yes, but I think Tae and Russ might think there needs to be a clarification of WHO the bank can disclose to (only someone who has filed a petition or affidavit that is sworn under penalty). Tae, how would you revise to incorporate Russ' concern? How's this?

3. A financial institution from disclosing the existence of and amounts on deposit in any individual account of a decedent [who has petitioned for administration] pursuant to administration of an estate under

chapter 733, s. 735.201 and s. 735.303.



From: Martha Edenfield <MEdenfield@deanmead.com>

Sent: Friday, January 31, 2020 10:28 AM

To: Sarah S. Butters <SButters@ausley.com>

Subject: Small accounts

Is this the change?

Section 1. Paragraph (b) of subsection (2) of section 655.059, Florida Statutes, is amended to read:

655.059 Access to books and records; confidentiality; penalty for disclosure. —

(2)

(b) The books and records pertaining to trust accounts and the deposit accounts and loans of depositors, borrowers, members, and stockholders of any financial institution shall be kept confidential by the financial institution and its directors, officers, and employees and may not be released except upon express authorization of the account holder as to her or his own accounts, loans, or voting rights. However, information relating to any loan made by a financial institution may be released without the borrower's authorization in a manner prescribed by the board of directors for the purpose of meeting the needs of commerce and for fair and accurate credit information. Information may also be released, without the authorization of a member or depositor but in a manner prescribed by the board of directors, to verify or corroborate the existence or amount of a customer's or member's account when such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. In addition, a financial institution, affiliate, and its subsidiaries, and any holding company of the financial institution or subsidiary of such holding company, may furnish to one another information relating to their customers or members, subject to the requirement that each corporation receiving information that is confidential maintain the confidentiality of such information and not provide or disclose such information to any unaffiliated person or entity. Notwithstanding this paragraph, this subsection does not prohibit:

1. A financial institution from disclosing financial information as referenced in this subsection as authorized by Pub. L. No. 106-102 (1999), as set forth in 15 U.S.C. s. 6802 (2010) U.S.C.A. s. 6802, as amended.
2. The Florida office of the international banking corporation or international trust entity from sharing books and records under this subsection with the home-country supervisor in accordance with subsection (1).
3. A financial institution from disclosing the existence of and amounts on deposit in any individual account of a decedent pursuant to administration of an estate under chapter 733, s. 735.201 and s. 735.303.

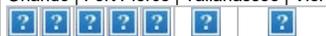
Sent from my iPhone

Martha J. Edenfield
Attorney at Law
MEdenfield@deanmead.com
850-999-4100 F: 850-577-0095 850-556-8611
Dean, Mead & Dunbar



215 S. Monroe Street
Suite 815, Tallahassee, Florida 32301
Orlando | Fort Pierce | Tallahassee | Viera/Melbourne

www.deanmead.com



PRIVILEGED INFORMATION DISCLAIMER: This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please delete this email, destroy any hard copies thereof, and notify us immediately by telephone. Thank you.

APPENDIX

K

SUMMARY OF TESTIMONY – PUBLIC MEETING

Summary of Testimony

Public Meeting

September 11, 2024

The workgroup invited probate practitioners across the state to share their perspectives on uncontested probate proceedings. Six individuals participated, discussing challenges within the current system and suggesting reforms to improve Florida's probate processes. A summary of their testimony is provided below.

The Honorable Stacy Butterfield, Polk County Clerk of Court and Comptroller - Florida Court Clerks and Comptrollers

Clerk Butterfield opened her remarks by thanking the workgroup for the opportunity to share the perspective of the clerks of court. She acknowledged the data reviewed by the workgroup and emphasized that most probate cases are non-adversarial, with 65% resolving within six months to one year. However, half of uncontested proceedings remain pending for one year or more in Polk County.

She explained the ministerial role of the clerks who must interface between the public navigating the process and the court. Clerks are independent officers with specific duties assigned by law. Funding for the clerks' court-related functions is governed by statute. If the workgroup recommends additional clerk duties to improve probate proceedings, she suggested amending the statutes to incorporate those duties.

Clerk Butterfield moved on to identifying weaknesses in the current probate process. Although there are several standardized forms for guardianship matters, there are few such forms for probate proceedings. Additionally, many litigants believe that an attorney is necessary to navigate the complicated process. The current system taxes an already overburdened judiciary, wastes resources, and causes delays.

She suggested several improvements to the probate system. First, standardized probate-specific forms approved by the Supreme Court should be developed and incorporated into the Florida Probate Rules. Second, simplified procedures should be expanded to cover a broader range of probate matters. Third, quasi-judicial officers should be expressly authorized by statute or rule to dispose of probate proceedings.

If clerk duties are modified to streamline uncontested probate proceedings, Clerk Butterfield noted that would require amending statutes, including the

authorized uses of filing fees. However, the clerks are ready, willing, and committed to work as partners on this project.

Workgroup members asked Clerk Butterfield how she would rank her recommendations for improvement. She responded that she would prioritize developing standardized forms, then expanding simplified procedures to alleviate the need for counsel, followed by authorizing quasi-judicial agents to dispose of probate matters.

A workgroup member asked a follow-up question regarding the potential duties of quasi-judicial officers. Clerk Butterfield stated that these additional duties could include some automatic action taken after a case event. If these duties are assigned to the clerk, consideration should be given to the workload impact and clerk's duty of case maintenance as opposed to case management.

Another workgroup member inquired about maintaining consistency in the use of forms. Clerk Butterfield suggested that standardized forms and a timely process for updating them to reflect changes in the law are important, especially for self-represented litigants. Supreme Court-approved forms help provide uniformity.

Lisa DiFranza - Elder Law Section of The Florida Bar

Ms. DiFranza, representing the Elder Law Section of The Florida Bar, began by agreeing with Clerk Butterfield that uniformity, efficiency, consistency, and transparency are important goals. She highlighted inconsistent procedures and hidden requirements in some circuits, which lead to confusion, errors, and inefficiencies. She proposed standardizing probate procedures and forms, providing clear statutory and rule-based guidelines, enhancing clerk training, and offering transparent public notice.

A workgroup member asked Ms. DiFranza what a consistent system should look like. She suggested eliminating the affidavit of heirs in intestate proceedings, providing standardized forms, and creating a process for summary administration without homestead. She noted that the clerks have a centralized location that could serve as a forms repository.

Workgroup members mentioned the importance of uniform forms to ensure consistency and efficiency in court processes while acknowledging the challenges associated with creating comprehensive and user-friendly forms. A balance between consistency and flexibility should be struck, perhaps by implementing uniform forms at the circuit level to accommodate regional differences. Ms. DiFranza suggested focusing on testate rather than intestate forms.

Ms. DiFranza was asked if there are steps that can be removed to streamline the probate process. She suggested eliminating the affidavit of heirs in testate proceedings, publication requirements for homestead, certain notarization requirements, local procedures contrary to statute or rule, and consent requirements for personal representatives who are also beneficiaries.

Kristin Northrup - Legal Services of North Florida

Ms. Northrup, representing Legal Services of North Florida, shared that she previously served as a staff attorney and probate case manager in Escambia County. Her presentation focused on streamlining the probate process, particularly for lower-wealth estates, while maintaining due process for heirs and creditors. She highlighted the challenges faced by heirs, particularly the elderly, who inherit property and struggle to navigate complex legal procedures.

To address these issues, she proposed several solutions. One key proposal was to authorize the distribution of assets without judicial supervision, similar to the process in Virginia. Enhanced affidavit procedures would allow for the distribution of assets without the need for court intervention, significantly reducing costs and time. She also suggested simplifying the process for transferring vehicle titles and streamlining the affidavit process for exempt property.

Furthermore, Ms. Northrup advocated for increased accessibility to probate proceedings for pro se litigants. She proposed standardized forms, additional case managers, and legal clinics to assist individuals in navigating the complex probate system.

Finally, she called for a shift towards per capita distribution as the default rule in intestacy rather than per stirpes, arguing that it would simplify the inheritance process and prevent the fragmentation of property. Additionally, she suggested implementing a rule that would determine distribution at the time of probate rather than at the time of death to avoid multiple estate proceedings.

Workgroup members asked about the practical implications of implementing an affidavit procedure, including the typical timeframe for its use and the potential impact on caseloads. Ms. Northrup noted that an affidavit procedure would eliminate the need for a probate case, thereby relieving judicial resources. Questions were raised about the optimal threshold for summary administration and the potential for streamlining the process for lower-wealth estates. Ms. Northrup suggested including personal property in the affidavit process. Concerns were raised about the risk of fraud and the need for appropriate safeguards, such as a grace period and a mechanism to challenge the affidavit. Ms. Northrup agreed that a timeframe that is too short could

harm heirs. She suggested that affidavit procedures should build an ability to open probate within two years of filing an affidavit of heirs.

Lotoya Brown - Dade Legal Aid

Ms. Brown, the civil pro bono coordinator of Dade Legal Aid, acknowledged the vital role of volunteer attorneys in managing probate cases and reducing burdens on legal aid organizations. Ms. Brown emphasized the need for more attorneys to volunteer in these matters.

When asked if there was one recurring probate issue that her clients most consistently required legal advice, Ms. Brown responded that communicating the importance of deadlines is paramount. She noted a similar need for clients facing foreclosure and bankruptcy.

Darlene Bell-Alexander - Public Interest Heirs' Property Attorneys

Ms. Bell-Alexander, on behalf of the Public Interest Heirs' Property Attorneys (PIHPA), discussed PIHPA's efforts to resolve heirs' property issues. Much of their work involves clearing the cloud on the title, which allows the surviving family to make repairs and retain the estate's value. PIHPA members also prepare wills and deeds for clients and partner with law schools to provide education and outreach on probate matters. PIHPA expressed willingness to collaborate with the workgroup to address probate challenges and protect heirs' property. Ms. Bell-Alexander noted that PIHPA has discussed streamlining uncontested probate proceedings nationally, and some states have implemented reforms.

Mitchell Hipsman - Attorney

Mr. Hipsman directed his comments to section 733.603, Florida Statutes, which instructs the personal representative to proceed expeditiously with the settlement and distribution of the estate without adjudication, order, or direction of the court. He suggested that the statute authorizes a substantial portion of the workgroup's goals. However, its application has been gradually restricted over time. Mr. Hipsman acknowledged the utility of checklists, provided they do not add unnecessary requirements. He suggested striking a balance between simplicity, efficiency, and creditor protection.

Mr. Hipsman was asked if he recommended any changes to conform with the statute's intent. He noted that certain essential requirements could be added to statutes or rules. He also suggested adopting forms on a statewide basis. He offered that probate and guardianship forms have been created and produced by Florida Service Inc. as a licensed software package but are not approved by the Supreme Court.

APPENDIX

L

SUMMARY OF TESTIMONY FROM
REPRESENTATIVES OF HIGH-
PERFORMING FLORIDA COUNTIES
AND EXPERTS FROM OTHER
STATES

Summary of Testimony

Representatives of High-performing Florida Counties and Experts from Other States

November 20, 2024

The workgroup invited four Florida circuit court judges and six experts from other states to discuss uncontested probate proceedings and address questions. A summary of their testimony is provided below.

The Honorable Michael P. Murphy, Circuit Judge, Ninth Judicial Circuit of Florida

Judge Murphy began his comments by observing that probate cases often experience delays, with many remaining open because lawyers cease working due to nonpayment of fees. To address this issue, he implemented a procedure requiring letters of administration (LOAs) to expire on a certain date. When an LOA expires, sanctions are imposed, including dismissal without prejudice. Dismissed cases may be reopened if specific requirements are met, such as filing an overdue inventory. Judge Murphy recommended that expiration dates should become a standard requirement for LOAs. He also suggested creating a rule to authorize the administrative closure of probate cases if related civil litigation is pending.

Judge Murphy observed that the failure to prosecute rule (Fla. R. Civ. P. 1.420(e)) applies in a probate proceeding only if the proceeding is adversarial. However, courts possess the inherent authority to dismiss cases for lack of reasonable diligence, as outlined in *Barnett Bank of East Polk County v. Fleming*, 508 So. 2d 718, 719 n.3 (Fla. 1987). This authority can be used to enforce deadlines and impose sanctions for expired LOAs.

Judge Murphy also advocated expanding the use of magistrates to handle uncontested probate matters, which he believed could significantly reduce judicial workload. Magistrates in the Ninth Judicial Circuit preside over guardianship but not probate proceedings. Judge Murphy suggested statutory changes to authorize magistrates to sign orders in uncontested probate proceedings without the consent of all interested parties because obtaining universal consent is often impractical. He estimated that this change could reduce the number of judges needed in probate divisions. He emphasized that magistrates could manage the high volume of administrative tasks, freeing up judges to focus on contested matters.

To reduce delays, Judge Murphy recommended adopting case management orders in contested probate proceedings, similar to those used in civil cases. He

also called for clearer distinctions between actively open cases and those on hold due to pending external actions, such as IRS issues. He argued that administrative closures for such cases could streamline processes and reduce unnecessary judicial oversight.

Other practical improvements suggested by Judge Murphy included requiring parties to provide e-mail addresses at the start of a case to enhance service and communication. He also noted that sanctions for expired LOAs were included in the initial notice provided when the LOA was issued, ensuring transparency. Despite these efforts, he acknowledged it was too early to determine the long-term impact of some measures, such as whether immediate dismissal significantly improved case resolution rates compared to issuing an order to show cause.

The Honorable Yvonne Colodny, Circuit Judge, Eleventh Judicial Circuit of Florida

Judge Colodny opened her comments by discussing the evolution of probate case management in the Eleventh Circuit. Before 2018, case managers worked directly with pro se litigants to move cases forward. After 2018, the system became more judicially focused, with case managers working directly under judges and using checklists and time standards to track and manage cases efficiently. This shift, coupled with advancements in technology, significantly improved case progression.

The Eleventh Circuit has a structured probate case management system led by a director of probate, an assistant director, and three case managers assigned to estates and guardianships. Time standards were introduced to ensure timely case resolution, creating benchmarks tied to specific case events. For instance, if letters of administration (LOA) are not issued within 60 days, a report is generated on day 61, prompting action. Case managers monitor these reports weekly, recommend actions such as Orders to Progress (OTPs), and prepare lists for judges highlighting cases requiring attention. Templates for common orders—such as inventory, publication, and distribution—enable efficient case management. Judges review these recommendations through CourtMap, where they can approve, reject, or modify proposed actions.

Pro se litigants often face challenges interacting with technology and require in-person assistance. The system is designed to accommodate them, with clerks assisting in initial filings and case managers addressing missing documentation. For example, if required documents like bank statements are missing in cases of disposition without administration, case managers draft letters to financial institutions to obtain the necessary information.

Administrative closures generally occur near the end of the process, primarily during the distribution phase, and most administratively closed cases remain

permanently closed. In 2022, only 1,000 out of 6,000 closed cases were reopened. For inactive cases, courtesy templates are used to request status updates after one year of inactivity, with the option to close the case if there is no response.

Judge Colodny highlighted the importance of lawyers following the rules of procedure to reduce the need for OTPs. The court's technology, checklists, and judicial oversight have created a more transparent and efficient system, reducing delays and ensuring cases move toward resolution. While the current system is effective, Judge Colodny suggested that some routine procedures might be eliminated or streamlined if lawyers adhered more closely to established rules.

The Honorable Pamela A. M. Campbell, Circuit Judge, Sixth Judicial Circuit of Florida

Judge Campbell opened by echoing Judge Colodny's comments regarding attorneys following the rules of procedure. Judge Campbell expressed concerns about the potential for increased fraud if judicial oversight was reduced or procedures simplified further. She emphasized the importance of balancing proper notice and due process for heirs and creditors, particularly given Florida's diverse and elderly population. Simplified estate processes, such as summary administration and disposition without administration, often involve pro se litigants vulnerable to fraud, especially in cases involving homestead properties. She highlighted the need for thorough public records searches, including property and marriage records, to confirm rightful heirs, as many cases involve missing heirs or fraudulent claims.

There are a significant number of probate cases in Judge Campbell's circuit, with 3,200 cases in Pasco County and 3,600 in Pinellas County, and she believes that additional judicial resources, not procedural changes, are necessary to manage the workload effectively. She expressed opposition to transferring judicial duties to other officers, arguing that it would exacerbate existing problems. She noted that attorneys often fail to perform due diligence, leaving judges to identify issues such as fraud or misrepresentation. While increasing dollar thresholds for summary procedures is unlikely to impact the workload or outcomes significantly, she supports certain fraud prevention measures including requiring the latest property deed or creditors' statements in homestead cases.

Ex parte hours are not part of her practice due to unprepared attorneys' misuse; instead, she addresses complex issues by scheduling hearings. With a demanding 60-hour workweek, Judge Campbell is cautious about adding to the judicial burden without addressing resource limitations. She stressed the critical role of judicial oversight and attorney accountability in managing Florida's challenging probate landscape.

The Honorable Angela J. Cowden, Circuit Judge, Tenth Judicial Circuit of Florida

Judge Cowden discussed the management of probate cases, noting that uncontested probate matters are handled in chambers rather than the courtroom. The focus in the Tenth Circuit is on time management and efficiently processing the case queue. In some counties within the circuit, such as Highlands County, probate judges handle a variety of cases, while in Polk County, the probate judge handles only probate matters.

Judge Cowden is collaborating with the Florida Court Education Council Publications Subcommittee to create a checklist to guide judges through the probate process, ensuring that time standards are met and proper documentation is filed. The final draft of this checklist is set to be published later this year. A key goal of the committee is to standardize probate procedures statewide, particularly by developing standardized forms and orders that allow judges to focus on the substance of each case rather than technical details.

The Tenth Circuit faces technology challenges, as it lacks the infrastructure seen in larger circuits. This makes generating reports a manual and resource-intensive process. Judge Soto mentioned that the Eleventh Circuit's software, initially provided by Broward County, could potentially be adapted statewide, though its compatibility with other circuits is uncertain.

Judge Cowden and the workgroup members discussed making processes more efficient by creating self-closing procedures, including expiration dates for letters of administration, which could simplify routine probate cases.

The Honorable James L. Mixson, Clerk of Superior Court, Iredell County, North Carolina

Clerk Mixson discussed the structure and responsibilities of probate administration in North Carolina, where the clerk serves as an ex officio judge of probate. The clerk's role is statutory, not inherent, and covers both contested and uncontested probate matters. In larger counties like his, the probate department includes multiple staff members (his department has 8-9 employees), with deputy clerks handling ministerial duties and assistant clerks holding the same authority as the elected clerk. In smaller counties, the elected clerks often manage all judicial tasks themselves.

The process for probate varies depending on the size of the estate. For estates under \$10,000, there is a 90-day affidavit of collection process, and no formal audit is required. For larger estates, the full probate process takes about one year, with the option to request an extension. Clerks in North Carolina do not

have a statutory education requirement, though most hold bachelor's degrees, and some clerks in larger counties are attorneys. The county recorder and comptroller are separate positions in North Carolina. With respect to comptroller functions, the clerk is responsible only for the courts' finances.

A significant challenge noted by Clerk Mixson is the public's misunderstanding of the clerk's role. Many people do not realize the clerk functions as a judge in probate matters. Despite this challenge, the probate system is efficient and works well. Clerk Mixson's office handles about 1,500 probate filings each year.

Jonathan Sokoloff, Esq., Pennsylvania

Jonathan Sokoloff, an attorney from Pennsylvania, explained the state's probate process, focusing on the role of the register of wills. In Pennsylvania, when a person dies testate, the executor must bring the original will, a death certificate, and proof of identification to the register of wills. In most counties, a short certificate is issued immediately, though in some cases, it is mailed at a later date. If the process is handled virtually, the executor can show their identification on camera, and a clerk signs a petition to proceed. Most wills are self-authenticating, and in these cases, the executor does not need to return to court unless they seek a release before the final accounting. No further court action is required if all beneficiaries agree on the accounting and a release document is signed. However, if there is a dispute, an aggrieved beneficiary may challenge the process in court.

The process is generally very efficient, with no further filings required once all beneficiaries agree and the releases are signed. The Orphan's Court, which is part of the Court of Common Pleas, only gets involved when there is a dispute, such as if an executor is accused of mishandling the estate or if there is a challenge to the will. The register of wills operates under the orphan's court and is an elected official but not a judge. Executors or beneficiaries can file a motion in court if they wish to dispute the estate, and appeals can be made from the orphan's court. In estates with large charitable donations (over \$25,000), the Attorney General must approve the donation. Still, if the AG does not approve, the matter may need to go to court for resolution.

Mr. Sokoloff acknowledged that while the potential for fraud exists, particularly due to the system's less formal oversight, he has not observed many instances of fraud. Although he understands the concerns, there has been no widespread demand to change the system. He also noted that contested cases are rare, estimating that less than 5% of cases are contested. In fact, the probate process in Pennsylvania is designed to be relatively inexpensive, which is why practitioners in the state seldom recommend revocable trusts. The system operates with minimal regulation but functions efficiently, and most probate cases are resolved smoothly without court intervention.

The Honorable Doug Reeder, County Court Judge, Morris County, Texas

Judge Reeder discussed the probate process in his jurisdiction, which is one of the 254 counties in Texas, most of which are rural. Probate in Texas can proceed in two main ways: (1) the standard process with the issuance of letters testamentary, or (2) as a muniment of title for simpler estates without debts. In contested probate matters, cases are moved to the district court, either by a motion from the lower court or a party involved, rather than handled by the county court or statutory probate court. The county court is responsible for paying fees for statutory probate courts. In contrast, district courts incur no such costs, making the district court option more attractive from an efficiency and cost-effectiveness perspective.

Over 90% of probate cases are handled through independent administration, where the will appoints an independent executor without requiring a bond or court intervention. After a will is filed with the county clerk and a public notice is posted for at least 10 days, a hearing is held, usually within two weeks, to probate the will and appoint the executor. Once appointed, the executor's primary responsibility is to manage and protect the estate's assets, sometimes needing to hire additional help, such as a tax attorney. While fraud is rare, some executors may become overwhelmed or face legal challenges. Executors are also responsible for tax obligations and, if needed, can switch to a dependent executor if complications arise. Because most probate cases are uncontested and managed through independent administration, Judge Reeder handles between 15 to 50 probate cases per month. Some of these matters begin as uncontested proceedings but become contested and require judicial intervention when disputes arise.

Susan Snyder, Esq., Illinois

Ms. Snyder discussed two methods of simplified probate administration in Illinois: independent administration and small estate affidavits. In independent administration, notice is sent to both heirs and legatees, and creditors are notified through publication. These routine procedures do not require court involvement. After six months, an estate can be closed, provided an inventory and accounting are sent to interested parties.

The small estate affidavit process applies to smaller estates without real estate and valued under \$100,000. This method does not involve the court and allows the estate to be settled by presenting the affidavit to banks and other institutions. The affidavit requires detailed information about the estate, including funeral expenses and paid claims, and is used when there is no dispute regarding the will or heirship. Although the statutory limit for small estates has remained at \$100,000 for several years, there is ongoing discussion about potentially raising the threshold to \$250,000.

Ms. Snyder addressed concerns about potential fraud in independent administration, noting that while fraud is a concern in any system, it is not frequently encountered. She mentioned that her financial institution, representing wealthy clients, rarely encounters fraud issues. However, there may be more potential for fraud in smaller estates, though she has only heard of one attorney raising concerns. Independent administrators or executors are responsible for sending notices to creditors, and banks do not reject affidavits in her experience, as they rely on the statutory procedures in place. Ms. Snyder emphasized that her financial institution has implemented procedures to escalate suspected fraud, but in her 19 years of practice, she has not observed a rejection of an affidavit.

Jennifer A. Alexander, Magistrate and Court Administrator, Cuyahoga County Probate Court, Ohio

Magistrate Alexander described the decentralized probate system in Ohio, where many courts operate similarly but each has its own unique practices. In Cuyahoga County, where Cleveland is located, a self-help clinic was launched in 2019 to assist self-represented litigants (SRLs), particularly in small estates, personal guardianships, and name changes. The clinic offers assistance once per probate case, provided it is uncontested, and appointments are available four days a week, from 9:30 a.m. to 3:00 p.m. Initially, the center operated in person but switched to telephonic operations during the COVID-19 pandemic. The center currently operates through a hybrid of in-person and telephonic appointments. Attorneys are paid \$50 an hour to staff the clinic, and while they are compensated for no-show in-person appointments, billable hours are charged for telephonic consultations. Since its opening, the clinic has assisted over 4,000 individuals, and while no-shows lead to the cancellation of future appointments, the program remains widely accessible. A special project fund funds the services, and thus far, the clinic has not required income verification from SRLs to receive assistance.

SRLs who use the self-help clinic must sign a disclaimer form agreeing that no attorney-client relationship is formed during their consultation and that representation will not continue after the scheduled consultation. Common questions from the public include how to file forms correctly, the differences between probate and non-probate assets, and issues with out-of-state banks not honoring affidavits. Ms. Alexander noted that while fraud is not frequently encountered, challenges arise when individuals draft their own wills, highlighting the dangers of handling probate without legal expertise. She expressed a desire for better traction with the low-bono program, as many probate issues stem from individuals without legal representation, particularly regarding drafting wills. Despite these challenges, the clinic has had a positive impact, although tracking success rates have not been part of their formal process. Ms. Alexander believes that making quality legal advice more

accessible, particularly for drafting wills, would improve the probate system for SRLs.

APPENDIX

M

PROPOSED AMENDMENT TO
FLORIDA RULE OF GENERAL
PRACTICE AND JUDICIAL
ADMINISTRATION 2.215

RULE 2.215. TRIAL COURT ADMINISTRATION

(a) Purpose. The purpose of this rule is to fix administrative responsibility in the chief judges of the circuit courts and the other judges that the chief judges may designate. When a rule refers to “the court,” it applies to a judge of the court when the context permits.

(b) Chief Judge.

(1) The chief judge is a circuit judge who possesses managerial, administrative, and leadership abilities and is selected without regard to seniority.

(2) The chief judge is the administrative officer of the courts within the circuit and directs the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit, consistent with branch-wide policies. The chief judge has administrative supervision over all judges and court personnel within the judicial circuit. The chief judge is responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders, except as otherwise provided by this rule. The chief judge has the authority to require that all judges of the court, other court officers, and court personnel comply with all court and judicial branch policies, administrative orders, procedures, and administrative plans.

(3) The chief judge maintains liaison in all judicial administrative matters with the chief justice of the supreme court, and ensures the efficient and proper administration of all courts within that circuit, considering available resources. The chief judge must develop and file with the supreme court an administrative plan that includes an administrative organization capable of effecting the prompt disposition of cases; assignment of judges, other court officers, and all other court personnel; control of dockets; regulation and use of courtrooms; and mandatory periodic review of the status of the inmates of the county jail. The plan must be compatible with the development of the capabilities of the judges so that each judge will be qualified to serve in any division, creating

a judicial pool from which judges may be assigned to various courts throughout the state. The administrative plan must include a consideration of the statistical data developed by the case reporting system. Questions concerning the administration or management of the courts of the circuit must be directed to the chief justice of the supreme court through the state courts administrator.

(4) The chief judge assigns judges to the courts and divisions and determines the length of each assignment. The chief judge is authorized to order consolidation of cases and assign cases to a judge or judges for the preparation of opinions, orders, or judgments. All judges must inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a proceeding pending before the judge to any other judge or any additional assigned judge of the same court. The chief judge may assign any judge to temporary service for which the judge is qualified in any court in the same circuit. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge may request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the circuit to duty in the court requiring assistance. The assigned judges are subject to administrative supervision of the chief judge for all purposes of this rule. When assigning a judge to hear any type of postconviction or collateral relief proceeding brought by a defendant who has been sentenced to death, the chief judge must assign the case to a judge qualified under subdivision (b)(10) of this rule. Nothing in this rule restricts the constitutional powers of the chief justice of the supreme court to make assignments.

(5) The chief judge may designate a judge in any court or court division of circuit or county courts as "administrative judge" of any court or division to assist with the administrative supervision of the court or division. To the extent practical, the chief judge should assign only 1 administrative judge to supervise

the family court. The designee is responsible to the chief judge, has the power and duty to carry out the responsibilities assigned by the chief judge, and serves at the pleasure of the chief judge.

(6) The chief judge may require the attendance of prosecutors, public defenders, clerks, bailiffs, and other officers of the courts, and may require from the clerks of the courts, sheriffs, or other officers of the courts periodic reports.

(7) The chief judge must regulate the use of all court facilities, regularly examine the dockets of the courts under the chief judge's administrative supervision, and require a report on the status of the matters on the dockets. The chief judge may take action as necessary to make the dockets current. The chief judge must monitor the status of all postconviction or collateral relief proceedings for defendants who have been sentenced to death from the time that the mandate affirming the death sentence has been issued by the supreme court and take the necessary actions to assure that the cases proceed without undue delay. On the first day of every January, April, July, and October, the chief judge must inform the chief justice of the supreme court of the status of these cases.

(8) The chief judge or the chief judge's designee must regularly examine the status of every inmate of the county jail.

(9) The chief judge may authorize the clerks of courts to maintain branch county court facilities to retain county court permanent records of pending cases in the branch court facilities, and to retain and destroy these records in the manner provided by law.

(10) *Assigning Capital Cases.*

(A) The chief judge may not assign a judge to preside over a capital case in which the state is seeking the death penalty, or collateral proceedings brought by a death row inmate, until that judge has become qualified to do so by:

(i) presiding a minimum of 6 months in a felony criminal division or in a division that includes felony criminal cases; and

(ii) successfully attending the “Handling Capital Cases” course offered through the Florida Court Education Council. A judge whose caseload includes felony criminal cases must attend the “Handling Capital Cases” course as soon as practicable, or at the direction of the chief judge.

(B) The chief justice may waive these requirements in exceptional circumstances at the request of the chief judge.

(C) Following attendance at the “Handling Capital Cases” course, a judge remains qualified to preside over a capital case by attending a “Capital Case Refresher” course once during each of the subsequent continuing judicial education reporting periods. A judge who has attended the “Handling Capital Cases” course and who has not taken the “Capital Case Refresher” course within any subsequent continuing judicial education reporting period must requalify to preside over a capital case by attending the refresher course.

(D) The refresher course must be at least a 6-hour course approved by the Florida Court Education Council containing instruction on the penalty phase, jury selection, and proceedings brought under Florida Rule of Criminal Procedure 3.851.

(11) The failure of any judge to comply with an order or directive of the chief judge is considered neglect of duty and may be reported by the chief judge to the chief justice who has the authority to take any appropriate corrective action. The chief judge may report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body or take other appropriate corrective action.

(12) At the call of the chief justice, the chief judges of the circuit court and district courts of appeal must meet on a regular basis to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not

limited to, the judicial branch's management, operation, strategic plan, legislative agenda, and budget priorities. The meetings must occur at least quarterly and be conducted in person, if practicable. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

(13) The chief judge must exercise reasonable efforts to promote and encourage diversity in the administration of justice.

(14) The chief judge must appoint at least one person in the circuit to serve as a probate magistrate to preside over administrative probate pursuant to Florida Probate Rule 5.024, subject to available resources. The order making an appointment must be recorded. If the chief judge finds that a probate magistrate's workload is not equivalent to the workload of a full-time judge assigned to probate, the chief judge may authorize the referral of adversary probate and non-probate proceedings to the probate magistrate.

(c) Selection. The chief judge must be chosen by a majority of the active circuit and county court judges within the circuit for a term of 2 years commencing on July 1 of each odd-numbered year or by the chief justice if there is no majority for a term of 2 years. The election for chief judge must be held no sooner than February 1 of the year during which the chief judge's term commences beginning July 1. All elections for chief judge must be conducted as follows:

(1) All ballots are secret.

(2) Any circuit or county judge may nominate a candidate for chief judge.

(3) Proxy voting is not permitted.

(4) Any judge who will be absent from the election may vote by secret absentee ballot obtained from and returned to the Trial Court Administrator.

A chief judge may be removed as chief judge by the supreme court, acting as the administrative supervisory body of all courts, or may

be removed by a two-thirds vote of the active judges. The purpose of this rule is to fix a 2-year cycle for the selection of the chief judge in each circuit. A chief judge may serve for successive terms but no more than 8 years. A chief judge who is to be temporarily absent must select an acting chief judge from among the circuit judges. If a chief judge dies, retires, fails to appoint an acting chief judge during an absence, or is unable to perform the duties of the office, the chief justice must appoint a circuit judge to act as chief judge during the absence or disability or until a successor chief judge is elected to serve the unexpired term. When the office of chief judge is temporarily vacant pending action within the scope of this paragraph, the duties of court administration are performed by the circuit judge having the longest continuous service as a judge or by another circuit judge designated by that judge.

(d) Circuit Court Administrator. Each circuit court administrator is selected or terminated by the chief judge subject to concurrence by a majority vote of the circuit and county judges of the respective circuits.

(e) Local Rules and Administrative Orders.

(1) Local court rules as defined in rule 2.120 may be proposed by a majority of the circuit and county judges in the circuit. The judges must notify the local bar within the circuit of the proposal, after which they must permit a representative of the local bar, and may permit any other interested person, to be heard orally or in writing on the proposal before submitting it to the supreme court for approval. When a proposed local rule is submitted to the supreme court for approval, the following procedure applies.

(A) Local court rule proposals must be submitted to the supreme court in January of each year. The supreme court may accept emergency proposals submitted at other times.

(B) The clerk of the supreme court must submit all local court rule proposals to the Supreme Court Local Rules Advisory Committee by February 15 of each year. At the same time, the clerk of the supreme court must send copies of the proposed

rules to the appropriate committees of The Florida Bar. The Florida Bar committees, any interested local bar associations, and any other interested person must submit any comments or responses that they wish to make to the Supreme Court Local Rules Advisory Committee on or before March 15 of that year.

(C) The Supreme Court Local Rules Advisory Committee must meet on or before April 15 to consider the proposals and any comments submitted by interested parties. The committee must transmit its recommendations to the supreme court concerning each proposal, with the reasons for its recommendations, within 15 days after its meeting.

(D) The supreme court must consider the committee's recommendations and may resubmit the proposals with modifications to the committee for editorial comment only. The supreme court may set a hearing on any proposals or consider them on the recommendations and comments as submitted. If a hearing is set, notice must be given to the chief judge of the circuit from which the proposals originated, the executive director of The Florida Bar, the chair of the Rules of General Practice and Judicial Administration Committee of The Florida Bar, any local bar associations, and any interested persons who made comments on the specific proposals to be considered. The supreme court must act on the proposals promptly after the recommendations are received or heard.

(E) A local court rule approved by the supreme court becomes effective on the date set by that court.

(F) The clerk of the circuit court where the local court rules take effect must index and record a copy in each applicable county of that circuit. A set of the recorded copies must be readily available for inspection as a public record and copies must be provided to any requesting party on payment of the cost of duplication. The chief judge of the circuit must publish the local court rules. The clerk of the supreme court must furnish copies of each approved local court rule to the executive director of The Florida Bar.

(2) Any judge or member of The Florida Bar who believes that an administrative order promulgated under subdivision (b)(2) of this rule is a court rule or a local rule as defined in rule 2.120, rather than an administrative order, may apply to the Supreme Court Local Rules Advisory Committee for a decision on the question. The decisions of the committee concerning the determination of the question must be reported to the supreme court, and the court must follow the procedure set forth in subdivision (D) above in considering the recommendation of the committee.

(3) The clerk of the circuit court where the administrative order takes effect must index and record all administrative orders of a general and continuing nature and other orders designated by the chief judge in each county where the orders are effective. A set of the recorded copies must be readily available for inspection as a public record and copies must be provided to any requesting party on payment of the cost of duplication. The chief judge of the circuit must publish all administrative orders of a general and continuing nature on the circuit's website. The chief judge must direct a review of all local administrative orders on an annual basis to ensure that the set of copies maintained by the clerk remains current and does not conflict with supreme court or local rules.

(4) All local court rules entered under this section must be numbered sequentially for each respective judicial circuit.

(f) Individual and Divisional Practices and Procedures. Every judge who establishes practices or procedures that apply only when appearing before that specific judge must publish those practices and procedures on the circuit's website. Each division of court that establishes practices and procedures that apply in that division of court must publish those practices and procedures on the circuit's website. No judge or division may establish a practice or procedure that requires attorneys or parties to communicate with the court solely by written letter. Neither a division nor a judge may establish practices or procedures that

contradict established law or rule of procedure. The chief judge of each circuit should establish procedures to ensure compliance with the subdivision.

(g) Timely Rulings.

(1) *Judge's Duty.* Every judge has a duty to enter within a reasonable time an order or judgment on every matter submitted to that judge. Each judge must maintain a log of matters under advisement and inform the chief judge of the circuit at the end of each calendar month of each matter that has been held under advisement for more than 60 days.

(2) *Notice of Pending Matter.* A party may file with the clerk a notice using form 2.604 that a matter has been held under advisement or is ready for disposition and remains pending without judicial action for more than 60 days. The party must serve a copy of the notice on the presiding judge.

(h) Duty to Expedite Priority Cases. Every judge has a duty to expedite priority cases to the extent reasonably possible. Priority cases are those cases that have been assigned a priority status or assigned an expedited disposition schedule by statute, rule of procedure, case law, or otherwise. Particular attention must be given to all juvenile dependency and termination of parental rights cases, cases involving families and children in need of services, challenges involving elections and proposed constitutional amendments, and capital postconviction cases. The chief judge has the discretion to create a postconviction division to handle capital postconviction, as well as non-capital postconviction cases, and may assign 1 or more judges to that division.

(i) Neglect of Duty. The failure of any judge, clerk, prosecutor, public defender, attorney, court reporter, or other officer of the court to comply with an order or directive of the chief judge is considered neglect of duty and must be reported by the chief judge to the chief justice of the supreme court. The chief justice may report the neglect of duty by a judge to the Judicial

Qualifications Commission, and neglect of duty by other officials to the governor of Florida or other appropriate person or body.

(j) Status Conference after Compilation of Record in Death Case. In any proceeding in which a defendant has been sentenced to death, the circuit judge assigned to the case must take action necessary to ensure that a complete record on appeal has been properly prepared. The judge must convene a status conference with all counsel of record as soon as possible after the record has been prepared under rule of appellate procedure 9.200(d) but before the record has been transmitted. The purpose of the status conference is to ensure that the record is complete.

COMMITTEE NOTES

2008 Amendment. The provisions in subdivision (g) of this rule should be read in conjunction with the provisions of rule 2.545(c) governing priority cases.

COURT COMMENTARY

1996 Court Commentary. Rule 2.050(h) should be read in conjunction with Florida Rule of Appellate Procedure 9.140(b)(4)(A).

1997 Court Commentary. [Rule 2.050(b)(10)]. The refresher course may be a six-hour block during any Florida Court Education Council approved course offering sponsored by any approved Florida judicial education provider, including the Florida College of Advanced Judicial Studies or the Florida Conference of Circuit Judges. The block must contain instruction on the following topics: penalty phase, jury selection, and rule 3.850 proceedings.

Failure to complete the refresher course during the three-year judicial education reporting period will necessitate completion of the original “Handling Capital Cases” course.

2002 Court Commentary. Recognizing the inherent differences in trial and appellate court dockets, the last sentence of subdivision (g) is intended to conform to the extent practicable with appellate rule 9.146(g), which requires appellate courts to give priority to appeals in juvenile dependency and termination of

parental rights cases, and in cases involving families and children in need of services.

CRIMINAL COURT STEERING COMMITTEE NOTE

2014 Amendment. Capital postconviction cases were added to the list of priority cases.

WORKGROUP ON UNCONTESTED PROBATE PROCEEDINGS
NOTE

2025 Amendment. Requires the chief judge of each circuit to appoint at least one qualified person to serve as probate magistrate to preside over administrative probate in the circuit, subject to available resources.

APPENDIX

N

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.200

RULE 5.200. PETITION FOR ADMINISTRATION

The petition for administration ~~shall~~must be verified by the petitioner and ~~shall~~must contain:

(a) a statement of the interest of the petitioner, the petitioner's name and address, and the name and office address of the petitioner's attorney;

(b) the name and last known address of the decedent, last 4 digits of the decedent's social security number, date and place of death of the decedent, and state and county of the decedent's domicile;

(c) so far as is known, the names and addresses of the surviving spouse, if any, the beneficiaries and their relationship to the decedent and the year of birth of any beneficiaries who are minors;

(d) a statement showing venue;

(e) the priority, under section 733.301, Florida Statutes, of the person whose appointment as the personal representative is sought, whether or not any other person has equal or higher preference, and if so, their name and whether they will be served with formal notice, and a statement that the person is qualified to serve under the laws of Florida;

(f) a statement indicating whether domiciliary or principal proceedings are pending in another state or country, if known, and the name and address of the foreign personal representative and the court issuing letters;

(g) a statement of the approximate value and nature of the assets;

(h) a statement indicating whether the petitioner believes the proceeding will be uncontested, and if so, whether the petitioner declines to proceed with administrative probate under rule 5.024;

(~~h~~i) in an intestate estate, a statement that after the exercise of reasonable diligence the petitioner is unaware of any unrevoked wills or codicils, or if the petitioner is aware of any unrevoked wills or codicils, a statement why the wills or codicils are not being probated;

(~~i~~j) in a testate estate, a statement identifying all unrevoked wills and codicils being presented for probate, and a statement that the petitioner is unaware of any other unrevoked wills or codicils or, if the petitioner is aware of any other unrevoked wills or codicils, a statement why the other wills or codicils are not being probated;

(~~j~~k) in a testate estate, a statement that the original of the decedent's last will is in the possession of the court or accompanies the petition, or that an authenticated copy of a will deposited with or probated in another jurisdiction or that an authenticated copy of a notarial will, the original of which is in the possession of a foreign notary, accompanies the petition; and

(~~k~~l) a statement that the personal representative seeking appointment is qualified to serve under the laws of Florida as a business entity under section 733.305, Florida Statutes, or, if an individual, that the person is qualified to serve under the laws of Florida, including:

- (1) whether the person has been convicted of a felony;
- (2) whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section 825.101, Florida Statutes;
- (3) that the person is mentally and physically able to perform the duties of a personal representative;
- (4) that the person is 18 years of age or older; and

(5) whether the person is a resident of Florida and, if not a resident, a statement of the person's relationship to the decedent in accordance with section 733.304, Florida Statutes.

COMMITTEE NOTES

Rule History

1977 Revision: Addition to (b)(5) to require an affirmative statement that the person sought to be appointed as personal representative is qualified to serve. Committee note expanded to include additional statutory references.

Substantially the same as section 733.202, Florida Statutes, and implementing sections 733.301 through 733.305, Florida Statutes.

1988 Revision: Editorial changes. Committee notes revised.

1992 Revision: Addition of phrase in subdivision (b) to conform to 1992 amendment to section 733.202(2)(b), Florida Statutes. Reference to clerk ascertaining the amount of the filing fee deleted in subdivision (g) because of repeal of sliding scale of filing fees. The remaining language was deemed unnecessary. Editorial changes. Committee notes revised. Citation form changes in committee notes.

2002 Revision: Addition of phrases in subdivision (j) to add references to wills probated in Florida where the original is in the possession of a foreign official. Editorial changes. Committee notes revised.

2003 Revision: Committee notes revised.

2007 Revision: Committee notes revised.

2007 Revision: Editorial changes in (h) and (i).

2010 Revision: Editorial change in (e) to clarify reference to Florida Probate Code.

2011 Revision: Subdivision (b) amended to limit listing of decedent's social security number to last four digits.

2012 Revision: Committee notes revised.

2014 Revision: Subdivision (c) amended to conform to Florida Rule of General Practice and Judicial Administration 2.425. Committee notes revised.

2019 Revision: Subdivision (e) amended to require a statement identifying any other person who has equal or higher preference than the petitioner for the appointment of a personal representative under section 733.301, Florida Statutes. Subdivision (k) adopted to require a statement of the specific facts that show the petitioner's qualifications to serve as personal representative under sections 733.303 and 733.304, Florida Statutes.

2020 Revision: Committee notes revised. Citation form changes in committee notes.

2021 Revision: Subdivision (k) amended to require a statement as to whether the personal representative seeking appointment has been convicted of abuse, neglect, or exploitation of an elderly or disabled adult.

2025 Revision: Subdivision (h) is created to require a statement indicating whether the petitioner believes the proceeding will be uncontested, and if so, whether the petitioner declines to proceed with administrative probate.

Statutory References

§ 731.201(23), Fla. Stat. General definitions.

§ 731.301, Fla. Stat. Notice.

§ 732.522, Fla. Stat. Method and place of execution.

§ 732.526, Fla. Stat. Probate.

§ 733.202, Fla. Stat. Petition.

§ 733.301, Fla. Stat. Preference in appointment of personal representative.

§ 733.302, Fla. Stat. Who may be appointed personal representative.

§ 733.303, Fla. Stat. Persons not qualified.

§ 733.304, Fla. Stat. Nonresidents.

§ 733.305, Fla. Stat. Trust companies and other corporations and associations.

§ 825.101, Fla. Stat. Definitions.

Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.024 Uncontested Proceedings; Administrative Probate; Probate Magistrate

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and documents.

Fla. Prob. R. 5.180 Waiver and consent.

Fla. Prob. R. 5.201 Notice of petition for administration.

Fla. R. Gen. Prac. & Jud. Admin. 2.516 Service of pleadings and documents.

Fla. R. Gen. Prac. & Jud. Admin. 2.425 Minimization of the Filing of Sensitive Information.

APPENDIX O

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.024

**RULE 5.024. UNCONTESTED PROCEEDINGS;
ADMINISTRATIVE PROBATE; PROBATE
MAGISTRATE**

(a) Automatic Referral. Upon the filing of a petition for administration in which the petitioner states a belief that the proceeding will be uncontested and does not decline to proceed with administrative probate, the estate administration will be automatically referred to a probate magistrate for proceedings in accordance with this rule, and the clerk of court must update the docket to reflect the referral. The automatic referral does not require a separate order of referral in the proceeding.

(b) Applicability. Administrative probate applies to all uncontested proceedings unless:

(1) The petitioner declines at filing to proceed under this rule;

(2) The petitioner later elects not to continue under this rule; or

(3) The probate magistrate determines that administrative probate under this rule is no longer appropriate for a proceeding.

(c) Objection. If an interested person files an objection to specific relief requested in the proceeding, only the objected-to matter will be removed from administrative probate and assigned to the circuit court for resolution. Unless the court orders otherwise, any remaining proceeding will continue under administrative probate.

(d) Probate Magistrate.

(1) Qualifications. A probate magistrate must be a member of The Florida Bar in good standing with at least 5 years of experience in probate and estate administration.

(2) Oath. Each probate magistrate must take an oath required of officers by the Florida Constitution. The oath must be recorded before the probate magistrate begins to act.

(3) Removal. Each probate magistrate will continue in office until removed by the court.

(4) Bond. When not otherwise provided by law, the court may require probate magistrates who are appointed to dispose of real or personal property to give bond and surety conditioned for the proper payment of all money that may come into their hands and for the due performance of their duties. The bond must be made payable to the State of Florida and must be for the benefit of all persons aggrieved by any act of the probate magistrate.

(5) Authority. A probate magistrate has the authority to:

(A) accept referrals from the court in uncontested proceedings;

(B) accept referrals from the court in adversary probate and non-probate proceedings, provided the chief judge has made the requisite finding under rule 2.215(b)(14); and

(C) take the following actions during the pendency of administrative probate:

i. Enter an order admitting a will to probate;

ii. Enter an order appointing a personal representative;

iii. Issue letters of administration;

iv. Grant any other relief that the court may enter in an uncontested proceeding;

v. Notify the personal representative and the court that the probate magistrate has determined that

administrative probate under this rule is no longer appropriate for a proceeding; and

vi. Issue the report and recommendation required by subdivision (d)(6) to the court for discharge of the personal representative.

All actions taken by the probate magistrate during the pendency of administrative probate are entitled to the same level of deference provided to a general magistrate under Florida Probate Rule 5.095.

(6) *Report; Notice; Exceptions.* The probate magistrate must file a report containing a description of the matters considered, the probate magistrate's conclusion, and any recommendations regarding the petition for discharge. The probate magistrate must serve copies of the report on the interested persons. The interested persons may serve exceptions to the report within 10 days from the time it is served on them. If no exceptions are filed within that period, the court must take appropriate action on the report. All timely filed exceptions will be heard by the court on reasonable notice of any interested person.

Workgroup on Uncontested Probate Proceedings Note

2025 Adoption. New rule adopted to implement the administrative probate process in uncontested proceedings.

Rule References

Fla. Prob. R. 5.015 General Definitions.

Fla. Prob. R. 5.025 Adversary Proceedings.

Fla. Prob. R. 5.095 General and Special Magistrates.

Fla. Prob. R. 5.200 Petition for Administration.

Fla. Prob. R. 5.400 Distribution and Discharge.

APPENDIX

P

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.095

RULE 5.095. GENERAL AND SPECIAL MAGISTRATES

(a) General Magistrates. The court may appoint general magistrates as the court finds necessary. General magistrates ~~shall~~must be members of The Florida Bar and ~~shall~~will continue in office until removed by the court. The order making an appointment ~~shall~~must be recorded. Each general magistrate ~~shall~~must take the oath required of officers by the Florida Constitution. The oath ~~shall~~must be recorded before the magistrate begins to act.

(b) Special Magistrates. The court may appoint members of The Florida Bar as special magistrates for any particular service required by the court. Special magistrates ~~shall~~be governed by all laws and rules relating to general magistrates, except special magistrates ~~shall~~are not be required to make oath unless specifically required by the court. For good cause shown, the court may appoint a person other than a member of The Florida Bar as a special magistrate.

(c) Identification of Parties. For purposes of this rule, an interested person is deemed a party.

(d) Motion. When a party requests referral to a magistrate, the party must use Florida Probate Rules of Procedure Form 5.9XX.

(ee) Reference Referral.

(1) Consent. No referral ~~shall~~may be made to a magistrate without the consent of the parties. ~~When a referral is made to a magistrate, either party may set the action for hearing before the magistrate.~~ Consent to a referral, once given, cannot be withdrawn without good cause shown. Consent may be express or may be implied in accordance with the requirements of this rule.

(2) Objection.

(A) A written objection to the referral to a magistrate must be filed within the earlier of:

i. 10 days after the service of the order of referral; or

ii. If the time set for a hearing is less than 10 days after service of the order of referral, before commencement of the hearing.

(B) If the order of referral is served within the first 20 days after the service of the petition for administration, the time to file an objection is extended to the time within which to file a responsive pleading.

(C) Failure to file a written objection within the applicable time period is deemed to be implied consent to the order of referral.

(3) *Order of Referral.* No matter may be heard by a magistrate without an order of referral.

(A) If a proposed order of referral is submitted, the filer must use Florida Probate Rules of Procedure Form 5.9XX.

(B) The order of referral must contain the following language in bold type:

A REFERRAL TO A MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY THE MAGISTRATE, YOU MUST TIMELY FILE A WRITTEN OBJECTION. FAILURE TO TIMELY FILE A WRITTEN OBJECTION IS DEEMED TO BE A CONSENT TO THE REFERRAL.

A PARTY SEEKING REVIEW OF THE MAGISTRATE'S RECOMMENDED ORDER MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 5.095(j), FLORIDA PROBATE RULES. A RECORD, INCLUDING A TRANSCRIPT OF THE PROCEEDINGS, IS REQUIRED TO SUPPORT THE

**EXCEPTIONS, UNLESS WAIVED BY THE COURT BEFORE
ANY HEARING ON THE EXCEPTIONS.**

(C) The order of referral must state with specificity the matter being referred and the name of the magistrate to whom the matter is referred. The order of referral must also indicate whether electronic recording or a court reporter is provided by the court, or whether a court reporter, if desired, must be provided by the litigants.

(df) General Powers and Duties. Every magistrate ~~shall~~must act under the direction of the court. Process issued by a magistrate ~~shall~~must be directed as provided by law. All grounds for disqualification of a judge ~~shall~~ apply to magistrates.

(eg) Bond. When not otherwise provided by law, the court may require magistrates who are appointed to dispose of real or personal property to give bond and surety conditioned for the proper payment of all money that may come into their hands and for the due performance of their duties. The bond ~~shall~~must be made payable to the State of Florida and ~~shall be~~ for the benefit of all persons aggrieved by any act of the magistrate.

(fh) Hearings. When a referral is made to a magistrate, any party may set the proceeding for hearing before the magistrate. Hearings before any magistrate may be held in the county where the ~~action~~proceeding is pending or at any other place by order of the court for the convenience of the witnesses or the parties. The magistrate ~~shall~~must assign a time and place for proceedings as soon as reasonably possible after a referral is made and give notice to all parties. If any party fails to appear, the magistrate may proceed ex parte or may continue the hearing to a future day, with notice to the absent party. The magistrate ~~shall~~must proceed with reasonable diligence and the least practicable delay. Any party may apply to the court for an order directing the magistrate to accelerate the proceedings and to make a report promptly. Evidence ~~shall~~must be taken in writing or by electronic recording by the magistrate or by some other person under the magistrate's authority ~~in the magistrate's presence and shall~~must be filed with the magistrate's

report. The magistrate may examine and take testimony from the parties and their witnesses under oath on all matters contained in the referral and may require production of all books, papers, writings, vouchers, and other documents applicable to those matters. The magistrate ~~shall~~may admit only evidence that would be admissible in court. The magistrate may take all actions concerning evidence that may be taken by the court. All parties accounting before a magistrate ~~shall~~must bring in their accounts in the form of accounts payable and receivable, and any other parties who are not satisfied with the account may examine the accounting party orally or by interrogatories or deposition as the magistrate directs. All depositions and documents that have been taken or used previously in the ~~action~~proceeding may be used before the magistrate.

(gi) Magistrate's Report. The magistrate's report ~~shall~~must contain a description of the matters considered and the magistrate's conclusion and any recommendations. No part of any statement of facts, account, charge, deposition, examination, or answer used before the magistrate ~~shall~~will be recited.

(hj) Filing Report; Notice; Exceptions. The magistrate ~~shall~~must file the report and serve copies on the parties. The parties may serve exceptions to the report within 10 days from the time it is served on them. If no exceptions are filed within that period, the court ~~shall~~must take appropriate action on the report. All timely filed exceptions ~~shall~~will be heard on reasonable notice by ~~either~~any party.

(ik) Application of Rule. This rule ~~shall~~does not apply to administrative probate under rule 5.024 or the appointment of magistrates for the specific purpose of reviewing guardianship inventories, accountings, and plans as otherwise governed by law and these rules.

Committee Notes

Rule History

2007 Revision: This rule, patterned after Florida Rule of Civil Procedure 1.490, is created to implement the use of magistrates in probate and guardianship proceedings other than those specifically addressed in rule 5.697.

2025 Revision: New subdivision (c) is created to clarify that interested persons are deemed parties for purposes of this rule. New subdivision (d) is created to require use of forms mandated by the Florida Supreme Court. Subdivision (e) was derived from Family Law Rule of Procedure 12.490, to authorize implied consent to the referral, establish procedures for objecting, and specify the required language for the order of referral. Subdivision (k) is amended to clarify that the rule does not apply to administrative probate.

Rule References

Fla. Prob. R. 5.015 General Definitions.

Fla. Prob. R. 5.024 Uncontested Proceedings; Administrative Probate; Probate Magistrate.

Fla. Prob. R. 5.697 Magistrates' review of guardianship inventories, accountings, and plans.

Fla. R. Civ. P. 1.490 Magistrates.

APPENDIX

Q

CHECKLISTS DEVELOPED BY THE
WORKGROUP

OPENING FORMAL ADMINISTRATION (Uncontested) – F.S. Ch. 733

CHECKLIST

Estate of: _____

Case No. _____ Docket Entry No. _____ Case Docket Date(s) _____

Date of Death: _____ Age at Death: _____

Residence at Death: _____

Type of Estate: _____ Testate _____ Intestate _____ Ancillary

Attorney of Record: _____ FBN: _____

Section I: Petition for Administration

	Choose one:		Docket Index Number:
Is venue proper in this county? F.S. 733.101(1)	Yes	No	N/A
Is the petition for administration filed by an interested person? F.S. 733.202; 731.201(23); FPR 5.200(d)	Yes	No	
Is the petition for administration verified? FPR 5.200, F.S. 95.525(2)	Yes	No	N/A
Does the petition for administration contain all the required information: FPR 5.200	Yes	No	N/A
Have interested persons signed waiver and consent to notice of the petition for administration? FPR 5.180	Yes	No	
Has a caveat been filed by a creditor?	Yes	No	
Has a caveat been filed by an interested person (other than a Creditor)?	Yes	No	
Is there a signed waiver and consent from the caveator? FPR 5.180	Yes	No	
Has formal notice been served on the interested person?	Yes	No	

Have more than 20 days passed since the interested person was served with the petition for administration and formal notice?	Yes	No	N/A
Has the interested person filed any written objections or defenses?	Yes	No	

Section II: Testate or Intestate Estate & Appointment of Personal Representative

	Choose one:		Docket Index Number:
Is an original will filed, or if an ancillary estate, is an authenticated copy filed? FPR 5.200(j)	Yes	No	
If an ancillary estate, have all requirements of F.S. 734.102 and FPR 5.470/5.475 been satisfied?	Yes	No	N/A

Testate Estate F.S. 732.502, FPR 5.200(i) & (j)

	Choose one:		Docket Index Number:
Is the will valid under Florida law or has the will been admitted in a foreign jurisdiction? F.S. 732.502	Yes	No	N/A
Is the will self-proving? F.S.732.503	Yes	No	
Is there an oath by an attesting witness to the will made before a circuit court judge, clerk of court, or commissioner appointed by the court? F.S. 733.201	Yes	No	
Is there an oath of the personal representative nominated in the will or a person having no interest in the estate under the will stating that the person believes the writing to be the true last will and testament of the decedent? F.S. 733.201	Yes	No	
Does the petition for administration seek to appoint a personal representative nominated in the will?	Yes	No	N/A
Is the nominated personal representative	Yes	No	N/A

qualified to serve as personal representative? F.S. 733.301(1), 733.302, 733.304			
Are there signed waiver and consent from the persons with priority over the individual nominated as personal representative in the will? FPR 5.180	Yes	No	
Has the personal representative executed an oath of administration, address designation, and designation of resident agent pursuant to FPR 5.320?	Yes	No	
Has the personal representative filed a motion to waive bond or requested that bond be waived in the petition for administration? F.S. 733.402(4)	Yes	No	N/A

Intestate Estate F.S. 732.101, FPR 5.200(h)

Choose one:

Docket Index Number:

Does the petition for administration seek to appoint or nominate a qualified personal representative pursuant to F.S. 733.301(2), 733.302, 733.304?	Yes	No	N/A
Does the petition for administration nominate a person with priority set forth in F.S. 733.301(2)?	Yes	No	N/A
Are there signed waivers or consents from the person(s) with priority over the individual nominated as personal representative? FPR 5.180	Yes	No	
Does the nominated person meet the qualifications to serve as personal representative pursuant to F.S. 733.303?	Yes	No	N/A
Has the personal representative executed an oath of administration, address designation, and designation of resident agent pursuant to FPR 5.320?	Yes	No	

Has the personal representative filed a motion to waive bond or requested bond be waived in the petition for administration? F.S.733.402(4)	Yes	No	
---	-----	----	--

HOMESTEAD PROCEEDINGS – Art. X, § 4, Fla. Const. & Fla. Probate Rule 5.405

CHECKLIST

Estate of: _____

Case No. _____ Docket Entry No. _____ Case Docket Date(s) _____

Date of Death: _____ Age at Death: _____

Residence at Death: _____

Type of Estate: _____ Testate _____ Intestate _____ Ancillary

Attorney of Record: _____ FBN: _____

Section I: Petition to Determine Homestead

Choose one:

Docket Index Number:

	Yes	No	
Is venue proper in this county per F.S. 733.101?	Yes	No	
Is the petition filed by an interested person? FPR 5.405(a)	Yes	No	
Is the petition verified? FPR 5.405(b)	Yes	No	N/A
If the petitioner is a personal representative, is the petition executed by counsel? FPR 5.020(a)	Yes	No	N/A
Does the petition contain all information required by FPR 5.405(b)(1)-(9)?	Yes	No	N/A
Has formal notice been served on all interested persons and more than 20 days have passed since receipt of service?	Yes	No	
Has an objection or written defense been filed by an interested person?	Yes	No	
Has a copy of the death certificate or other official record of the decedent's death been filed?	Yes	No	
Does the property of the decedent meet all the following criteria:	Yes	No	

1) Owned by decedent at death (or trustee of revocable trust of which deceased settlor was treated as owner); AND 2) Decedent was Florida resident; AND 3) Property was the residence of decedent or their family; AND 4) Property meets size and contiguous requirements of Florida Constitution (if inside municipality, less than ½ acre or, if outside municipality, less than 160 contiguous acres)?			
---	--	--	--

Section II: Testate Estate

Choose one: Docket Index Number:

Has a will been admitted to probate?	Yes	No	
Does the will direct the sale of property?	Yes	No	
Is there a surviving spouse or minor child?	Yes	No	
Was the decedent survived by heirs?	Yes	No	
Was the homestead devised (specifically or by will/trust residuary)?	Yes	No	
Was the homestead devised to an heir listed in F.S. 732.103?	Yes	No	

Section III: Intestate Estate

Choose one: Docket Index Number:

Is there a surviving spouse or minor child?	Yes	No	
Was the decedent survived by heirs?	Yes	No	

Section IV: Estate Subject to Formal Administration

Choose one: Docket Index Number:

Have three months passed after publication/service of notice of administration per FPR 5.240?	Yes	No	
---	-----	----	--

Have two years passed since the decedent's death?	Yes	No	
Has a notice to creditors been published/served and a verified statement regarding creditors been filed per FPR 5.241(a)-(d)?	Yes	No	
For decedents over age 55, was service of a notice to creditors made on the Agency for Health Care Administration with a copy of the death certificate? FPR 5.241(a), (e)	Yes	No	

Section V: Proposed Order

Choose one:

Docket Index Number:

Does the proposed order contain all findings/holdings required by FPR 5.405(d)? 1) Determined whether the real property constituted protected homestead of decedent and, if so, identified by name the person(s) entitled to protected homestead; AND 2) Defined the interest of each person(s) receiving the protected homestead; AND 3) Described the real property, including a legal description; AND 4) Found that the protected homestead either descended to or was devised validly to the person(s) so entitled.	Yes	No	
--	-----	----	--

CLOSING FORMAL ADMINISTRATION (Uncontested) – F.S. Ch. 733

CHECKLIST

Estate of: _____

Case No. _____ Docket Entry No. _____ Case Docket Date(s) _____

Date of Death: _____ Age at Death: _____

Residence at Death: _____

Type of Estate: _____ Testate _____ Intestate _____ Ancillary

Attorney of Record: _____ FBN: _____

Petition for Discharge and Final Accounting

Choose one: Docket Index Number:

Is the petition for discharge based on full waivers from all interested persons?	Yes	No	
Is the petition for discharge signed by the personal representative FPR 5.330(g) and counsel for the personal representative FPR 5.030(a)?	Yes	No	
Does the petition for discharge include the statements required by FPR 5.400?	Yes	No	N/A
If the previous question was answered YES, is the final accounting signed by the personal representative? FPR 5.330(b)	Yes	No	
Have the petition for discharge and final accounting been served on all interested persons with required notice regarding objections? FPR 5.400 and 5.401	Yes	No	
Have any objections been filed within 30 days of service of the later of the petition for discharge or final accounting? FPR 5.401(a)	Yes	No	
Have the objections been timely noticed for hearing? FPR 5.401(d)	Yes	No	

NOTICE OF ADMINISTRATION FPR 5.240 and F.S. 733.212

Choose one:

Docket Index Number:

Has the surviving spouse, if any, been served with the notice of administration or has a waiver of service by the surviving spouse been filed? FPR 5.240(a)(1)	Yes	No	
Have all beneficiaries of the estate been served with the notice of administration or has a waiver of service by all beneficiaries been filed? FPR 5.240(a)(2)	Yes	No	
Has the trustee of any trust over which the decedent had a right of revocation been served with the notice of administration or has a waiver of service by the trustee been filed? F.S. 733.707(3). FPR 5.240(a)(3)	Yes	No	
Has every person who may be entitled to exempt property been served with the notice of administration or has a waiver of service by such persons been filed? FPR 5.240(a)(4)	Yes	No	

NOTICE TO CREDITORS FPR 5.241 and F.S. 733.2121

Choose one:

Docket Index Number:

Has an affidavit been filed confirming publication, which is required unless more than two years have elapsed since the decedent's death F.S. 733.2121	Yes	No	
For decedents over age 55, has proof of service on the Agency for Health Care Administration been filed? F. S. 733.2121(d)	Yes	No	
Has a statement regarding creditors been filed? FPR 5.241(d)	Yes	No	
Have any claims been filed?	Yes	No	

INVENTORY FPR 5.340 and F.S.733.604

Choose one:

Docket Index Number:

Has the inventory been served on the surviving spouse, if any, or has a waiver of service by the surviving spouse been filed? FPR 5.340(d)	Yes	No	
For testate estates, has the inventory been served on residuary beneficiaries or has a waiver of service by residuary beneficiaries been filed? FPR 5.340(d)	Yes	No	
For intestate estates, has the inventory been served on the heirs or has a waiver of service by heirs been filed? FPR 5.340(d)	Yes	No	
Has the inventory been served on any interested person who may request it in writing or has waiver of service been filed for such persons? FPR 5.340(d)	Yes	No	

LITIGATION, including ADVERSARIAL PROBATE PROCEEDINGS

Choose one:

Docket Index Number:

Has a civil action has been instituted by or against the personal representative, and has a notice of civil action been filed? FPR 5.065(a)	Yes	No	
Has an adversarial probate proceeding been instituted?	Yes	No	

SUMMARY ADMINISTRATION – F.S. Ch. 735 and FPR 5.530

CHECKLIST

Estate of: _____

Case No. _____ Docket Entry No. _____ Case Docket Date(s) _____

Date of Death: _____ Age at Death: _____

Residence at Death: _____

Type of Estate: _____ Testate _____ Intestate _____ Ancillary

Attorney of Record: _____ FBN: _____

Section I: Qualifications for Summary Administration, F.S. 735.201, FPR 5.530(a)

	Choose one:		Docket Index Number:
In a testate estate, does the will direct administration under F.S. Ch 733; F.S. 735.201; FPR 5.530(a)(6)	Yes	No	N/A
Whether testate or intestate, the value of the entire estate subject to administration in this state, less the value of property exempt from claims of creditors, does not exceed \$75,000. F.S. 735.201(2); FPR 5.530(a)(7), OR The decedent has been dead for more than 2 years. F.S. 735.201(2); FPR 5.530(a)(7)	Yes	No	
	Yes	No	

Section II: Summary Administration in a Testate Estate, F.S.735.203(1), FPR 5.530

	Choose one:		Docket Index Number:
Is the will, and each codicil, if any, executed and proved in accordance with F.S. Chapter 733? FPR 5.530(c)	Yes	No	N/A
If a caveat has been filed, has notice been given in compliance with FPR 5.260?	Yes	No	

Is the original will filed, or if an ancillary estate, is an authenticated copy filed? FPR 5.200(j)	Yes	No	
If an ancillary estate, have all requirements of F.S. 734.102 and FPR 5.470/5.475 been satisfied?	Yes	No	N/A
If the will, or codicil(s), if any, is lost, and a copy of the will and/or of any codicils has been filed, have all requirements of F.S. 733.207 and FPR 5.510 to admit a lost will or codicil been satisfied?	Yes	No	N/A
Does the petition for summary administration contain all the information required by FPR 5.530(a)(1) - (12), including all subparts?	Yes	No	N/A
Is the petition filed by a beneficiary? OR Is the petition filed by a person nominated as Personal Representative in the Will offered for probate?	Yes	No	N/A
Is the petition verified by each person signing? F.S. 735.203(1).	Yes	No	
Is the petition signed by the surviving spouse, if any, AND by all beneficiaries whose joinder or consent is required? F.S.735.203(1).	Yes	No	N/A
If a person required to sign has died, is incapacitated, is a minor or has transferred all interest in the estate, is the petition signed by: a) The personal representative of a deceased person or, if none the spouse, if any, and all beneficiaries of the deceased person? b) The guardian of any beneficiary who is not sui juris or is incapacitated? c) The grantee or transferee of the person whose interest was transferred? F.S. 735.203(2)	Yes	No	N/A
	Yes	No	N/A
	Yes	No	N/A
If there is an attorney of record, is the petition signed by the attorney of record? FPR 5.020(a).	Yes	No	N/A

<p>If each trustee of a trust that is a beneficiary is also a petitioner, is the petition signed and verified by each qualified beneficiary of the trust as defined in F.S. 736.0103?</p>	Yes	No	N/A
<p>Was the petition served by formal notice (in accordance with FPR 5.040) on:</p> <p>a) Each beneficiary who will receive his/her full distributive share under the proposed distribution but who did not join in or consent to the petition [note: all others must sign or join in petition]? F.S.735.203(1); FPR 5.530(b).</p> <p>b) Each qualified beneficiary of a trust that is a beneficiary where the trustee is also a petitioner, and the qualified beneficiary did not join in or consent to the petition? F.S.735.203(3); FPR 5.530(b).</p> <p>c) All known or reasonably ascertainable creditors not joining in or consenting to the petition? FPR 5.530(b)</p>	Yes	No	
	Yes	No	
	Yes	No	
<p>Has a certified copy of decedent's death certificate or other official record of decedent's death been filed? [Note: Unless waived by court order, an official record of death is required to be filed prior to the entry of an order of summary administration. FPR 5.205(a)(3)].</p>	Yes	No	

APPENDIX R

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.020

**RULE 5.020. PLEADINGS; VERIFICATION; MOTIONS;
CHECKLISTS**

(a) Forms of Pleading. Pleadings ~~shall~~must be signed by the attorney of record, and by the pleader when required by these rules. All technical forms of pleadings are abolished. No defect of form impairs substantial rights, and no defect in the statement of jurisdictional facts actually existing renders any proceeding void.

(b) Petition. A petition shall contain a short and plain statement of the relief sought, the grounds ~~therefor~~for that relief, and the jurisdiction of the court when the jurisdiction has not already been shown. The petition, and any supplemental filing in support of the petition, must include all necessary information and documentation required for the court to consider the requested relief.

(bc) Checklists. A checklist is an aid used to ensure that all necessary information and documentation have been filed in the proceeding so that the court may efficiently consider the requested relief. The court may require a checklist, which must be in the form provided by Part VI of these rules, to be filed with the following:

(1) a petition for administration;

(2) a petition to determine homestead status of real property;

(3) a petition for discharge; and

(4) a petition for summary administration.

Only a checklist in the form provided by Part VI of these rules may be required. A checklist may not be required for any proceeding other than those set forth in this subdivision.

(ed) Motions. Any other application to the court for an order ~~shall~~must be by written motion, unless made orally during a hearing or trial. The motion ~~shall~~must state with particularity the

grounds ~~therefor~~for the motion and ~~shall~~must set forth the relief or order sought.

(de) Rehearing. A motion for rehearing of any order or judgment ~~shall~~must be served not later than 15 days after the date of filing the order or judgment with the clerk as shown on the face of the order or judgment.

(ef) Verification. When verification of a document is required, the document filed ~~shall~~must include an oath, affirmation, or the following statement:

“Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.”

Committee Notes

Rule History

1977 Revision: Editorial change (rule) and expansion of committee note. Subdivisions (a), (b), and (d) substantially the same as subdivisions (a), (b), and (f) of prior rule 5.030. Subdivision (c) taken from section 731.104, Florida Statutes. For adversary proceedings see new rule 5.025. Notice of administration is not a pleading within the meaning of this rule.

1980 Revision: Subdivisions (c) and (d) have been redesignated as (e) and (f). New subdivisions (c) and (d) are added to provide for the use of motions in probate proceedings other than adversary proceedings and to specifically authorize a procedure for rehearing.

1984 Revision: Minor editorial changes. Subdivision (f) of prior rule has been deleted as it is now covered under the adversary rules.

1988 Revision: Editorial change in caption of (a). Committee notes revised. Citation form change in committee notes.

1992 Revision: Editorial changes. Committee notes revised.
Citation form changes in rule and committee notes.

2003 Revision: Committee notes revised.

2008 Revision: Committee notes revised.

2010 Revision: Committee notes revised.

2019 Revision: Subdivision (d) amended to change the deadline for service of a motion for rehearing from 10 to 15 days after the specified event to conform to 2013 amendments to the Florida Rule of Civil Procedure 1.530. Committee notes revised.

2025 Adoption: Subdivision (b) is amended and subdivision (c) is created to implement Supreme Court-approved checklists.

Statutory References

§ 393.12, Fla. Stat. Capacity; appointment of guardian advocate.

§ 731.104, Fla. Stat. Verification of documents.

§ 731.201, Fla. Stat. General definitions.

§ 733.202, Fla. Stat. Petition.

§ 733.604(1), Fla. Stat. Inventories and accountings; public records exemptions.

§ 733.901, Fla. Stat. Final discharge.

§ 735.203, Fla. Stat. Petition for summary administration.

§ 744.104, Fla. Stat. Verification of documents.

§ 744.3085, Fla. Stat. Guardian advocates.

§ 744.3201, Fla. Stat. Petition to determine incapacity.

§ 744.331, Fla. Stat. Procedures to determine incapacity.

§ 744.334, Fla. Stat. Petition for appointment of guardian or professional guardian; contents.

Rule References

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.200 Petition for administration.

Fla. Prob. R. 5.205(b) Filing evidence of death.

Fla. Prob. R. 5.320 Oath of personal representative.

Fla. Prob. R. 5.330 Execution by personal representative.

Fla. Prob. R. 5.350 Continuance of unincorporated business or venture.

Fla. Prob. R. 5.370(a) Sales of real property where no power conferred.

Fla. Prob. R. 5.405(b) Proceedings to determine homestead status of real property.

Fla. Prob. R. 5.530 Summary administration.

Fla. Prob. R. 5.550 Petition to determine incapacity.

Fla. Prob. R. 5.560 Petition for appointment of guardian of an incapacitated person.

Fla. Prob. R. 5.600 Oath.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. R. Civ. P. 1.530 Motions for new trial and rehearing; amendments of judgment.

APPENDIX

S

PROPOSED NEW PART VI OF THE
FLORIDA PROBATE RULES

PART VI. MANDATORY FORMS

The following forms must be used in the matters that are covered by them. Where appropriate, space is provided within each form to allow the inclusion of additional information required by the specific circumstances of a case. These mandatory forms are incorporated into the Florida Probate Rules.

APPENDIX

T

FORM 5.9XX - PETITION FOR
SUMMARY ADMINISTRATION
(TESTATE)

RULE 5.9XX. PETITION FOR SUMMARY ADMINISTRATION
(TESTATE)

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

PETITION FOR SUMMARY ADMINISTRATION
(testate)

Petitioner,(petitioner's name)..... files this petition and in support of the petition says:

1. Petitioner has an interest in the above estate as(statement of interest)..... Petitioner's address is set forth below and the name of the office address of petitioner's attorney are set forth at the end of this petition.

2. Decedent,(decedent's name)....., whose last known address was(address at death)....., and the last 4 digits of whose social security number are(last 4 digits of social security number)....., died on (date of death)....., at(time of death)....., and on the date of death, decedent was domiciled in(county and state of residence).....

3. So far as is known, the names of the beneficiaries of this estate and of decedent's surviving spouse, if any, their addresses and relationships to decedent, and the years of birth of any who are minors, are:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>	<u>DATE OF BIRTH</u> <u>(if minor)</u>

(attach additional pages as needed)

4. Venue of this proceeding is in this county because the decedent resided in this county as of the date of death.

5. The original of the decedent's last will, and any codicils, dated(date)....., have been deposited with the clerk of court of this county.

6. Petitioner is unaware of any revoked will or codicil of decedent other than as set forth in this petition.

7. Petitioner is entitled to summary administration because (indicate all that apply):

a. () Decedent's will does not direct administration as required by Florida Statutes Chapter 733.

b. () To the best knowledge of the petitioner, the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$75,000.

c. () The decedent has been dead for more than two years.

8. Domiciliary or principal probate proceedings are not known to be pending in another state.

9. The following is a complete list of the assets in this estate and their estimated values, together with those assets claimed to be exempt [include a description of all assets in the estate along with the estimated value of each asset, and provide a separate description of any protected homestead and

exempt property]:

<u>ASSETS</u>	<u>ESTIMATED VALUE</u>

(attach additional pages as needed)

10. With respect to claims of creditors (indicate all that apply):

a. () All claims of creditors are barred.

b. () Petitioner has made diligent search and reasonable inquiry for any known or reasonably ascertainable creditors and

(1) () The estate is not indebted.

(2) () The estate is indebted and provision for the payment of debts and the information required by Florida Statutes section 735.206 and Florida Probate Rule 5.530 are set forth on the attached schedule.

11. All creditors ascertained to have claims and which have not joined in the petition or consented to entry of the order requested will be served by formal notice with a copy of this petition. Petitioner acknowledges that any known or reasonably ascertainable creditor who did not receive timely notice of this petition and for whom provision for payment was not made may enforce a timely claim and, if the creditor prevails, shall be awarded reasonable attorney's fees as an element of costs against petitioner and any other person who joined in the petition.

12. Petitioner proposes that all assets of the decedent, including exempt property, be distributed to the following:

the facts alleged are true, to the best of my knowledge and belief.

Signed on(date).....

Attorney for Petitioner:

Signature

Petitioner's Signature

Name

Petitioner's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

APPENDIX

U

FORM 5.9XX - PETITION FOR
SUMMARY ADMINISTRATION
(INTESTATE)

RULE 5.9XX. PETITION FOR SUMMARY ADMINISTRATION
(INTESTATE)

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

PETITION FOR SUMMARY ADMINISTRATION
(intestate)

Petitioner,(Petitioner's name)....., files this petition and in support of the petition says:

1. Petitioner has an interest in the above estate as(statement of interest)..... Petitioner's address is set forth below and the name of the office address of petitioner's attorney are set forth at the end of this petition.

2. Decedent(decedent's name)....., whose last known address was(address at death)....., and the last four digits of whose social security number are(last 4 digits of social security number)....., died on (date of death)....., at(time of death)....., and on the date of death, decedent was domiciled in(county and state of residence).....

3. So far as is known, the names of the beneficiaries of this estate and of decedent's surviving spouse, if any, their addresses and relationships to decedent, and the years of birth of any who are minors, are:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>	<u>DATE OF BIRTH</u> <u>(if minor)</u>

(attach additional pages as needed)

4. Venue of this proceeding is in this county because the decedent resided in this county as of the date of death.

5. After the exercise of reasonable diligence, petitioner is unaware of any revoked wills or codicils of decedent.

6. Petitioner is entitled to summary administration because (indicate all that apply:

a. () To the best knowledge of the petitioner, the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors does not exceed \$75,000.

b. () The decedent has been dead for more than two years.

7. Domiciliary or principal probate proceedings are not known to be pending in another state.

8. The following is a complete list of the assets in this estate and their estimated values, together with those assets claimed to be exempt [include a description of all assets in the estate along with the estimated value of each asset, and provide a separate description of any protected homestead and exempt property]:

<u>ASSETS</u>	<u>ESTIMATED VALUE</u>

(attach additional pages as needed)

9. With respect to claims of creditors (indicate all that apply):

a. () All claims of creditors are barred.

b. () Petitioner has made diligent search and reasonable inquiry for any known or reasonably ascertainable creditors and

(1) () The estate is not indebted.

(2) () The estate is indebted and provision for the payment of debts and the information required by Florida Statutes section 735.206 and Florida Probate Rule 5.530 are set forth on the attached schedule.

10. All creditors ascertained to have claims and which have not joined in the petition or consented to entry of the order requested will be served by formal notice with a copy of this petition. Petitioner acknowledges that any known or reasonably ascertainable creditor who did not receive timely notice of this petition and for whom provision for payment was not made may enforce a timely claim and, if the creditor prevails, shall be awarded reasonable attorney's fees as an element of costs against petitioner and any other person who joined in the petition.

11. Petitioner proposes that all assets of the decedent, including exempt property, be distributed to the following:

the facts alleged are true, to the best of my knowledge and belief.

Signed on(date).....

Attorney for Petitioner:

Signature

Petitioner's Signature

Name

Petitioner's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

APPENDIX

V

FORM 5.9XX - PETITION FOR
DISPOSITION OF PERSONAL
PROPERTY WITHOUT
ADMINISTRATION

**RULE 5.9XX. PETITION FOR DISPOSITION OF PERSONAL
PROPERTY WITHOUT ADMINISTRATION**

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____/

**PETITION FOR DISPOSITION OF PERSONAL
PROPERTY WITHOUT ADMINISTRATION**

The petition must be filed with the court in the county in which the
decedent resided at the decedent's time of death.

1. Decedent's name: _____
2. Date of decedent's death: _____
3. Petitioner's name and address: _____
4. Petitioner's relationship to decedent: _____
5. Decedent's residence address, including county, at time of decedent's
death: _____
6. Decedent's death certificate (choose one)
 is attached.
 is not attached.
7. The decedent (choose one):
 has a will (attach a copy of the will); or
 does not have a will.

If the decedent has a will, it was deposited with the clerk on(deposit date).....

8. Funeral expenses (attach copy of bill or receipt).

<u>FUNERAL EXPENSE AND PROVIDER</u>	<u>AMOUNT</u>	<u>PAID OR DUE</u>

(attach additional pages as needed)

9. Medical expenses for last 60 days of last illness (attach copy of bill or receipt).

<u>PROVIDER OR HOSPITAL</u>	<u>AMOUNT</u>	<u>PAID OR DUE</u>

(attach additional pages as needed)

10. Exempt property: (household furnishings and appliances, up to \$20,000 of value, and motor vehicles under section 732.402, Florida Statutes, and value for each item. Note: only surviving spouse and child of the decedent are entitled to exempt property.)

<u>DESCRIPTION</u>	<u>VALUE</u>

(attach additional pages as needed)

11. Non-exempt property: (bank account, insurance policy, stock certificate, motor vehicle and value for each item. Total value must not exceed the sum of the amount of funeral expenses and medical and hospital expenses detailed above.)

<u>DESCRIPTION</u>	<u>VALUE</u>

(attach additional pages as needed)

12. Other assets owned by decedent:

13. Petitioner requests payment or distribution to the following:

<u>NAME</u>	<u>COMPLETE ADDRESS</u>	<u>ASSET</u>	<u>VALUE</u>

(attach additional pages as needed)

14. Petitioner requests that the court authorize payment, transfer, or disposition of the personal property belonging to the decedent to those persons entitled under section 735.301, Florida Statutes.

15. The petition is signed by all persons entitled to exempt property or by the person's representative.

16. The following information is relevant to this petition and controls to the extent it is inconsistent with the information above:

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

Signed on(date).....

Attorney for Petitioner:

Signature

Petitioner's Signature

Name

Petitioner's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

APPENDIX

W

FORM 5.9XX – PETITION TO
DETERMINE EXEMPT PROPERTY

RULE 5.9XX. PETITION TO DETERMINE EXEMPT PROPERTY

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____ /

PETITION TO DETERMINE EXEMPT PROPERTY

Petitioner,(petitioner's name)....., alleges:

1. The decedent,(decedent's name)....., died on(date of death)....., domiciled in(county name)..... County, Florida.

2. The deceased (choose one)

() had a will which has been filed in this probate proceeding.

() did not have a will.

3. The name and address of the decedent's surviving spouse, if any, and the names, addresses, and dates of birth of heirs of the decedent who are entitled by law to the exempt property, if any, and their respective relationships to the decedent are:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>	<u>DATE OF BIRTH (if minor)</u>

(attach additional pages as needed)

4. This petition is filed within the time permitted in section 732.402(6) of the Florida Probate Code.

5. The exempt property and the basis on which it is claimed to be exempt are as follows:

<u>DESCRIPTION OF PROPERTY</u>	<u>BASIS OF EXEMPTION</u>

(attach additional pages as needed)

6. Pursuant to the provisions in section 732.406 of the Florida Probate Code, the exempt property of the decedent remains subject to any perfected security interests.

7. None of the claimed exempt property has been specifically or demonstratively devised by decedent's will to anyone other than the persons specified in paragraph 3.

8. The only person(s) having an interest in this proceeding other than the beneficiaries listed above, are:

<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE OF INTEREST</u>

(attach additional pages as needed)

9. The following information is relevant to this petition and controls to the extent it is inconsistent with the information above:

WHEREFORE, Petitioner requests that an order be entered determining the status of the above-described property as exempt property under section 732.402 of the Florida Probate Code and authorizing and directing the personal representative to deliver the exempt property to the persons entitled to receive the exempt property.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on(date).....

Attorney for Petitioner:

Signature

Petitioner's Signature

Name

Petitioner's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

CERTIFICATE OF SERVICE

I certify that on(date)..... this document has been furnished to
.....(name(s))..... at(service address(es))..... by(method of service).....

Signature

APPENDIX

X

FORM 5.9XX - NOTICE TO
CREDITORS (SUMMARY
ADMINISTRATION)

RULE 5.9XX. NOTICE TO CREDITORS (SUMMARY ADMINISTRATION)

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____ /

**NOTICE TO CREDITORS
(summary administration)**

TO ALL PERSONS HAVING CLAIMS OR DEMANDS AGAINST THE ABOVE ESTATE:

You are hereby notified that an Ordered Summary Administration has been entered in the estate of(decedent's name)....., deceased, Case Number(case number)....., by the Circuit Court for(county name)..... County, Florida, Probate Division, the address of which is(court's physical address).....; that the decedent's date of death was(date of death).....; that the total value of the estate is \$.....(value of estate)..... and that the names and addresses of those to whom it has been assigned by such order are:

<u>NAME</u>	<u>ADDRESS</u>

(attach additional pages as needed)

ALL INTERESTED PERSONS ARE NOTIFIED THAT:

All creditors of the estate of the decedent and persons having claims or demands against the estate of the decedent other than those for whom provision for full payment was made in the Order of Summary Administration must file their claims with this court WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702. ALL CLAIMS AND DEMANDS NOT SO FILED WILL BE FOREVER BARRED. NOTWITHSTANDING ANY OTHER APPLICABLE TIME PERIOD, ANY CLAIM FILED 2 YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this Notice is(date).....

Attorney for Person Giving Notice:

Person Giving Notice:

Signature

Signature

Name

Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

APPENDIX

Y

FORM 5.9XX - MOTION FOR
REFERRAL TO MAGISTRATE

RULE 5.9XX. MOTION FOR REFERRAL TO MAGISTRATE

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

_____ Deceased.

_____ /

MOTION FOR REFERRAL TO MAGISTRATE

I,(full legal name)....., request that the Court enter an order referring this case to a magistrate. The case should be referred to a magistrate on the following issues:(explanation of issues).....

Signed on(date).....

Attorney for Movant:

Signature

Movant's Signature

Name

Movant's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

CERTIFICATE OF SERVICE

I certify that on(date)..... this document has been furnished to
.....(name(s))..... at(service address(es))..... by(method of service).....

Signature

APPENDIX

Z

FORM 5.9XX - AFFIDAVIT FOR
DISPOSITION WITHOUT
ADMINISTRATION OF INTESTATE
PERSONAL PROPERTY

RULE 5.9XX. AFFIDAVIT FOR DISPOSITION WITHOUT ADMINISTRATION OF INTESTATE PERSONAL PROPERTY IN SMALL ESTATES

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____/

AFFIDAVIT FOR DISPOSITION WITHOUT ADMINISTRATION OF INTESTATE PERSONAL PROPERTY IN SMALL ESTATES

The affidavit must be filed with the court in the county in which the decedent resided at the decedent's time of death.

1. Decedent's name: _____
2. Date of decedent's death: _____
3. The decedent has been deceased for more than 1 year.
4. The place of decedent's death: _____
5. Decedent's residence address, including county, at time of decedent's death: _____

6. The last 4 digits of the decedent's social security number: _____

7. Decedent's death certificate (choose one)

() is attached.

() is not attached.

8. The decedent does not have a will.

9. Affiant's name and address: _____

10. Affiant's relationship to decedent: _____

11. Affiant exercised reasonable diligence and is unaware of any unrevoked wills or codicils.

12. No administration of decedent's estate is pending in this state.

13. So far as is known, the names of the decedent's heirs and of the surviving spouse, if any, their addresses and relationships to decedent, the years of birth of any who are minors, and the signatures of each are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>	<u>DATE OF BIRTH (if minor)</u>	<u>SIGNATURE</u>

(attach additional pages as needed)

14. Funeral expenses (attach copy of bill or receipt).

<u>FUNERAL EXPENSE AND PROVIDER</u>	<u>AMOUNT</u>	<u>PAID OR DUE</u>

(attach additional pages as needed)

15. Medical expenses for last 60 days of last illness (attach copy of bill or receipt).

<u>PROVIDER OR HOSPITAL</u>	<u>AMOUNT</u>	<u>PAID OR DUE</u>

(attach additional pages as needed)

16. Exempt property: (household furnishings and appliances, up to \$20,000 of value, and motor vehicles under section 732.402, Florida Statutes, and value for each item. Note: only surviving spouse and child of the decedent are entitled to exempt property.)

<u>DESCRIPTION</u>	<u>VALUE</u>

(attach additional pages as needed)

17. Non-exempt property: (bank account, insurance policy, stock certificate, motor vehicle and value for each item. Total value must not exceed \$10,000 and the sum of the amount of funeral expenses and medical and hospital expenses detailed above.)

<u>DESCRIPTION</u>	<u>VALUE</u>

<u>DESCRIPTION</u>	<u>VALUE</u>

(attach additional pages as needed)

18. Other assets owned by decedent:

19. With respect to claims of creditors (indicate all that apply):

a. () All claims of creditors are barred.

b. () Affiant has made diligent search and reasonable inquiry for any known or reasonably ascertainable creditors and

(1) () The estate is not indebted.

(2) () The estate is indebted and provision for the payment of debts and the information required by Florida Statutes section 735.304 and Florida Probate Rule 5.425 are set forth on the attached schedule.

20. Affiant requests payment or distribution to the following:

<u>NAME</u>	<u>COMPLETE ADDRESS</u>	<u>ASSET</u>	<u>VALUE</u>

(attach additional pages as needed)

21. Decedent died leaving only personal property exempt from section 732.402, Florida Statutes, personal property exempt from the claims of creditors

under the Florida Constitution, and non-exempt personal property the value of which does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.

22. Affiant requests that the court authorize payment, transfer, or disposition of the personal property belonging to the decedent to those persons entitled under section 735.304, Florida Statutes.

23. The affidavit is signed by the surviving spouse, if any, and all heirs at law, except for heirs at law who will receive a full intestate share under the proposed distribution of the personal property.

24. The following information is relevant to this affidavit and controls to the extent it is inconsistent with the information above:

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

Signed on(date).....

Attorney for Affiant:

Signature

Affiant's Signature

Name

Affiant's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

APPENDIX

AA

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.010

RULE 5.010. SCOPE

These rules govern the procedure in all probate and guardianship proceedings and ~~shall~~will be known as the Florida Probate Rules and may be cited as Fla. Prob. R. Part I applies to all proceedings. Part II applies to probate alone, Part III applies to guardianship alone, ~~and~~ Part IV applies to expedited judicial intervention concerning medical treatment procedures, Part V provides permissive forms, and Part VI provides mandatory forms that must be used in the proceedings that are covered by them. The Florida Rules of Civil Procedure apply only as provided ~~herein~~in these rules.

Committee Notes

Rule History

1975 Revision: These rules shall govern the procedures to be followed in all matters pending on or commenced after January 1, 1976, including procedures for the enforcement of substantive rights that have vested before that date. See section 731.011, Florida Statutes.

1977 Revision: The changes in these rules shall take effect on July 1, 1977.

1988 Revision: In the opinion reported at 460 So. 2d 906, the Florida Supreme Court directed the Probate and Guardianship Rules Committee to study the statutes and attempt to identify those portions of the Florida Probate Code, the Florida Guardianship Law, and other statutes that contained procedural provisions. When those procedural provisions were identified, the committee was charged to promulgate rules incorporating those procedures. The committee has reviewed the statutes and has found a substantial measure of procedure that was contained only in the statutes for which there were no corresponding rules. The committee also determined that much of the procedure in the statutes already had a rule counterpart.

New rules added, or prior rules amended, in 1988 to add procedural matters previously found only in the statutes are rules 5.050, 5.122, 5.171, 5.180, 5.201, 5.235, 5.270, 5.275, 5.355, 5.360, 5.385, 5.386, 5.400, 5.440, 5.475, 5.490, and 5.510. With only one exception (see rule 5.050), the only portion of the statutes that has been reviewed in detail, and for which rules have been created, is the Florida Probate Code. Other portions of the statutes mentioned in the opinion cited above remain for the next cycle of this committee to review.

As the committee wrote rules to transfer the statutory procedure into these rules, an attempt was made to write the rule without changing the meaning of the statute. It was not possible or advisable to use the exact wording of the statute in some instances, and in those instances the committee rewrote the statutory language in the format used in the rules generally. Even under those circumstances, the committee attempted to transfer the entire procedural portion of the statute without changing its meaning. Where it was specifically intended in a few instances to add to existing statutory procedure, that fact is noted in the relevant committee note. The committee felt strongly that it would be detrimental to the orderly process of estate probate and related procedures if a rule specified a different procedure than was specified in the related statute, even though the statute must, under the Florida Constitution, yield to the rule when there is a conflict.

The committee, through the proper channels in The Florida Bar (initially, the Probate Law Committee of the Real Property, Probate and Trust Law Section), intends to ask the legislature to repeal those portions of the statutes that are procedural when there are similar rules already in place, or when similar new rules are added by this opinion. It is the opinion of the committee that continuing to maintain procedure in the statutes when there is a rule specifying that procedure is detrimental to the orderly process of the court and the public that it serves, especially when, over time, the statute and the rule may diverge.

Although the supreme court has adopted these recommended rules, it has not specifically determined that all of the provisions of the statutes that were procedural have now been adopted as a rule. This is a continuing project for the committee and although these new rules and changes represent a substantial transition of procedure into the rules, the committee does not suggest that the transition is complete. The court is not precluded from examining any particular statute or rule in the context of a particular actual dispute.

1991 Revision: Rule revised to reflect addition of new Part IV dealing with expedited judicial intervention concerning medical treatment procedures.

1992 Revision: In 1989, the Florida Legislature enacted a comprehensive revision to Florida's guardianship law. In response, the Florida Supreme Court appointed an ad hoc committee to recommend temporary rules of procedure for the new law. In an opinion at 551 So. 2d 452 (Fla. 1989), the court adopted the temporary rules recommended by the ad hoc committee, to replace Part III of the then-existing Florida Probate Rules, effective October 1, 1989. In its opinion, the court also directed the Florida Probate Rules Committee to review the new laws and, on a priority basis, to recommend permanent rules of procedure.

The committee reviewed the Florida Guardianship Law enacted in 1989, as well as revisions to the law enacted in 1990, and presented its rule recommendations to the court in 1991. The court, in an opinion at 584 So. 2d 964, adopted the recommendations with minor exceptions, to be effective October 1, 1991.

In 1990, the court also rendered its opinion in *In re Guardianship of Browning*, 568 So. 2d 4 (Fla. 1990), regarding a person's right to refuse life-prolonging medical procedures. In that decision, the court directed the committee to recommend a rule to provide for expedited judicial intervention. In response, the committee created a new Part IV of these rules and recommended rule 5.900, which was adopted by the court, with minor changes, in its opinion at 584 So. 2d 964, effective October 1, 1991.

The committee continued its efforts to review the Florida Probate Code and to promulgate or amend rules regarding any procedural portions of those statutes. As a result of those efforts, as well as the efforts described above, the committee recommended amendments to rules 5.010, 5.025, 5.040, 5.050, 5.200, 5.240, 5.310, 5.346, 5.400, 5.470, 5.550, 5.560, 5.590, 5.600, 5.610, 5.620, 5.630, 5.640, 5.650, 5.660, 5.670, 5.680, 5.695, 5.700, 5.710, and 5.800; creation of new rules 5.496, 5.540, 5.541, 5.555, 5.635, 5.636, 5.690, 5.696, 5.697, 5.705, and 5.900; and deletion of rule 5.495. In addition, the committee recommended editorial changes in virtually all the rules so that they would conform stylistically to one another and to all other rules promulgated by the supreme court.

2003 Revision: The committee has promulgated numerous changes in the rules and in the committee notes to many of the rules, in response to legislative amendments that deleted procedural aspects of a number of statutes in the Florida Probate Code, including deletion and re-titling of some statutes. See Ch. 2001-226, Laws of Fla.

2025 Revision: Rule revised to reflect the creation of new Part VI, which governs mandatory forms, and to clarify the distinction from Part V, which addresses permissive forms.

Rule References

Fla. Prob. R. 5.025 Adversary proceedings.

Fla. Prob. R. 5.040(a)(3)(B) Notice.

Fla. Prob. R. 5.050 Transfer of proceedings.

Fla. Prob. R. 5.080 Discovery and subpoena.

Fla. Prob. R. 5.230(e) Commission to prove will.

Fla. R. App. P. 9.800 Uniform citation system.

APPENDIX BB

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.406

RULE 5.406. PROCEEDINGS TO DETERMINE EXEMPT PROPERTY

(a) Petition. An interested person may file a petition to determine exempt property within the time allowed by law.

(b) Form. The petition must be filed using Florida Probate Rules of Procedure Form 5.9XX.

(bc) Contents. The petition ~~shall~~must be verified by the petitioner and ~~shall~~must:

(1) describe the property and the basis on which it is claimed as exempt property; and

(2) state the name and address of the decedent's surviving spouse or, if none, the names and addresses of decedent's children entitled by law to the exempt property and the year of birth of those who are minors.

(ed) Order. The court ~~shall~~must determine each item of exempt property and its value, if necessary to determine its exempt status, and order the surrender of that property to the persons entitled to it. If proposed letters are submitted, the filer must use Florida Probate Rules of Procedure Form 5.9XX.

Committee Notes

This rule establishes the procedure by which the personal representative or any interested person may petition the court for determination of exempt property in accordance with article X, section 4 of the Florida Constitution and section 732.402, Florida Statutes.

Section 732.402, Florida Statutes, specifies the time within which the petition to determine exempt property must be filed, within 4 months after the date of service of the notice of administration, unless extended as provided in the statute.

Rule History

1984 Revision: New rule.

1988 Revision: Subdivision (a) revised to reflect editorial changes and to require verification. Subdivision (b)(1) revised to require the basis for asserting exempt property status. Subdivision (b)(2) added the requirement of stating addresses of those entitled to exempt property. Subdivision (c) revised to reflect editorial changes and to require determination of the value of each item of exempt property. Committee notes revised.

1992 Revision: Committee notes revised. Citation form changes in committee notes.

1996 Revision: Editorial changes in rule to conform to similar language in rule 5.405. Committee notes revised.

2003 Revision: Committee notes revised.

2010 Revision: Subdivision (c) amended to limit the instances in which the value of the property claimed as exempt needs to be stated in the order.

2012 Revision: Committee notes revised.

2014 Revision: Subdivision (b)(2) amended to conform to Fla. R. Gen. Prac. & Jud. Admin. 2.425 and provide the year of birth of a minor. Committee notes revised.

2025 Revision: Rule amended to require use of forms mandated by the Florida Supreme Court.

Statutory References

§ 731.104, Fla. Stat. Verification of documents.

§ 732.402, Fla. Stat. Exempt property.

Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and documents.

Fla. Prob. R. 5.042 Time.

Fla. Prob. R. 5.420 Disposition of personal property without administration.

Fla. R. Gen. Prac. & Jud. Admin. 2.516 Service of pleadings and documents.

Fla. R. Gen. Prac. & Jud. Admin. 2.425 Minimization of the Filing of Sensitive Information.

APPENDIX CC

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.420

**RULE 5.420. DISPOSITION OF PERSONAL PROPERTY
WITHOUT ADMINISTRATION**

(a) Application. An interested person may request a disposition of the decedent's personal property without administration. ~~An application~~ The application must be:

(1) made using Florida Probate Rules of Procedure Form 5.9XX;

(2) signed by the applicant; and

(3) shall set forth:

(1A) the description and value of the exempt property;

(2B) the description and value of the other assets of the decedent;

(3C) the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses for the last 60 days of the last illness together with accompanying statements or payment receipts; and

(4D) each requested payment or distribution of personal property.

(b) Exempt Property. If the decedent's personal property includes exempt property, or property that can be determined to be exempt property, the application must also be signed by all persons entitled to the exempt property or by their representative.

(c) Preparation. On request, the clerk shall assist the applicant in the preparation of the required writing.

(d) Disposition. If the court is satisfied that disposition without administration is appropriate, the court may, without hearing, by letter or other writing authorize the payment, transfer,

or disposition of the decedent's personal property to those persons entitled to it. If a proposed order of disposition of personal property without administration is submitted, the filer must use Florida Probate Rules of Procedure Form 5.9XX.

Committee Notes

Section 732.402, Florida Statutes, requires persons entitled to exempt property, which excludes property specifically or demonstratively devised, to file timely a petition to determine exempt property. Accordingly, disposition of personal property under this rule should not be granted if decedent's personal property includes exempt property without all persons entitled thereto agreeing to such disposition.

Rule History

1977 Revision: Permits the clerk to perform limited ministerial acts in the completion of the application.

1984 Revision: Editorial changes. Delineates the required contents of the application. Committee notes revised.

1988 Revision: Subdivision (a)(3) changed to require applicant to attach accompanying statements or payment receipts regarding priority expenses. Subdivision (b) added to require persons entitled to exempt property to agree to the proposed disposition. Committee notes expanded.

1992 Revision: Editorial change. Committee notes revised. Citation form changes in committee notes.

2003 Revision: Committee notes revised.

2025 Revision: Rule amended to require use of forms mandated by the Florida Supreme Court.

Statutory References

§ 732.402, Fla. Stat. Exempt property.

§ 735.301, Fla. Stat. Disposition without administration.

Rule Reference

Fla. Prob. R. 5.205(a)(4) Filing evidence of death.

APPENDIX DD

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.425

**RULE 5.425. DISPOSITION WITHOUT ADMINISTRATION OF
INTESTATE PERSONAL PROPERTY IN SMALL
ESTATES**

(a) Administration Not Required. No administration ~~shall~~will be required or formal proceedings instituted upon the estate of a decedent who:

(1) died intestate;

(2) leaves only:

(A) personal property exempt under the provisions of section 732.402, Florida Statutes,

(B) personal property exempt from the claims of creditors under the Florida Constitution, and

(C) non-exempt personal property the value of which does not exceed the sum of ~~\$10,000~~\$20,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness;

(3) has been deceased for more than 1 year; and

(4) no administration of the decedent's estate is pending in this state.

(b) Affidavit. Any heir at law of the decedent entitled to a share of the intestate estate pursuant to section 732.102 or section 732.103, Florida Statutes, may ~~by affidavit~~ request distribution of assets of the decedent by ~~affidavit~~using Florida Probate Rules of Procedure Form 5.9XX. The affidavit must be signed and verified by the surviving spouse, if any, and any heirs at law, except that joinder in the affidavit is not required of an heir at law who will receive a full intestate share under the proposed distribution of the personal property. The affidavit ~~shall~~must contain:

(1) a statement that the decedent died intestate, and that after the exercise of reasonable diligence, the person signing the affidavit is unaware of any unrevoked wills or codicils;

(2) a statement that the decedent has been deceased for more than 1 year;

(3) a statement that the decedent died leaving only personal property exempt under the provisions of section 732.402, Florida Statutes, personal property exempt from the claims of creditors under the Florida Constitution, and non-exempt personal property the value of which does not exceed the sum of ~~\$10,000~~\$20,000;

(4) a description of all assets subject to distribution without administration and their values;

(5) a statement setting forth the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness;

(6) a statement that no administration of the decedent's estate is pending in this state;

(7) a statement of the relationship of each person signing the affidavit to the decedent, and each person's name and address;

(8) the name and last known address of the decedent, last 4 digits of the decedent's social security number, date and place of death of the decedent, and state and county of decedent's domicile;

(9) so far as is known, the names and addresses of the surviving spouse, if any, and the heirs of the decedent, and their relationship to the decedent and the year of birth of any who are minors;

(10) a statement either:

(A) that all claims against the decedent's estate are barred; or

(B) that a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors has been made and one of the following:

(i) a statement that the estate is not indebted;

(ii) the name and address of each creditor, the nature of the debt, the amount of the debt and whether the amount is estimated or exact, and when the debt is due. If provision for payment has been made other than for full payment in the proposed distribution schedule, the following information must be shown:

(a) the name of the person who will pay the debt,

(b) the creditor's written consent for substitution or assumption of the debt by another person,

(c) the amount to be paid if the debt has been compromised, and

(d) the terms for payment and any limitations on the liability of the person paying the debt; and

(11) a schedule of proposed distribution of all intestate personal property.

(c) Service. The affidavit must be served in the manner of formal notice upon

(1) all heirs at law who have not joined in the affidavit;

(2) all known or reasonably ascertainable creditors of the decedent; and

(3) if at the time of death the decedent was over the age of 55 years, upon the Agency for Health Care Administration.

(d) Writing Under Seal of Court. If the court determines that section 735.304(1) is applicable and the affidavit filed by the heir at law meets the requirements of section 735.304(2), the court, by letter or other writing under the seal of the court, must authorize the payment, transfer, disposition, delivery, or assignment of the tangible or intangible personal property to those persons entitled. If a proposed order for disposition of personal property without administration in a small estate is submitted, the filer must use Florida Probate Rules of Procedure Form 5.9XX.

Committee Notes

Section 732.402, Florida Statutes, requires persons entitled to exempt property, which excludes property specifically or demonstratively devised, to file timely a petition to determine exempt property. Accordingly, disposition of personal property under this rule should not be granted if decedent's personal property includes exempt property without all persons entitled thereto agreeing to such disposition.

Rule History

2020 Adoption: New rule based upon Chapter 2020-110, Laws of Florida.

2025 Amendments. Subdivision (a)(3) is amended to increase the maximum value of personal property eligible for distribution without administration. Subdivisions (b) and (d) are amended to require the use of forms mandated by Florida Supreme Court.

Statutory References

§ 735.304, Fla. Stat. Disposition without administration of intestate property in small estates.

APPENDIX EE

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.530

RULE 5.530. SUMMARY ADMINISTRATION

(a) Petition. The petition must be verified as required by law, submitted using either Florida Probate Rules of Procedure Form 5.9XX (intestate) or Florida Probate Rules of Procedure Form 5.9XX (testate), and must contain:

(1) a statement of the interest of each petitioner, each petitioner's name and address, and the name and office address of each petitioner's attorney;

(2) the name and last known address of the decedent, last 4 digits of the decedent's social security number, date and place of death of the decedent, and state and county of the decedent's domicile;

(3) so far as is known, the names and addresses of the surviving spouse, if any, and the beneficiaries and their relationship to the decedent and the year of birth of any who are minors;

(4) a statement showing venue;

(5) a statement whether domiciliary or principal proceedings are pending in another state or country, if known, and the name and address of the foreign personal representative and the court issuing letters;

(6) a statement that the decedent's will, if any, does not direct administration as required by chapter 733, Florida Statutes;

(7) a statement that the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed ~~\$75,000~~ \$150,000 or that the decedent has been dead for more than 2 years;

(8) a description of all assets in the estate and the estimated value of each, and a separate description of any protected homestead and exempt property;

(9) a statement either;

(A) that all creditors' claims are barred or

(B) that a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors has been made and one of the following:

(i) A statement that the estate is not indebted.

(ii) The name and address of each creditor, the nature of the debt, the amount of the debt and whether the amount is estimated or exact, and when the debt is due. If provision for payment of the debt has been made other than for full payment in the proposed order of distribution, the following information must be shown:

(a) The name of the person who will pay the debt.

(b) The creditor's written consent for substitution or assumption of the debt by another person.

(c) The amount to be paid if the debt has been compromised.

(d) The terms for payment and any limitations on the liability of the person paying the debt.

(10) in an intestate estate, a statement that after the exercise of reasonable diligence each petitioner is unaware of any unrevoked wills or codicils;

(11) in a testate estate, a statement identifying all unrevoked wills and codicils being presented for probate, and a statement that each petitioner is unaware of any other unrevoked will or codicil; and

(12) a schedule of proposed distribution of all probate assets and the person to whom each asset is to be distributed.

(b) Service. The joinder in, or consent to, a petition for summary administration is not required of a beneficiary who will receive full distributive share under the proposed distribution. Any beneficiary and any known or reasonably ascertainable creditor not joining or consenting must receive formal notice of the petition. Notice to creditors must be served using Florida Probate Rules of Procedure Form 5.9XX.

(c) Testate Estate. In a testate estate, on the filing of the petition for summary administration, the decedent's will must be proved and admitted to probate.

(d) Order. If the court determines that the decedent's estate qualifies for summary administration, it must enter an order distributing the probate assets and specifically designating the person to whom each asset is to be distributed. If a proposed order of summary administration is submitted, the filer must use either Florida Probate Rules of Procedure Form 5.9XX (intestate) or Florida Probate Rules of Procedure Form 5.9XX (testate).

Committee Notes

Verification and service of a petition for summary administration are governed by rules 5.020, 5.040, and 5.041. Section 735.206(2), Florida Statutes, relating to diligent search for, and service of the petition for summary administration on, reasonably ascertainable creditors is substantive. Nothing in this rule is intended to change the effect of the statutory amendments.

Rule History

1977 Revision: Changes to conform to 1975 statutory revision. Established the requirements of a petition for summary administration and provided for the hearing thereon and the entry of the order of distribution of the assets.

1984 Revision: Extensive revisions and editorial changes. Committee notes revised.

1988 Revision: Editorial change in caption of (a). Committee notes revised.

1992 Revision: Editorial changes. Committee notes revised. Citation form changes in committee notes.

2002 Revision: Replaces “homestead” with “protected homestead” in (a)(2) to conform to addition of term in section 731.201(29), Florida Statutes. Committee notes revised.

2003 Revision: Committee notes revised.

2005 Revision: Subdivision (a)(3) amended to include requirements of section 735.206(2), Florida Statutes.

2007 Revision: Rule substantially rewritten to require petition to include essentially the same information required to be stated in a petition for administration and to require the petitioners to specify facts showing they are entitled to summary administration. New subdivision (b) added to provide for formal notice of the petition, and subsequent subdivisions relettered.

2011 Revision: Subdivision (a)(2) amended to limit listing of decedent's social security number to last four digits.

2012 Revision: Committee notes revised.

2013 Revision: Subdivision (a)(9) reorganized to avoid the misconception that a diligent search and reasonable inquiry for known or reasonably ascertainable creditors is required when creditor claims are barred. Committee notes revised. Editorial changes to conform to the court's guidelines for rules submissions as set forth in AOSC06-14.

2014 Revision: Subdivision (a)(3) amended to provide only the year of birth of a minor to conform to Fla. R. Gen. Prac. & Jud. Admin. 2.425. Committee notes revised.

2025 Revision. Rule amended to require use of forms mandated by the Florida Supreme Court. Subdivision (a)(7) is amended to increase the maximum value of an estate eligible for summary administration.

Statutory References

§ 731.104, Fla. Stat. Verification of documents.

§§ 735.201-735.2063, Fla. Stat. Summary administration.

Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.041 Service of pleadings and documents.

Fla. Prob. R. 5.205(a)(3) Filing evidence of death.

Fla. R. Gen. Prac. & Jud. Admin. 2.420 Public access to judicial branch records.

Fla. R. Gen. Prac. & Jud. Admin. 2.425 Minimization of the filing of sensitive information.

Fla. R. Gen. Prac. & Jud. Admin. 2.516 Service of pleadings and documents.

APPENDIX

FF

FORM 5.9XX - NOTICE OF HEARING
BEFORE GENERAL MAGISTRATE

RULE 5.9XX. NOTICE OF HEARING BEFORE MAGISTRATE

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____/

NOTICE OF HEARING BEFORE MAGISTRATE

YOU ARE HEREBY NOTIFIED that there will be a hearing before Magistrate(name of magistrate)....., on(date)....., at(time)....., in Room(room number)..... of the(county name)..... County Courthouse, the address of which is(court's address).....,(county)..... Florida, on the following issues:

.....(list of issues).....

.....(hours/minutes)..... have been reserved for this hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [identify applicable

court personnel by name, address, and telephone number]
at least 7 days before your scheduled court appearance,
or immediately upon receiving this notification if the
time before the scheduled appearance is less than 7 days;
if you are hearing or voice impaired, call 711.

SHOULD YOU WISH TO SEEK REVIEW OF THE RECOMMENDED
ORDER MADE BY THE MAGISTRATE, YOU MUST FILE EXCEPTIONS IN
ACCORDANCE WITH RULE 5.095(j), FLORIDA PROBATE RULES. YOU WILL
BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO
SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A
RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL
RELEVANT PROCEEDINGS UNLESS WAIVED BY THE COURT PRIOR TO ANY
HEARING ON THE EXCEPTIONS. THE PERSON SEEKING REVIEW MUST
HAVE THE TRANSCRIPT PREPARED FOR THE COURT'S REVIEW.

YOU ARE HEREBY ADVISED THAT IN THIS CIRCUIT:

- a. () electronic recording is provided by the court. A party may provide a court reporter at that party's expense.
- b. () a court reporter is provided by the court.
- c. () no electronic recording is provided by the court and the court does not provide a court reporter. A party may provide a court reporter at that party's expense.

If you are represented by an attorney or plan to retain an attorney for this matter, you should notify the attorney of this hearing.

If this matter is resolved, the moving party shall contact the Magistrate's Office to cancel this hearing.

Signed on(date).....

Attorney for Movant:

Signature

Movant's Signature

Name

Movant's Name

Florida Bar No.:

Address:

Address:

Telephone:

Telephone:

E-mail:

E-mail:

CERTIFICATE OF SERVICE

I certify that on(date)..... this document has been furnished to
.....(name(s))..... at(service address(es))..... by(method of service).....

Signature

APPENDIX

GG

PROPOSED AMENDMENT PART V OF
THE FLORIDA PROBATE RULES

PART V. PERMISSIVE FORMS

The following forms are sufficient for the matters that are covered by them. So long as the substance is expressed without prolixity, the forms may be varied to meet the facts of a particular case. The forms are not intended to be part of the rules and are provided for convenience only.

APPENDIX

HH

FORM 5.9XX - ORDER ADMITTING
WILL TO PROBATE AND OF
SUMMARY ADMINISTRATION
(TESTATE)

RULE 5.9XX. ORDER ADMITTING WILL TO PROBATE AND OF SUMMARY ADMINISTRATION (TESTATE)

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

**ORDER ADMITTING WILL TO PROBATE
AND OF SUMMARY ADMINISTRATION
(testate)**

On the petition of(petitioner's name)..... for summary administration of the estate of(decedent's name)....., deceased, the court finding that the decedent died on(date of death).....; that all interested persons have been served proper notice of the petition and hearing or have waived notice thereof; that the material allegations of the petition are true; that the writing presented to this court as the last will of(decedent's name)..... having been executed in conformity with law, and made self-proved at the time of execution by the acknowledgement of the decedent and the affidavits of the witnesses made before an officer authorized to administer oaths and evidence by the officer's certificate attached to or following the will in the form required by law and no objection having been made to its probate and that the decedent's estate qualifies for summary administration and an Order Admitting Will to Probate and of Summary Administration should be entered, it is

ADJUDGED that:

1. The will dated(date)..... and attested by(name of attestors)..... as subscribing and attesting witnesses is admitted to probate according to law as the last will of the decedent.

2. There be immediate distribution of the assets of the decedent as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>ASSET, SHARE, OR AMOUNT</u>

(attach additional pages as needed)

3. Those to whom specified assets of the decedent's estate are distributed by this order have the right to receive and collect those assets and to maintain actions to enforce their rights.

4. Debtors of the decedent, those holding property of the decedent, and those with whom securities or other property of decedent are registered, are authorized and directed to comply with this order by paying, delivering, or transferring to the beneficiaries specified above the parts of the decedent's estate distributed to them by this order, and the persons so paying, delivering, or transferring shall not be accountable to anyone else for the property.

ORDERED on(date).....

Circuit Judge

APPENDIX II

FORM 5.9XX - ORDER OF SUMMARY
ADMINISTRATION (INTESTATE)

RULE 5.9XX. ORDER OF SUMMARY ADMINISTRATION
(INTESTATE)

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____/

ORDER OF SUMMARY ADMINISTRATION
(intestate)

On the petition of(petitioner's name)..... for summary administration of the estate of(decedent's name)....., deceased, the court finding that the decedent died on(date of death).....; that all interested persons have been served proper notice of the petition and hearing or have waived notice thereof; that the material allegations of the petition are true; and that the decedent's estate qualifies for summary administration and an Order of Summary of Administration should be entered, it is

ADJUDGED that:

1. There be immediate distribution of the assets of the decedent as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>ASSET, SHARE, OR AMOUNT</u>

<u>NAME</u>	<u>ADDRESS</u>	<u>ASSET, SHARE, OR AMOUNT</u>

(attach additional pages as needed)

2. Those to whom specified assets of the decedent’s estate are distributed by this order have the right to receive and collect those assets and to maintain actions to enforce their rights.

3. Debtors of the decedent, those holding property of the decedent, and those with whom securities or other property of decedent are registered, are authorized and directed to comply with this order by paying, delivering, or transferring to the beneficiaries specified above the parts of the decedent’s estate distributed to them by this order, and the persons so paying, delivering, or transferring shall not be accountable to anyone else for the property.

ORDERED on(date).....

Circuit Judge

APPENDIX

JJ

FORM 5.9XX - ORDER FOR
DISPOSITION OF PERSONAL
PROPERTY WITHOUT
ADMINISTRATION

RULE 5.9XX. ORDER FOR DISPOSITION OF PERSONAL PROPERTY WITHOUT ADMINISTRATION

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

_____ Deceased.

_____ /

ORDER FOR DISPOSITION OF PERSONAL PROPERTY WITHOUT ADMINISTRATION

On the petition of(Petitioner's name)..... for an order for disposition of personal property without administration on the estate of(decedent's name)....., deceased, the Court finds:

The decedent was a resident of(county name)..... County, Florida, and died on(date of death).....

At the time of death, the decedent was the owner of the following described assets:

<u>ASSET</u>	<u>LOCATION OF ASSET</u>	<u>APPROXIMATE VALUE OF ASSET</u>

(attach additional pages as needed)

The decedent's property includes only personal property exempt under the provisions of section 732.402, Florida Statutes; personal property exempt from the claims of creditors under the Florida Constitution; and nonexempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. Accordingly, pursuant to section 735.301 of the Florida Probate Code, no administration will be required nor formal proceedings instituted upon this estate.

It is therefore ADJUDGED that:

1. The assets be paid, transferred, or mailed directly to the beneficiaries or claimants as set forth below:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT AND PERCENTAGE OF DISTRIBUTION</u>

(attach additional pages as needed)

2. The debtors of the decedent, those holding property of the decedent, and those with whom securities or other property of the decedent are registered, are authorized to comply with this Order. Any person, firm, or corporation paying, delivering, or transferring property under this Order will be forever discharged from any liability thereon.

ORDERED on(date).....

Circuit Judge

APPENDIX KK

FORM 5.9XX - ORDER
DETERMINING EXEMPT PROPERTY

RULE 5.9XX. ORDER DETERMINING EXEMPT PROPERTY

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____/

ORDER DETERMINING EXEMPT PROPERTY

On the petition of(Petitioner's name)..... for an order determining exempt property under the provisions of section 732.402 of the Florida Probate Code, the court finds:

1. All interested persons have been served proper notice of this proceeding, or have waived notice thereof, or have consented in advance to the court's determination.

2. The material allegations of the petition are true.

3. The decedent died on(date of death).....

4. The decedent was domiciled in(county name)..... County, Florida, at the time of death.

5. The decedent (check one)

() was survived by a spouse.

() was not survived by a spouse.

6. The decedent (check one)

() was survived by one or more children.

() was not survived by any children.

It is ADJUDGED that:

1.(Name(s)).... [is/are] the decedent's (choose one)

() surviving spouse and entitled to the following property:

() surviving child(ren) and entitled to the following property (in equal shares unless otherwise specified):

<u>ITEM</u>	<u>VALUE</u>	<u>RECIPIENT(S)</u>	<u>SHARE</u>

(attach additional pages as needed)

as exempt property under the provisions of section 732.402 of the Florida Probate Code, subject to any perfected security interests therein.

2. The personal representative of this estate is authorized and directed to surrender the exempt property to(name(s)).... and the personal representative will have no further responsibility with respect to it.

ORDERED on(date).....

Circuit Judge

APPENDIX LL

FORM 5.9XX - ORDER OF REFERRAL
TO MAGISTRATE

RULE 5.9XX. ORDER OF REFERRAL TO MAGISTRATE

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

Deceased.

_____ /

ORDER OF REFERRAL TO MAGISTRATE

THIS CASE IS REFERRED TO THE MAGISTRATE on the following issues:

.....(list of issues).....

AND ANY OTHER MATTER RELATED THERETO.

IT IS FURTHER ORDERED that the above issues are referred to Magistrate(name of magistrate)....., for further proceedings, under rule 5.095 of the Florida Probate Rules and current administrative orders of the Court. An inventory of the estate shall be filed in accordance with Florida Probate Rule 5.340. The Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall file a recommended order that contains findings of fact, conclusions of law, and the name of the court reporter, if any. If a hearing is necessary, the Magistrate must assign a time for the proceedings as soon as reasonably possible after this referral is made and must give notice to the parties either directly or by directing counsel or a party to file

and serve a notice of hearing. Counties within the State of Florida may have different rules. Please consult the Clerk of the Court Probate Intake Staff other(name/job title)..... relating to this procedure.

A REFERRAL TO A MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY THE MAGISTRATE, YOU MUST TIMELY FILE A WRITTEN OBJECTION. FAILURE TO TIMELY FILE A WRITTEN OBJECTION IS DEEMED TO BE A CONSENT TO THE REFERRAL.

If a party files a timely objection, this matter shall be returned to the undersigned judge with a notice stating the amount of time needed for hearing.

A PARTY SEEKING REVIEW OF THE MAGISTRATE’S RECOMMENDED ORDER MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 5.095(j), FLORIDA PROBATE RULES. A RECORD, INCLUDING A TRANSCRIPT OF THE PROCEEDINGS, IS REQUIRED TO SUPPORT THE EXCEPTIONS, UNLESS WAIVED BY THE COURT BEFORE ANY HEARING ON THE EXCEPTIONS.

YOU ARE ADVISED THAT IN THIS CIRCUIT:

- a. () electronic recording is provided by the court. A party may provide a court reporter at that party’s expense.
- b. () a court reporter is provided by the court.
- c. () no electronic recording is provided by the court and the court does not provide a court reporter. A party may provide a court reporter at that party’s expense.

ORDERED on(date).....

Circuit Judge

APPENDIX

MM

FORM 5.9XX - LETTERS OF
ADMINISTRATION

RULE 5.9XX. LETTERS OF ADMINISTRATION

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

_____ Deceased.

_____ /

LETTERS OF ADMINISTRATION

TO ALL WHOM IT MAY CONCERN:

.....(decedent's name)....., a resident of(county)....., Florida, died on(date of death)..... owning assets in Florida, and(name of personal representative)..... has been appointed Personal Representative of this estate and has performed all conditions precedent to the issuance of Letters of Administration.

I, the undersigned circuit judge, therefore, declare(name of personal representative)..... duly qualified under the laws of this state to serve as Personal Representative of the estate of(decedent's name)..... with full power to administer the estate in accordance with the law; to ask, demand, sue for, record and receive property of the Decedent; to take possession or control of the decedent's property (including any safe-deposit box leased or co-leased in the name of the decedent), except the protected homestead; to pay debts of the Decedent to the extent the estate assets permit and Florida law directs; and to make distribution of the estate in accordance with Florida law.

These Letters of Administration expire 12 months after the date of issuance.

ORDERED on(date).....

Circuit Judge

APPENDIX NN

FORM 5.9XX - ORDER FOR
DISPOSITION WITHOUT
ADMINISTRATION OF INTESTATE
PERSONAL PROPERTY IN SMALL
ESTATES

RULE 5.9XX. ORDER FOR DISPOSITION WITHOUT ADMINISTRATION OF INTESTATE PERSONAL PROPERTY IN SMALL ESTATES

IN THE CIRCUIT COURT OF THE(circuit number)..... JUDICIAL CIRCUIT

IN AND FOR(county)..... COUNTY, FLORIDA

Case No.:(case number).....

Division:(division).....

IN RE: THE ESTATE OF

.....(decedent's name).....,

_____ Deceased.

_____ /

ORDER FOR DISPOSITION WITHOUT ADMINISTRATION OF INTESTATE PERSONAL PROPERTY IN SMALL ESTATES

On the affidavit of(Affiant's name)..... for an order for disposition without administration of intestate personal property in the small estate of(decedent's name)....., deceased, the Court finds:

The decedent was a resident of(county name)..... County, Florida, and died on(date of death).....

At the time of death, the decedent was the owner of the following described assets:

<u>ASSET</u>	<u>LOCATION OF ASSET</u>	<u>APPROXIMATE VALUE OF ASSET</u>

(attach additional pages as needed)

The decedent's property includes only personal property exempt under the provisions of section 732.402, Florida Statutes; personal property exempt from the claims of creditors under the Florida Constitution; and nonexempt personal property the value of which does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. Accordingly, pursuant to section 735.304 of the Florida Probate Code, no administration will be required nor formal proceedings instituted upon this estate.

It is therefore ADJUDGED that:

1. The assets be paid, transferred, or mailed directly to the surviving spouse, if any, and the heirs at law as set forth below:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT AND PERCENTAGE OF DISTRIBUTION</u>

(attach additional pages as needed)

2. The debtors of the decedent, those holding property of the decedent, and those with whom securities or other property of the decedent are registered, are authorized to comply with this Order. Any person, firm, or corporation paying, delivering, or transferring property under this Order will be forever discharged from any liability thereon.

ORDERED on(date).....

Circuit Judge

APPENDIX

OO

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.235

RULE 5.235. ISSUANCE OF LETTERS, BOND

(a) Appointment of Personal Representative. After the petition for administration is filed and the will, if any, is admitted to probate:

(1) the court ~~shall~~must appoint the person entitled and qualified to be personal representative;

(2) the court ~~shall~~must determine the amount of any bond required. The clerk may approve the bond in the amount determined by the court; and

(3) any required oath or designation of, and acceptance by, a resident agent ~~shall~~must be filed.

(b) Issuance of Letters. Upon compliance with all of the foregoing, letters ~~shall~~must be issued to the personal representative. If proposed letters are submitted, the filer must use Florida Probate Rules of Procedure Form 5.9XX.

(c) Expiration of Letters. Unless extended by court order, the letters expire twelve months after the date of issuance. Upon expiration, the personal representative loses the authorities designated in the letters. Expiration of the letters does not discharge the personal representative.

(ed) Bond. On petition by any interested person or on the court's own motion, the court may waive the requirement of filing a bond, require a personal representative or curator to give bond, increase or decrease the bond, or require additional surety.

Court Commentary

2025 Amendments. Rule amended to require use of forms mandated by the Florida Supreme Court. The addition of a 12-month expiration is designed to facilitate the expeditious administration of the estate. After the date of issuance and upon

expiration of the letters, the personal representative has no power or authority to act other than to request letters to be reissued.

Committee Notes

This rule represents a rule implementation of the procedure formerly found in sections 733.401 and 733.403(2), Florida Statutes, both of which were repealed in 2001. It is not intended to change the effect of the statutes from which it was derived but has been reformatted to conform with the structure of these rules. It is not intended to create a new procedure or modify an existing procedure.

Rule History

1988 Revision: New rule.

1992 Revision: Editorial changes. Committee notes revised. Citation form changes in committee notes.

1996 Revision: Mandate in subdivision (a)(2) prohibiting charge of service fee by clerk deleted. Statutory references added.

2003 Revision: Committee notes revised.

2010 Revision: Committee notes revised.

2025 Revision. New subdivision (c) requires the letters to expire 12 months after the date of issuance. Subdivision (b) is amended to require use of form mandated by the Florida Supreme Court.

Statutory References

§ 28.24(19), Fla. Stat. Service charges by clerk of the circuit court.

§ 28.2401, Fla. Stat. Service charges in probate matters.

§ 733.402, Fla. Stat. Bond of fiduciary; when required; form.

§ 733.403, Fla. Stat. Amount of bond.

§ 733.405, Fla. Stat. Release of surety.

§ 733.501, Fla. Stat. Curators.

Rule References

Fla. Prob. R. 5.110 Address designation for personal representative or guardian; designation of resident agent and acceptance.

Fla. Prob. R. 5.122 Curators.

Fla. Prob. R. 5.320 Oath of personal representative.

Fla. Prob. R. 5.400 Distribution and discharge.

APPENDIX PP

CHART OF INFLATION ADJUSTED
THRESHOLDS

Summary of Maximum Allowable Statutory Values Adjusted for Consumer Price Index

CPI calculations courtesy of the U.S. Bureau of Labor Statistics

https://www.bls.gov/data/inflation_calculator.htm

This chart details the legislative history of the maximum estate and asset values for expedited distribution and adjusts the thresholds using the consumer price index.

Statute/Rule	Original Threshold Amount (Year)	Current Threshold Amount (Amendment date)	Current Threshold Adjusted for Inflation	Notes/Legislative Reasoning
<p>Summary Administration: § 735.201, Fla. Stat.; Fla. Prob. R. 5.530</p>	<p>\$10,000 (1974)</p>	<p>\$75,000 (2001)</p>	<p>\$75,000 (July 2001) + CPI = \$134,227.18 (Jan. 2025)</p> <p>Current WG suggestion of \$150,000 is an additional 11.75% over CPI</p> $\frac{150,000 - 134,227.18}{134,227.18} \times 100$	<p>The original threshold was set at \$10,000 in 1974. Ch. 74-106, § 1 at 272, Laws of Fla.</p> <p>In 1980, the Legislature increased the threshold to \$25,000. Ch. 80-203, § 2, at 662, Laws of Fla.</p> <p>House Bill 137 (2001) increased the threshold to \$75,000. Ch. 2001-226, § 179, at 109, Laws of Fla.</p> <p>The 2001 staff analysis noted “according to a calculation by the American Institute for Economic Research, using the Consumer Price Index calculated by the United States of America Bureau of Labor Statistics, \$25,000 in 1980 equals \$52,123.79 in 2000. (http://www.aier.org). <i>The final sum of \$75,000 is in excess of the inflationary adjustment in order to account for the elimination of family administration.</i>” Fla. H.R. Comm. for Jud. Oversight, C.S. for H.B. 137 (2001), Final Staff Analysis 44-45 n.69 (July 20, 2001) (emphasis supplied).</p>

<p>Disposition Without Administration: § 735.304, Fla. Stat.; Fla. Prob. R. 5.425</p>	<p>\$10,000 (2020)</p>	<p>\$10,000 (n/a)</p>	<p>\$10,000 (July 2020) + CPI = <u>\$12,260.51</u> (Jan. 2025)</p> <p>Current WG suggestion of \$20,000 is an additional 63.1% over CPI</p> $\frac{20,000 - 12,260.51}{12,260.51} \times 100$	<p>The original threshold of \$10,000 was enacted in 2020. Ch. 2020-110, § 3 at 6, Laws of Fla.</p> <p>There is no explanation for the decision to set the threshold at \$10,000 in the available legislative materials.</p>
<p>Income Tax Refunds: § 735.302, Fla. Stat.</p>	<p>\$500 (1974)</p>	<p>\$2,500 (2001)</p>	<p>\$2,500 (July 2001) + CPI = <u>\$4,474.24</u> (Jan. 2025)</p> <p>Current WG suggestion of \$5,000 is an additional 11.75% over CPI</p> $\frac{5,000 - 4,474.24}{4,474.24} \times 100$	<p>The original threshold of \$500 was enacted in 1974. Ch. 74-106, § 1 at 275, Laws of Fla.</p> <p>House Bill 137 (2001) expanded the threshold amount to \$2,500. Ch. 01-226, § 185 at 113, Laws of Fla.</p> <p>The 2001 staff analysis noted “according to a calculation by the American Institute for Economic Research, using the Consumer Price Index calculated by the United States of America, Bureau of Labor Statistics, \$500 in 1974 equals \$1,742.39 in 2000. http://www.aier.org. <i>The increase to \$2,500 being beyond an inflationary adjustment, it represents a policy change.</i>” Fla. S. Comm. on Jud., Bill Summaries, 2001 Reg. Sess. n.1 at 218 (2001) (emphasis supplied).</p>
<p>Payment to Successor without Court Proceedings: § 735.303, Fla. Stat.</p>	<p>\$1,000 (2020)</p>	<p>\$1,000 (n/a)</p>	<p>\$1,000 (July 2020) + CPI = <u>\$1,226.05</u> (Jan. 2025)</p> <p>Current WG suggestion of \$2,000 is an additional 63.1% over CPI</p>	<p>The original threshold of \$1,000 was enacted in 2020. Ch. 2020-110, § 2 at 3, Laws of Fla.</p> <p>There is no explanation for the decision to set the threshold at \$1,000 in the available legislative materials.</p>

			$\frac{2,000 - 1,226.05}{1,226.05} \times 100$	
Exempt Property: <u>§ 732.402, Fla. Stat.</u>	\$5,000 (1974)	\$20,000 (2009)	<p>\$20,000 (July 2009) + CPI = \$29,502.63 (Jan. 2025)</p> <p>Current WG suggestion of \$40,000 is an additional 35.5% over CPI</p> $\frac{40,000 - 29,502.63}{29,502.63} \times 100$	<p>The original threshold of \$5,000 was enacted in 1974. Ch. 74-106, § 1 at 222, Laws of Fla.</p> <p>The amount was increased to \$10,000 in 1981. Ch. 81-238, § 1 at 968, Laws of Fla.</p> <p>House Bill 599 (2009) increased the amount of a decedent's household furniture, furnishings and appliances which are exempt from creditor's claims from \$10,000 to \$20,000. Ch. 09-115, § 8 at 5, Laws of Fla.</p> <p>There is no explanation for the decision to set the threshold at \$20,000 in the available legislative materials.</p>
Family Allowance: <u>§ 732.403, Fla. Stat.</u>	\$6,000 (1974)	\$18,000 (2001)	<p>\$18,000 (July 2001) + CPI = \$32,214.52 (Jan. 2025)</p> <p>Current WG suggestion of \$36,000 is an additional 11.75% over CPI</p> $\frac{36,000 - 32,214.52}{32,214.52} \times 100$	<p>The original threshold of \$6,000 was enacted in 1974. Ch. 74-106, § 1 at 222-223, Laws of Fla.</p> <p>House Bill 137 (2001) increased the amount of the family allowance to \$18,000. Ch. 01-226, § 40 at 28, Laws of Fla.</p> <p>The 2001 staff analysis noted: “according to a calculation by the American Institute for Economic Research, using the Consumer Price Index calculated by the United States of America, Bureau of Labor Statistics, \$6,00 in 1974 equals \$18,095 in 2000. <i>The figure is rounded for ease in use and practice.</i>” Fla. H.R. Comm. for Jud. Oversight, C.S. for H.B. 137 (2001), Final Staff Analysis at 17 n.29 (July 20, 2001).</p>

APPENDIX

QQ

PROPOSED AMENDMENT TO
SECTION 735.201, FLORIDA
STATUTES

735.201 Summary administration; nature of proceedings.—

Summary administration may be had in the administration of either a resident or nonresident decedent's estate, when it appears:

(1) In a testate estate, that the decedent's will does not direct administration as required by chapter 733.

(2) That the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$150,000 ~~\$75,000~~ or that the decedent has been dead for more than 2 years.

APPENDIX RR

PROPOSED AMENDMENT TO
SECTION 735.304, FLORIDA
STATUTES

735.304 Disposition without administration of intestate property in small estates.—

(1) No administration shall be required or formal proceedings instituted upon the estate of a decedent who has died intestate leaving only personal property exempt under the provisions of s. 732.402, personal property exempt from the claims of creditors under the State Constitution, and nonexempt personal property the value of which does not exceed the sum of ~~\$10,000~~ \$20,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in this state.

(2) Any heir at law of the decedent entitled to a share of the intestate estate pursuant to s. 732.102 or s. 732.103 may by affidavit request distribution of assets of the decedent through informal application under this section. The affidavit must be signed and verified by the surviving spouse, if any, and any heirs at law, except that joinder in the affidavit is not required of an heir who will receive a full intestate share under the proposed distribution of the personal property. Before the filing of the affidavit, the affiant must make a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors, and the proposed distribution must make provision for payment of those creditors to the extent that assets are available or the creditors must consent to the proposed distribution. The affidavit must be served in the manner of formal notice upon all heirs at law who have not joined in the affidavit; upon all known or reasonably ascertainable creditors of the decedent; and, if the decedent at the time of death was over the age of 55 years of age, upon the Agency for Health Care Administration.

(3) If the court is satisfied that subsection (1) is applicable and the affidavit filed by the heir at law meets the requirements of subsection (2), the court, by letter or other writing under the seal of the court, may authorize the payment, transfer, disposition, delivery, or assignment of the tangible or intangible personal property to those persons entitled.

(a) Any individual, corporation, or other person paying, transferring, delivering, or assigning personal property under the authorization shall be forever discharged from liability thereon.

(b) Bona fide purchasers for value from those to whom personal property of the decedent has been paid, transferred, delivered, or assigned shall take the property free of all claims of creditors of the decedent and all rights of the surviving spouse and all other beneficiaries or heirs at law of the decedent.

(c) Personal property of the decedent that is not exempt from claims of creditors and that remains in the possession of those to whom it has been paid, delivered, transferred, or assigned shall continue to be liable for claims against the decedent until barred as provided in the Florida Probate Code. Any known or reasonably ascertainable creditor who did not consent to the proposed distribution and for whom provision for payment was not made may enforce the claim and, if the creditor prevails, shall be awarded costs, including reasonable attorney fees, against those who joined in the affidavit.

(d) Recipients of the decedent's personal property under this section shall be personally liable for a pro rata share of all lawful claims against the estate of the decedent, but only to the extent of the value on the date of distribution of the personal property actually received by each recipient, exclusive of the property exempt from claims of creditors under the constitution and statutes of Florida.

(e) Except as otherwise provided in s. 733.710, after 2 years from the death of the decedent, neither the decedent's estate nor those to whom it may be distributed shall be liable for any claim against the decedent, unless within that time proceedings have been taken for the enforcement of the claim.

(f) Any heir or devisee of the decedent who was lawfully entitled to share in the estate but who was not included in the distribution under this section may enforce all rights in appropriate proceedings against those who signed the affidavit or received distribution of personal property and, if successful, shall be awarded costs including reasonable attorney fees as in chancery actions.

APPENDIX

SS

PROPOSED AMENDMENT TO
SECTION 735.302, FLORIDA
STATUTES

735.302 Income tax refunds in certain cases.—

(1) In any case when the United States Treasury Department determines that an overpayment of federal income tax exists and the person in whose favor the overpayment is determined is dead at the time the overpayment of tax is to be refunded, and irrespective of whether the decedent had filed a joint and several or separate income tax return, the amount of the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be refunded as follows:

(a) Directly to the surviving spouse on his or her verified application; or

(b) If there is no surviving spouse, to one of the decedent's children who is designated in a verified application purporting to be executed by all of the decedent's children over the age of 14 years.

In either event, the application must show that the decedent was not indebted, that provision has been made for the payment of the decedent's debts, or that the entire estate is exempt from the claims of creditors under the constitution and statutes of the state, and that no administration of the estate, including summary administration, has been initiated and that none is planned, to the knowledge of the applicant.

(2) If a refund is made to the surviving spouse or designated child pursuant to the application, the refund shall operate as a complete discharge to the United States from liability from any action, claim, or demand by any beneficiary of the decedent or other person. This section shall be construed as establishing the ownership or rights of the payee in the refund.

APPENDIX

TT

PROPOSED AMENDMENT TO
SECTION 735.303, FLORIDA
STATUTES

735.303 Payment to successor without court proceedings.—

(1) As used in this section, the term:

(a) “Family member” means:

1. The surviving spouse of the decedent;
2. An adult child of the decedent if the decedent left no surviving spouse;
3. An adult descendant of the decedent if the decedent left no surviving spouse and no surviving adult child; or
4. A parent of the decedent if the decedent left no surviving spouse, no surviving adult child, and no surviving adult descendant.

(b) “Qualified account” means a depository account or certificate of deposit held by a financial institution in the sole name of the decedent without a pay-on-death or any other survivor designation.

(2) A financial institution in this state may pay to the family member of a decedent, without any court proceeding, order, or judgment, the funds on deposit in all qualified accounts of the decedent at the financial institution if the total amount of the combined funds in the qualified accounts at the financial institution do not exceed an aggregate total of \$2,000 ~~\$1,000~~. The financial institution may not make such payment earlier than 6 months after the date of the decedent's death.

(3) In order to receive the funds described in subsection (2), the family member must provide to the financial institution a certified copy of the decedent's death certificate and a sworn affidavit that includes all of the following:

(a) A statement attesting that the affiant is the surviving spouse, adult child, adult descendant, or parent of the decedent.

1. If the affiant is an adult child of the decedent, the affidavit must attest that the decedent left no surviving spouse.

2. If the affiant is an adult descendant of the decedent, the affidavit must attest that the decedent left no surviving spouse and no surviving adult child.

3. If the affiant is a parent of the decedent, the affidavit must attest that the decedent left no surviving spouse, no surviving adult child, and no surviving adult descendant.

(b) The date of death and the address of the decedent's last residence.

(c) A statement attesting that the total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~.

(d) A statement acknowledging that a personal representative has not been appointed to administer the decedent's estate and attesting that no probate proceeding or summary administration procedure has been commenced with respect to the estate.

(e) A statement acknowledging that the affiant has no knowledge of the existence of any last will and testament or other document or agreement relating to the distribution of the decedent's estate.

(f) A statement acknowledging that the payment of the funds constitutes a full release and discharge of the financial institution's obligation regarding the amount paid.

(g) A statement acknowledging that the affiant understands that he or she is personally liable to the creditors of the decedent and other persons rightfully entitled to the funds under the Florida Probate Code, to the extent the amount paid exceeds the amount properly attributable to the affiant's share.

(h) A statement acknowledging that the affiant understands that making a false statement in the affidavit may be punishable as a criminal offense.

(4) The family member may use an affidavit in substantially the following form to fulfill the requirements of subsection (3):

AFFIDAVIT UNDER
SECTION 735.303, FLORIDA STATUTES,
TO OBTAIN BANK PROPERTY OF DECEASED
ACCOUNT HOLDER: (Name of decedent)

State of ____

County of ____

Before the undersigned authority personally appeared (name of affiant), of (residential address of affiant), who has been sworn and says the following statements are true:

(a) The affiant is (initial one of the following responses):

__The surviving spouse of the decedent.

A surviving adult child of the decedent, and the decedent left no surviving spouse.

 A surviving adult descendant of the decedent, and the decedent left no surviving spouse and no surviving adult child.

 A surviving parent of the decedent, and the decedent left no surviving spouse, no surviving adult child, and no surviving adult descendant.

(b) As shown in the certified death certificate, the date of death of the decedent was (date of death), and the address of the decedent's last residence was (address of last residence).

(c) The affiant is entitled to payment of the funds in the decedent's depository accounts and certificates of deposit held by the financial institution (name of financial institution). The total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~. The affiant requests full payment from the financial institution.

(d) A personal representative has not been appointed to administer the decedent's estate, and no probate proceeding or summary administration procedure has been commenced with respect to the estate.

(e) The affiant has no knowledge of any last will and testament or other document or agreement relating to the distribution of the decedent's estate.

(f) The payment of the funds constitutes a full release and discharge of the financial institution regarding the amount paid.

(g) The affiant understands that he or she is personally liable to the creditors of the decedent and other persons rightfully entitled to the funds under the Florida Probate Code, to the extent the amount paid exceeds the amount properly attributable to the affiant's share.

(h) The affiant understands that making a false statement in this affidavit may be punishable as a criminal offense.

By (signature of affiant)

Sworn to and subscribed before me this day of by (name of affiant), who is personally known to me or produced as identification, and did take an oath.

(Signature of Notary Public--State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: (date of expiration of commission)

(5) The financial institution is not required to determine whether the contents of the sworn affidavit are truthful. The payment of the funds by the financial institution to the affiant constitutes the financial institution's full release and discharge regarding the amount paid. A person does not have a right or cause of action against the financial institution for taking an action, or for failing to take an action, in connection with the affidavit or the payment of the funds.

(6) The family member who withdraws the funds under this section is personally liable to the creditors of the decedent and any other person rightfully entitled to the funds under the Florida Probate Code, to the extent the amount paid exceeds the amount properly attributable to the family member's share.

(7) The financial institution shall maintain a copy or an image of the affidavit in accordance with its customary retention policies. If a surviving spouse or descendant of the decedent requests a copy of the affidavit during such time, the financial institution may provide a copy of the affidavit to the requesting surviving spouse or descendant of the decedent.

(8) In addition to any other penalty provided by law, a person who knowingly makes a false statement in a sworn affidavit given to a financial institution to receive a decedent's funds under this section commits theft, punishable as provided in s. 812.014.

APPENDIX UU

SUMMARY OF RESEARCH ON SAFE-
DEPOSIT BOXES

Agenda Item IV.b.: Safe-Deposit Boxes

Florida Law provides specific requirements for accessing and taking possession of the contents of safe deposit boxes leased by decedents. This document provides a summary of the relevant statutory and rule provisions.

Section 733.6065, Florida Statutes: Opening safe-deposit box

The “initial opening” of the decedent’s safe-deposit box must be conducted in the presence of any two of the following persons: (1) an employee of the institution where the box is located, (2) the personal representative, or (3) the personal representative's attorney. Each person present must verify the contents of the box under the penalties of perjury. The personal representative must file an inventory of the contents within 10 days of opening the box. The personal representative may remove the contents of the box.

Initial opening is subject to the provisions of section [655.936\(2\)](#), Florida Statutes.

Section 655.933, Florida Statutes: Access by fiduciaries

The institution *may* allow access to the box by a personal representative except as otherwise expressly provided in the lease or letters of administration.

Section 655.935, Florida Statutes: Search procedure on death of lessee

If satisfactory proof of the death of the lessee is presented, a financial institution *must* permit the person named in a court order for that purpose, or if no order has been served upon the institution, the spouse, a parent, an adult descendant, or a person named as a personal representative in a copy of a purported will produced by such person, to open and examine the contents of a safe-deposit box leased or coleased by a decedent, or any documents delivered by a decedent for safekeeping, in the presence of an officer of the institution.

If requested by such person, the institution must remove and deliver only:

- any writing purporting to be a will of the decedent, to the court having probate jurisdiction in the county in which the financial institution is located;
- any writing purporting to be a deed to a burial plot or to give burial instructions, to the person making the request for a search; or
- any document purporting to be an insurance policy on the life of the decedent, to the beneficiary named therein.

The officer of the institution must make a complete copy of any document removed and delivered pursuant to this section and place that copy, together with a memorandum of delivery identifying the name of the officer, the person to whom the document was delivered, the purported relationship of the person to whom the document was delivered, and the date of delivery, in the safe-deposit box leased or coleased by the decedent.

The institution may charge reasonable fees to cover costs incurred pursuant to this section. Access granted pursuant to this section is not considered the initial opening of the safe-deposit box.

Section 655.936, Florida Statutes: Delivery of safe-deposit box contents or property held in safekeeping to personal representative

Upon presentation of a certified copy of the letters of administration, the financial institution *must* grant the personal representative access to any safe-deposit box in the decedent's name and permit him or her to remove from such box any part or all of the contents thereof.

Section 655.939, Florida Statutes: Limiting right of access for failure to comply with security procedures

The financial institution may limit or deny the right to access the box if the personal representative is unwilling or unable for any reason or cause to comply with any of the institution's normal requirements or procedures in connection with such access relating to security, safety, or protection.

Probate Rule 5.342: Inventory of safe-deposit box

Implements sections [655.935](#), [655.936](#), and [733.6065](#), Florida Statutes. The personal representative must file an inventory of the contents of the box within 10 days of initial opening. The inventory must include a copy of the financial institution's entry record, and each person present at the initial opening must verify the contents under penalties of perjury.

Probate Rule 5.3425: Search of safe deposit box

Implements section [655.935](#), Florida Statutes. Provides requirements for the petition and order.

APPENDIX

VV

PROPOSED AMENDMENT TO
SECTION 655.933, FLORIDA
STATUTES

655.933 Access by fiduciaries.—

If a safe-deposit box is made available by a lessor to one or more persons acting as fiduciaries, the lessor ~~may~~, except as otherwise expressly provided in the lease or the writings pursuant to which such fiduciaries are acting;

(1) must allow access thereto as follows:~~(1) by~~ ~~By~~ any one or more of the persons acting as personal representatives; or;

(2) may allow access thereto ~~By~~ by:

(a) any one or more of the persons otherwise acting as fiduciaries if authorized in writing, which writing is signed by all other persons so acting; or;

(b) ~~(3)~~ ~~By~~ any agent authorized in writing, which writing is signed by all persons acting as fiduciaries.

APPENDIX

WW

PROPOSED AMENDMENT TO
SECTION 655.936, FLORIDA
STATUTES

655.936 Delivery of safe-deposit box contents or property held in safekeeping to personal representative.—

(1) Subject to the provisions of subsection (3), the lessor must ~~shall~~:

(a) immediately deliver to a personal representative appointed by a court in this state, upon presentation of a certified copy of his or her letters of authority, all property deposited with it by the decedent for safekeeping; ~~and shall~~

(b) grant the personal representative access to any safe-deposit box in the decedent's name and permit him or her to remove from such box any part or all of the contents thereof; and

(c) allow the personal representative or the personal representative's attorney to pay the accumulated charges and terminate the lease.

(2) If a personal representative of a deceased lessee has been appointed by a court of any other state, a lessor may, at its discretion, after 3 months from the issuance to such personal representative of his or her letters of authority, deliver to such personal representative all properties deposited with it for safekeeping and the contents of any safe-deposit box in the name of the decedent if at such time the lessor has not received written notice of the appointment of a personal representative in this state, and such delivery is a valid discharge of the lessor for all property or contents so delivered. A personal representative appointed by a court of any other state must ~~shall~~ furnish the lessor with an affidavit setting forth facts showing the domicile of the deceased lessee to be other than this state and stating that there are no unpaid creditors of the deceased lessee in this state, together with a certified copy of his or her letters of authority. A lessor making delivery pursuant to this subsection must ~~shall~~ maintain in its files a receipt executed by such personal representative which itemizes in detail all property so delivered.

(3) Notwithstanding the provisions of subsection (1), after the death of a lessee of a safe-deposit box, the lessor must ~~shall~~ permit the initial opening of the safe-deposit box and the removal of the contents of the safe-deposit box in accordance with s. 733.6065.

(4) A lessor is not liable for damages or penalty by reason of any delivery made pursuant to this section.

APPENDIX

XX

PROPOSED AMENDMENT TO
SECTION 733.603, FLORIDA
STATUTES

733.603 Personal representative to proceed without court order.—

A personal representative must ~~shall~~ proceed expeditiously with the settlement and distribution of a decedent's estate and, except as otherwise specified by this code or ordered by the court, must ~~shall~~ do so without adjudication, order, or direction of the court. A personal representative may invoke the jurisdiction of the court to resolve questions concerning the estate, ~~or its administration,~~ or to enforce the authority of a personal representative conferred by this code.

APPENDIX

YY

PROPOSED AMENDMENT TO
SECTION 733.612, FLORIDA
STATUTES

733.612 Transactions authorized for the personal representative; exceptions.—

Except as otherwise provided by the will or court order, and subject to the priorities stated in s. 733.805, without court order, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

(1) Retain assets owned by the decedent, pending distribution or liquidation, including those in which the personal representative is personally interested or that are otherwise improper for fiduciary investments.

(2) Perform or compromise, or, when proper, refuse to perform, the decedent's contracts. In performing the decedent's enforceable contracts to convey or lease real property, among other possible courses of action, the personal representative may:

(a) Convey the real property for cash payment of all sums remaining due or for the purchaser's note for the sum remaining due, secured by a mortgage on the property.

(b) Deliver a deed in escrow, with directions that the proceeds, when paid in accordance with the escrow agreement, be paid as provided in the escrow agreement.

(3) Receive assets from fiduciaries or other sources.

(4) Invest funds as provided in ss. 518.10-518.14, considering the amount to be invested, liquidity needs of the estate, and the time until distribution will be made.

(5) Acquire or dispose of an asset, excluding real property in this or another state, for cash or on credit and at public or private sale, and manage, develop, improve, exchange, partition, or change the character of an estate asset.

(6) Make ordinary or extraordinary repairs or alterations in buildings or other structures; demolish improvements; or erect new party walls or buildings.

(7) Enter into a lease, as lessor or lessee, for a term within, or extending beyond, the period of administration, with or without an option to renew.

(8) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

(9) Abandon property when it is valueless or so encumbered, or in a condition, that it is of no benefit to the estate.

(10) Vote, or refrain from voting, stocks or other securities in person or by general or limited proxy.

(11) Pay calls, assessments, and other sums chargeable or accruing against, or on account of, securities, unless barred by the provisions relating to claims.

(12) Hold property in the name of a nominee or in other form without disclosure of the interest of the estate, but the personal representative is liable for any act of the nominee in connection with the property so held.

(13) Insure the assets of the estate against damage or loss and insure against personal and fiduciary liability to third persons.

(14) Borrow money, with or without security, to be repaid from the estate assets or otherwise, other than real property, and advance money for the protection of the estate.

(15) Extend, renew, or in any manner modify any obligation owing to the estate. If the personal representative holds a mortgage, security interest, or other lien upon property of another person, he or she may accept a conveyance or transfer of encumbered assets from the owner in satisfaction of the indebtedness secured by its lien instead of foreclosure.

(16) Pay taxes, assessments, and other expenses incident to the administration of the estate.

(17) Sell or exercise stock subscription or conversion rights or consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.

(18) Allocate items of income or expense to either estate income or principal, as permitted or provided by law.

(19) Employ persons, including, but not limited to, attorneys, accountants, auditors, appraisers, investment advisers, and others, even if they are one and the same as the personal representative or are associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act upon the recommendations of those employed persons without independent investigation; and, instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary. Any fees and compensation paid to a person who is the same as, associated with, or employed by, the personal

representative shall be taken into consideration in determining the personal representative's compensation.

(20) Prosecute or defend claims or proceedings in any jurisdiction for the protection of the estate, of the decedent's property, and of the personal representative.

(21) Sell, mortgage, or lease any personal property of the estate or any interest in it for cash, credit, or for part cash or part credit, and with or without security for the unpaid balance.

(22) Continue any unincorporated business or venture in which the decedent was engaged at the time of death:

(a) In the same business form for a period of not more than 4 months from the date of appointment, if continuation is a reasonable means of preserving the value of the business, including good will.

(b) In the same business form for any additional period of time that may be approved by court order.

(23) Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.

(24) Satisfy and settle claims and distribute the estate as provided in this code.

(25) Enter into agreements with the proper officer or department head, commissioner, or agent of any department of the government of the United States, waiving the statute of limitations concerning the assessment and collection of any federal tax or any deficiency in a federal tax.

(26) Make partial distribution to the beneficiaries of any part of the estate not necessary to satisfy claims, expenses of administration, taxes, family allowance, exempt property, and an elective share, in accordance with the decedent's will or as authorized by operation of law.

(27) Execute any instruments necessary in the exercise of the personal representative's powers.

(28) Institute a proceeding to enforce the authority of a personal representative conferred by this code.

APPENDIX

ZZ

PROPOSED AMENDMENT TO
SECTION 733.6171, FLORIDA
STATUTES

733.6171 Compensation of attorney for the personal representative.—

(1) Except as provided in paragraph (2)(d), attorneys for personal representatives are entitled to reasonable compensation payable from the estate assets without court order.

(2)(a) The attorney, the personal representative, and persons bearing the impact of the compensation may agree to compensation determined in a different manner than provided in this section. Compensation may also be determined in a different manner than provided in this section if the manner is disclosed to the parties bearing the impact of the compensation and if no objection is made as provided for in the Florida Probate Rules.

(b) An attorney representing a personal representative in an estate administration who intends to charge a fee based upon the schedule set forth in subsection (3) must ~~shall~~ make the following disclosures in writing to the personal representative:

1. There is not a mandatory statutory attorney fee for estate administration.

2. The attorney fee is not required to be based on the size of the estate, and the presumed reasonable fee provided in subsection (3) may not be appropriate in all estate administrations.

3. The fee is subject to negotiation between the personal representative and the attorney.

4. The selection of the attorney is made at the discretion of the personal representative, who is not required to select the attorney who prepared the will.

5. The personal representative is ~~shall be~~ entitled to a summary of ordinary and extraordinary services rendered for the fees agreed upon at the conclusion of the representation. The summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist of the total hours devoted to the representation or a detailed summary of the services performed during the representation.

(c) The attorney must ~~shall~~ obtain the personal representative's timely signature acknowledging the disclosures.

(d) If the attorney does not make the disclosures required by this section, the attorney may not be paid for legal services without prior court approval of the fees or the written consent of all interested parties.

(3) Subject to subsection (2), compensation for ordinary services of attorneys in a formal estate administration is presumed to be reasonable if based on the compensable value of the estate, which is the inventory value of the probate estate assets and the income earned by the estate during the administration as provided in the following schedule:

(a) One thousand five hundred dollars for estates having a value of \$40,000 or less.

(b) An additional \$750 for estates having a value of more than \$40,000 and not exceeding \$70,000.

(c) An additional \$750 for estates having a value of more than \$70,000 and not exceeding \$100,000.

(d) For estates having a value in excess of \$100,000, at the rate of 3 percent on the next \$900,000.

(e) At the rate of 2.5 percent for all above \$1 million and not exceeding \$3 million.

(f) At the rate of 2 percent for all above \$3 million and not exceeding \$5 million.

(g) At the rate of 1.5 percent for all above \$5 million and not exceeding \$10 million.

(h) At the rate of 1 percent for all above \$10 million.

(4) Subject to subsection (2), in addition to fees for ordinary services, the attorney for the personal representative ~~shall~~ must be allowed further reasonable compensation for any extraordinary service. What is an extraordinary service may vary depending on many factors, including the size and complexity of the estate. Extraordinary services may include, but are not limited to:

(a) Involvement in a will contest, will construction, a proceeding for determination of beneficiaries, a contested claim, elective share proceeding, apportionment of estate taxes, or any adversarial proceeding or litigation by or against the estate.

(b) Representation of the personal representative in audit or any proceeding for adjustment, determination, or collection of any taxes.

(c) Tax advice on postmortem tax planning, including, but not limited to, disclaimer, renunciation of fiduciary commission, alternate valuation date, allocation of administrative expenses between tax returns, the QTIP or reverse QTIP election, allocation of GST exemption, qualification for Internal Revenue Code ss. 6166 and 303 privileges, deduction of last illness expenses, fiscal year planning, distribution planning, asset basis considerations, handling income or deductions in respect of a decedent, valuation discounts, special use and other valuation, handling employee benefit or retirement proceeds, prompt assessment request, or request for release of personal liability for payment of tax.

(d) Review of estate tax return and preparation or review of other tax returns required to be filed by the personal representative.

(e) Preparation of the estate's federal estate tax return. If this return is prepared by the attorney, a fee of one-half of 1 percent up to a value of \$10 million and one-fourth of 1 percent on the value in excess of \$10 million of the gross estate as finally determined for federal estate tax purposes, is presumed to be reasonable compensation for the attorney for this service. These fees ~~must shall~~ include services for routine audit of the return, not beyond the examining agent level, if required.

(f) Purchase, sale, lease, or encumbrance of real property by the personal representative or involvement in zoning, land use, environmental, or other similar matters.

(g) Legal advice regarding carrying on of the decedent's business or conducting other commercial activity by the personal representative.

(h) Legal advice regarding claims for damage to the environment or related procedures.

(i) Legal advice regarding homestead status of real property or proceedings involving that status and services related to protected homestead.

(j) Involvement in fiduciary, employee, or attorney compensation disputes.

(k) Proceedings involving ancillary administration of assets not subject to administration in this state.

(l) Involvement in any proceeding to enforce the authority of a personal representative conferred by this code.

(5) Upon petition of any interested person, the court may increase or decrease the compensation for ordinary services of the attorney or award compensation for extraordinary services if the facts and circumstances of the particular administration warrant. In determining reasonable compensation, the court ~~must shall~~ consider all of the following factors, giving weight to each as it determines to be appropriate:

(a) The promptness, efficiency, and skill with which the administration was handled by the attorney.

(b) The responsibilities assumed by and the potential liabilities of the attorney.

(c) The nature and value of the assets that are affected by the decedent's death.

(d) The benefits or detriments resulting to the estate or interested persons from the attorney's services.

(e) The complexity or simplicity of the administration and the novelty of issues presented.

(f) The attorney's participation in tax planning for the estate and the estate's beneficiaries and tax return preparation, review, or approval.

(g) The nature of the probate, nonprobate, and exempt assets, the expenses of administration, the liabilities of the decedent, and the compensation paid to other professionals and fiduciaries.

(h) Any delay in payment of the compensation after the services were furnished.

(i) Any agreement relating to the attorney's compensation and whether written disclosures were made to the personal representative in a timely manner under the circumstances pursuant to subsection (2).

(j) Any other relevant factors.

(6) If a separate written agreement regarding compensation exists between the attorney and the decedent, the attorney must ~~shall~~ furnish a copy to the personal representative prior to commencement of employment, and, if employed, must ~~shall~~ promptly file and serve a copy on all interested persons. A separate agreement or a provision in the will suggesting or directing that the personal representative retain a specific attorney does not obligate the personal representative to employ the attorney or obligate the attorney to accept the representation, but if the attorney who is a party to the agreement or who drafted the will is employed, the compensation paid must ~~shall~~ not exceed the compensation provided in the agreement or in the will.

APPENDIX

AAA

PROPOSED NEW SECTION 733.6125,
FLORIDA STATUTES

733.6125 Proceedings to enforce authority.—

In any proceeding to enforce the authority of a personal representative conferred by this code, the court must award taxable costs as in chancery actions, including attorney's fees. When awarding taxable costs and attorney's fees under this section, the court may direct payment from any person whose action or inaction necessitated the enforcement proceeding or from an interest in the estate, and may enter a judgment that may be satisfied from other property.

APPENDIX BBB

PROPOSED AMENDMENT TO
SECTION 28.241, FLORIDA
STATUTES

28.241 Filing fees for trial and appellate proceedings.—

(1) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246.

(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$395 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50, from which the clerk shall remit \$0.50 to the Department of Revenue for deposit into the General Revenue Fund, for each defendant in excess of five. Of the first \$200 in filing fees, \$195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$100 in filing fees, \$95 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services

to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted, from which the clerk shall remit \$3 to the Department of Revenue for deposit into the General Revenue Fund. The clerk may impose an additional filing fee of up to \$85, from which the clerk shall remit \$10 to the Department of Revenue for deposit into the General Revenue Fund, for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(1) Three hundred and ninety-five dollars in all cases in which the value of the claim is \$50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$200 in filing fees, \$195 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of

Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services;

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$355 in filing fees, \$350 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$1,705 in filing fees, \$930 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$770 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

e. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges,

or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed \$50. For purposes of this section, a case is reopened after all appeals have been exhausted or time to file an appeal from a final order or final judgment has expired. A reopen fee may be assessed by the clerk for any motion filed by any party at least 90 days after a final order or final judgment has been filed with the clerk in the initial case. A reservation of jurisdiction by a court does not cause a case to remain open for purposes of this section or exempt a party from paying a reopen fee. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;
5. A motion for rehearing filed within 10 days;
6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
7. A motion for dismissal filed after a mediation agreement has been filed;
- ~~8. A disposition of personal property without administration;~~
- ~~9. Any probate case prior to the discharge of a personal representative;~~
- 8 ~~10.~~ Any guardianship pleading prior to discharge;
- 9 ~~11.~~ Any mental health pleading;
- 10 ~~12.~~ Motions to withdraw by attorneys;
- 11 ~~13.~~ Motions exclusively for the enforcement of child support orders;
- 12 ~~14.~~ A petition for credit of child support;
- 13 ~~15.~~ A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;
- 14 ~~16.~~ Stipulations and motions to enforce stipulations;
- 15 ~~17.~~ Responsive pleadings;

~~16~~ 18. Cases in which there is no initial filing fee; or

~~17~~ 19. Motions for contempt.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$395. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$295. The clerk shall deposit the fee into the fine and forfeiture fund established pursuant to s. 142.01.

2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a graduated fee of:

a. Three hundred and ninety-five dollars in all cases in which the value of the pleading is \$50,000 or less;

b. Nine hundred dollars in all cases in which the value of the pleading is more than \$50,000 but less than \$250,000; or

c. One thousand nine hundred dollars in all cases in which the value of the pleading is \$250,000 or more.

The clerk shall deposit the fees collected under this subparagraph into the fine and forfeiture fund established pursuant to s. 142.01.

(d) The clerk of court shall collect a service charge of \$10 for issuing an original, a certified copy, or an electronic certified copy of a summons, which the clerk shall deposit into the fine and forfeiture fund established pursuant to s. 142.01. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the county or circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee, as follows:

(a) For filing a notice of appeal from the county court to the circuit court, a filing fee not to exceed \$280.

(b) For filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court, in addition to the filing fee required under s. 25.241 or s. 35.22, a filing fee not to exceed \$100, of which the clerk shall remit \$20 to the Department of Revenue for deposit into the General Revenue Fund. If the party is determined to be indigent, the clerk shall defer payment of the fee otherwise required by this subsection.

(3) A filing fee may not be imposed upon a party for responding by pleading, motion, or other paper to a civil or criminal action, suit, proceeding, or appeal in a circuit court.

(4) The fees prescribed in this section do not include the service charges required by law for the clerk as provided in s. 28.24 or by other sections of the Florida Statutes. Filing fees authorized by this section may not be added to any civil penalty imposed by chapter 316 or chapter 318.

(5) Filing fees for the institution or reopening of any civil action, suit, or proceeding in county court shall be charged and collected as provided in s. 34.041.

(6) From each attorney appearing pro hac vice, the clerk of the circuit court shall collect a fee of \$100. The clerk must remit the fee to the Department of Revenue for deposit into the State Courts Revenue Trust Fund.

(7) Nothing in this section authorizes the assessment of a filing fee if the assessment is otherwise prohibited by law.

APPENDIX CCC

PROPOSED AMENDMENT TO
FLORIDA PROBATE RULE 5.065

RULE 5.065 NOTICE OF CIVIL ACTION OR ANCILLARY ADMINISTRATION

(a) Civil Action.

(1) Notice of Institution. A personal representative and a guardian ~~shall~~must file a notice when a civil action has been instituted by or against the personal representative or the guardian. The notice ~~shall~~must contain:

- (1A) the names of the parties;
- (2B) the style of the court and the case number;
- (3C) the county and state where the proceeding is pending;
- (4D) the date of commencement of the proceeding; and
- (5E) a brief statement of the nature of the proceeding.

(2) Notice of Conclusion. A personal representative and a guardian must file a notice when a civil action has concluded or otherwise been resolved by or against the personal representative or the guardian. The notice must contain:

- (A) the date of the final order; and
- (B) the information required in subdivisions (a)(1)(A), (B), and (C), above.

(b) Ancillary Administration.

(1) Notice of Commencement. The domiciliary personal representative ~~shall~~must file a notice when an ancillary administration has commenced, which notice ~~shall~~must contain:

(1A) the name and residence address of the ancillary personal representative; and

(2B) the information required in subdivisions (a)(21)(B), (3C), and (4D) above.

(2) Notice of Conclusion. The domiciliary personal representative must file a notice when an ancillary administration has concluded or otherwise been resolved, which notice must contain:

(A) the date of the final order; and

(B) the information required in subdivisions (a)(1)(B), (C), and (D) above.

(c) Copies Exhibited. A copy of the initial pleading or final order may be attached to the applicable notice. To the extent ~~an~~the attached initial pleading or final order states the required information, the notice need not restate it.

Committee Notes

This rule reflects a procedural requirement not founded on a statute or rule.

Rule History

1984 Revision: New rule.

1988 Revision: Committee notes expanded.

1992 Revision: Editorial change. Citation form changes in committee notes.

2000 Revision: Subdivision (b) amended to eliminate requirement to set forth nature and value of ancillary assets.

2020 Revision: Statutory references amended.

2025 Revision: Rule amended to require the filing of a notice at the conclusion of a civil action or an ancillary proceeding.

Statutory References

§ 733.612(20), Fla. Stat. Transactions authorized for the personal representative; exceptions.

§ 744.441(1)(k), Fla. Stat. Powers of guardian upon court approval.

APPENDIX DDD

PROPOSED AMENDMENT TO
FLORIDA RULE OF GENERAL
PRACTICE AND JUDICIAL
ADMINISTRATION 2.250(a)(1)(D)

RULE 2.250. TIME STANDARDS FOR TRIAL AND APPELLATE COURTS AND REPORTING REQUIREMENTS

(a) Time Standards. The following time standards are hereby established as a presumptively reasonable time period for the completion of cases in the trial and appellate courts of this state. Periods during which a case is on inactive status are excluded from the calculation of the time periods set forth below. It is recognized that there are cases that, because of their complexity, present problems that cause reasonable delays. However, most cases should be completed within the following time periods:

(1) *Trial Court Time Standards.*

(A) Criminal.

i. Felony -- 180 days (arrest to final disposition)

ii. Misdemeanor -- 90 days (arrest to final disposition)

(B) Civil.

i. Complex cases under the Florida Rules of Civil Procedure -- 30 months (from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in Florida Rule of Civil Procedure 1.050, whichever occurs first, to final disposition)

ii. Other jury cases -- 18 months (from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in rule 1.050, whichever occurs first, to final disposition)

iii. Other nonjury cases -- 12 months (from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in rule 1.050, whichever occurs first, to final disposition)

iv. Small claims cases -- 95 days (from commencement of the action as provided in Florida Small Claims Rule of Procedure 7.050 to final disposition, unless 1 or more rules of civil procedure are invoked that eliminate the deadline for trial under rule 7.090(d), in which event the “complex,” “other jury,” or “other nonjury” deadline will apply, as appropriate to the case)

(C) Domestic Relations.

i. Uncontested -- 90 days (filing to final disposition)

ii. Contested -- 180 days (filing to final disposition)

(D) Probate.

i. Uncontested, ~~no federal estate tax return~~ -- 12 months (from issuance of letters of administration to final discharge)

~~ii. Uncontested, with federal estate tax return -- 12 months (from the return's due date to final discharge)~~

~~iii.~~ iii. Contested -- 24 months (from filing to final discharge)

(E) Juvenile Delinquency.

i. Disposition hearing -- 120 days (filing of petition or child being taken into custody to hearing)

ii. Disposition hearing (child detained) -- 36 days (date of detention to hearing)

(F) Juvenile Dependency.

i. Disposition hearing (child sheltered) -- 88 days (shelter hearing to disposition)

ii. Disposition hearing (child not sheltered) -- 120 days (filing of petition for dependency to hearing)

(G) Permanency Proceedings. Permanency hearing -- 12 months (date child is sheltered to hearing)

(2) *Supreme Court and District Courts of Appeal Time Standards.* Rendering a decision -- within 180 days of either oral argument or the submission of the case to the court panel for a decision without oral argument, except in juvenile dependency or termination of parental rights cases, in which a decision should be rendered within 60 days of either oral argument or submission of the case to the court panel for a decision without oral argument.

(3) *Florida Bar Referee Time Standards.* Report of referee -- within 180 days of being assigned to hear the case

(4) *Circuit Court Acting as Appellate Court.* Ninety days from submission of the case to the judge for review

(b) Reporting of Cases.

(1) *Quarterly Reports.* The time standards require that the following monitoring procedures be implemented:

All pending cases in circuit and district courts of appeal exceeding the time standards must be listed separately on a report submitted quarterly to the chief justice. The report must include for each case listed the case number, type of case, case status (active or inactive for civil cases and contested or uncontested for domestic relations and probate cases), the date of arrest in criminal cases, and the original filing date in civil cases. The Office of the State Courts Administrator will provide the necessary forms for submission of this data. The report is due on the 15th day of the month following the last day of the quarter.

(2) *Annual Report of Pending Civil Cases.*

(A) By the last business day of July of every year, the chief judge of each circuit must serve on the chief justice and the state courts administrator a report of the status of the docket of the general civil division of that circuit, including both circuit and county courts, for the preceding fiscal year. The Office of the State Courts Administrator must provide the necessary forms for submission of this data. The report must, at a minimum, include the following:

(i) a list of all civil cases, except cases on inactive status, by case number and style, grouped by county, court level (circuit or county), division, and assigned judge, pending in that circuit 3 years or more from the filing of the complaint or other case-initiation filing as of the last day of the fiscal year;

(ii) a reference as to whether each such case appeared on the previous fiscal year's report and, if so, whether the same or a different judge was responsible for the case as of the previous fiscal year's report; and

(iii) a reference as to whether an active case management order is in effect in the case.

(B) Cases that must remain confidential by statute, court rule, or court order must be included in the report, anonymized by an appropriate designation. The Office of the State Court Administrator must devise a designation system for such cases that enables the chief judge and the recipients of the report to identify cases that appear on a second or subsequent annual report.

Comprehensive Rider to the Residential Contract For Sale And Purchase

THIS FORM HAS BEEN APPROVED BY THE FLORIDA REALTORS AND THE FLORIDA BAR

If initialed by all parties, the clauses below will be incorporated into the Florida Realtors®/Florida Bar Residential Contract For Sale And Purchase between _____ (SELLER) and _____ (BUYER)

concerning the Property described as _____

Buyer's Initials _____ Seller's Initials _____

EE. ~~PROPERTY ASSESSED CLEAN ENERGY (PACE)~~ QUALIFYING IMPROVEMENTS DISCLOSURE

~~Property Assessed Clean Energy (PACE) Qualifying improvements~~ programs provide financing to property owners for improvements to their real property for ~~energy efficiency, renewable energy, and wind resistance~~ various permanent improvements. ~~and~~ Repayment of the debt is through annual ~~property tax bill~~ non-ad valorem assessments on the Property, which are disclosed on the annual property tax bill, and Florida Statutes, Sec. 163.081(448), states that the Seller shall give the Buyer a written disclosure statement, in the form set forth below, at or before the time Buyer-Seller executes a contract to purchase property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due. A list of "Qualifying Improvements" to residential property may be found at Florida Statutes Sec. 163.08(4)(a).

~~In the event Buyer is obtaining a mortgage loan to purchase the Property, be advised that MOST MORTGAGE LENDERS WILL REQUIRE THE SATISFACTION OR RELEASE OF THE PACE QUALIFYING IMPROVEMENTS FINANCING FROM THE PROPERTY.~~

STATUTORY DISCLOSURE:

~~QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR WIND RESISTANCE.~~ — The property being purchased is ~~located within the jurisdiction of a local government that has placed~~ subject to an assessment on the property pursuant to s. 163.081, Florida Statutes. The assessment is for a qualifying improvement to the property ~~relating to energy efficiency, renewable energy, or wind resistance~~, and is not based on the value of property. You are encouraged to contact the ~~county~~ property appraiser's office to learn more about this and other assessments that may be provided by law.

In the event Buyer is obtaining a mortgage loan to purchase the property, Seller is advised that most mortgage lenders will require the Seller to satisfy or release the lien for the qualifying improvements financing from the Property.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

ESCROW AGENT AND BROKER

13. **ESCROW AGENT:** Any Closing Agent or Escrow Agent (collectively "Agent") receiving the Deposit, other funds and other items is authorized, and agrees by acceptance of them, to deposit them promptly, hold same in escrow within the State of Florida and, subject to Collection, disburse them in accordance with terms and conditions of this Contract. Failure of funds to become Collected shall not excuse Buyer's performance. When conflicting demands for the Deposit are received, or Agent has a good faith doubt as to entitlement to the Deposit, Agent may take such actions permitted by this Paragraph 13, as Agent deems advisable. If in doubt as to Agent's duties or liabilities under this Contract, Agent may, at Agent's option, continue to hold the subject matter of the escrow until the parties agree to its disbursement or until a final judgment of a court of competent jurisdiction shall determine the rights of the parties, or Agent may deposit same with the clerk of the circuit court having jurisdiction of the dispute. An attorney who represents a party and also acts as Agent may represent such party in such action. Upon notifying all parties concerned of such action, all liability on the part of Agent shall fully terminate, except to the extent of accounting for any items previously delivered out of escrow. If a licensed real estate broker, Agent will comply with provisions of Chapter 475, F.S., as amended and FREC rules to timely resolve escrow disputes through mediation, arbitration, interpleader or an escrow disbursement order.

In any proceeding between Buyer and Seller wherein Agent is made a party because of acting as Agent hereunder, or in any proceeding where Agent interpleads the subject matter of the escrow, Agent shall recover reasonable attorney's fees and costs incurred, to be paid pursuant to court order out of the escrowed funds or equivalent. Agent shall not be liable to any party or person for mis-delivery of any escrowed items, unless such mis-delivery is due to Agent's willful breach of this Contract or Agent's gross negligence. This Paragraph 13 shall survive Closing or termination of this Contract.

14. **PROFESSIONAL ADVICE; BROKER LIABILITY:** Broker advises Buyer and Seller to verify Property condition, square footage, and all other facts and representations made pursuant to this Contract and to consult appropriate professionals for legal, tax, environmental, and other specialized advice concerning matters affecting the Property and the transaction contemplated by this Contract. Broker represents to Buyer that Broker does not reside on the Property and that all representations (oral, written or otherwise) by Broker are based on Seller representations or public records. **BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS AND GOVERNMENTAL AGENCIES FOR VERIFICATION OF PROPERTY CONDITION, SQUARE FOOTAGE AND FACTS THAT MATERIALLY AFFECT PROPERTY VALUE AND NOT ON THE REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) OF BROKER.** Buyer and Seller (individually, the "Indemnifying Party") each individually indemnifies, holds harmless, and releases Broker and Broker's officers, directors, agents and employees from all liability for loss or damage, including all costs and expenses, and reasonable attorney's fees at all levels, suffered or incurred by Broker and Broker's officers, directors, agents and employees in connection with or arising from claims, demands or causes of action instituted by Buyer or Seller based on: (i) inaccuracy of information provided by the Indemnifying Party or from public records; (ii) Indemnifying Party's misstatement(s) or failure to perform contractual obligations; (iii) Broker's performance, at Indemnifying Party's request, of any task beyond the scope of services regulated by Chapter 475, F.S., as amended, including Broker's referral, recommendation or retention of any vendor for, or on behalf of, Indemnifying Party; (iv) products or services provided by any such vendor for, or on behalf of, Indemnifying Party; and (v) expenses incurred by any such vendor. Buyer and Seller each assumes full responsibility for selecting and compensating their respective vendors and paying their other costs under this Contract whether or not this transaction closes. This Paragraph 14 will not relieve Broker of statutory obligations under Chapter 475, F.S., as amended. For purposes of this Paragraph 14, Broker will be treated as a party to this Contract. This Paragraph 14 shall survive Closing or termination of this Contract.

DEFAULT AND DISPUTE RESOLUTION

45
46
47
48
49
50
51
52
53
54
55
56
57

15. DEFAULT:

(a) **BUYER DEFAULT:** If Buyer fails, neglects or refuses to perform Buyer's obligations under this Contract, including payment of the Deposit, within the time(s) specified, Seller may elect to recover and retain the Deposit for the account of Seller as agreed upon liquidated damages, consideration for execution of this Contract, and in full settlement of any claims, whereupon Buyer and Seller shall be relieved from all further obligations under this Contract, or Seller, at Seller's option, may, pursuant to Paragraph 16, proceed in equity to enforce Seller's rights under this Contract.

(b) **SELLER DEFAULT:** If for any reason other than failure of Seller to make Seller's title marketable after reasonable diligent effort, Seller fails, neglects or refuses to perform Seller's obligations under this Contract, Buyer may elect to receive return of Buyer's Deposit without thereby waiving any action for damages resulting from Seller's breach, and, pursuant to Paragraph 16, may seek to recover such damages or seek specific performance.

This Paragraph 15 shall survive Closing or termination of this Contract.

58 **16. DISPUTE RESOLUTION:** ~~Unresolved controversies, claims and other matters in question between Buyer and~~
59 ~~Seller arising out of, or relating to, this Contract or its breach, enforcement or interpretation (“Dispute”) will be settled~~
60 ~~as follows:~~

61 (a) Buyer and Seller will have 10 days after the date conflicting demands for the Deposit are made to attempt to
62 resolve ~~such Disputetheir Deposit dispute~~, failing which, Buyer and Seller shall submit ~~such Dispute—their~~
63 ~~Deposit dispute~~ to mediation pursuant to Florida Rules for Certified and Court-Appointed Mediators and Chapter
64 44, F.S., as amended (the “Mediation Rules”). The mediator must be certified or must have experience in the
65 ~~real estate industry, under Paragraph 16(b).~~ The parties will split equally any mediation fee incurred in any
66 mediation required by this Paragraph 16(a), but will pay their own costs, expenses and fees, including attorney’s
67 fees, incurred in conducting the mediation.

68 ~~(b) Buyer and Seller shall attempt to settle Disputes in an amicable manner through mediation pursuant to Florida~~
69 ~~Rules for Certified and Court-Appointed Mediators and Chapter 44, F.S., as amended (the “Mediation Rules”).~~
70 ~~The mediator must be certified or must have experience in the real estate industry. All other unresolved~~
71 ~~controversies, claims and other matters in question between Buyer and Seller arising out of, or relating to, this~~
72 ~~Contract or its breach, enforcement or interpretation. Injunctive relief may be sought without first complying with~~
73 ~~this Paragraph 16(b). Disputes not settled pursuant to this Paragraph 16 may be resolved by instituting action~~
74 ~~in the appropriate court having jurisdiction of the matter.~~

75 ~~(c)~~ This Paragraph 16 shall survive Closing or termination of this Contract.

76
77 ~~(b)~~

78 **17. ATTORNEY’S FEES; COSTS:** ~~The parties will split equally any mediation fee incurred in any mediation permitted~~
79 ~~by this Contract, and each party will pay their own costs, expenses and fees, including attorney’s fees, incurred in~~
80 ~~conducting the mediation. In any litigation permitted by arising out of or relating to this Contract, the prevailing party~~
81 ~~shall be entitled to recover from the non-prevailing party costs and fees, including reasonable attorney’s fees,~~
82 ~~incurred in conducting the litigation and any appeals. In any proceeding where Escrow Agent interpleads the subject~~
83 ~~matter of the escrow, Escrow Agent shall recover reasonable attorney’s fees and costs incurred, to be paid pursuant~~
84 ~~to court order out of the escrowed funds or equivalent.~~ This Paragraph 17 shall survive Closing or termination of
85 this Contract.

Residential Contract For Sale And Purchase

THIS FORM HAS BEEN APPROVED BY THE FLORIDA REALTORS AND THE FLORIDA BAR



3. TIME FOR ACCEPTANCE OF OFFER AND COUNTER-OFFERS; EFFECTIVE DATE:

(a) If not signed by Buyer and Seller, and an executed copy delivered to all parties on or before _____, this offer shall be deemed withdrawn and the Deposit, if any, shall be returned to Buyer. Unless otherwise stated, time for acceptance of any counter-offers shall be within 2 days after the day the counter-offer is delivered.

(b) The effective date of this Contract shall be the date when the last one of the Buyer and Seller has signed or initialed and delivered this offer or final counter-offer ("Effective Date").

~~(b)(c)~~ The provisions of STANDARD F with respect to computation of time shall not apply to this Paragraph 3.

STANDARDS FOR REAL ESTATE TRANSACTIONS ("STANDARDS")

18. STANDARDS:

F. TIME: Time is of the essence in this Contract.

(i) Definitions:

a. Calendar Day(s)/calendar day(s): Any day of the week, including Non-Business Days. Each day starts at 12:00 a.m. and ends at 11:59 p.m., based on where the Property is located.

b. Day(s)/day(s): Means the same as Calendar Day, even if "calendar" isn't mentioned.

c. Non-Business Day(s): A Saturday, Sunday, or Holiday.

d. Holiday(s): The federal holidays listed in 5 U.S.C. § 6103, or the day on which such Holiday is observed because it fell on a Saturday or Sunday.

(ii) How to Compute Time Periods (Count Days): Unless this Contract provides otherwise:

a. Counting forward from a starting date or event:

1. Start counting on the next Calendar Day.

2. Count every day, including Non-Business Days.

3. If the last counted day is a Non-Business Day, the deadline moves to the next Calendar Day which is not a Non-Business Day.

b. Counting backward from a future date or event:

1. Start counting on the day before the future date or event.

2. Count every day, including Non-Business Days.

3. If the last counted day is a Non-Business Day, the deadline moves to the previous Calendar Day which is not a Non-Business Day.

~~Calendar days, based on where the Property is located, shall be used in computing time periods. Other than time for acceptance and Effective Date as set forth in Paragraph 3, any time periods provided for or dates specified in this Contract, whether preprinted, handwritten, typewritten or inserted herein, which shall end or occur on a Saturday, Sunday, national legal public holiday (as defined in 5 U.S.C. Sec. 6103(a)), or a day on which a national legal public holiday is observed because it fell on a Saturday or Sunday, shall extend to the next calendar day which is not a Saturday, Sunday, national legal public holiday, or a day on which a national legal public holiday is observed.~~

K. PRORATIONS; CREDITS: The following recurring items will be made current (if applicable) and prorated as of the day prior to Closing Date, or date of occupancy if occupancy occurs before Closing Date: real estate taxes (including special benefit tax assessments imposed by a CDD pursuant to Chapter 190, F.S., and assessments imposed by special district(s) pursuant to Chapter 189, F.S.), interest, bonds, association fees, insurance, rents and other expenses of Property. The provisions of STANDARD F with respect to computation of time shall not apply to this STANDARD K. Buyer shall have option of taking over existing policies of insurance, if assumable, in which event premiums shall be prorated. Cash at Closing shall be increased or decreased as may be required by prorations to be made through day prior to Closing. Advance rent and security deposits, if any, will be credited to Buyer. Escrow deposits held by Seller's mortgagee will be paid to Seller. Taxes shall be prorated based on current year's tax. If Closing occurs on a date when current year's millage is not fixed but current year's assessment is available, taxes will be prorated based upon such assessment and prior year's millage. If current year's assessment is not available, then taxes will be prorated on prior year's tax. If there are completed improvements on the Real Property by January 1st of year of Closing, which improvements were not in existence on January 1st of prior year, then taxes shall be prorated based upon prior year's millage and at an equitable assessment to be agreed upon between the parties, failing which, request shall be made to the County Property Appraiser for an informal assessment taking into account available exemptions. In all cases, due allowance shall be made for the maximum allowable discounts and applicable homestead and other exemptions. A tax proration based on an estimate shall,

54
55

at either party's request, be readjusted upon receipt of current year's tax bill. This STANDARD K shall survive Closing.

I. CLOSING LOCATION; DOCUMENTS; AND PROCEDURE:

(i) **LOCATION:** Closing will be conducted by the attorney or other closing agent ("Closing Agent") designated by the party paying for the owner's policy of title insurance and will take place in the county where the Real Property is located at the office of the Closing Agent, or at such other location agreed to by the parties. If there is no title insurance, Seller will designate Closing Agent. Closing may be conducted by mail, overnight courier, or electronic means.

(ii) **CLOSING DOCUMENTS:** Seller shall at or prior to Closing, execute and deliver, as applicable, deed, bill of sale, certificate(s) of title or other documents necessary to transfer title to the Property, construction lien affidavit(s), owner's possession and no lien affidavit(s), and assignment(s) of leases. Seller shall provide Buyer with paid receipts for all work done on the Property pursuant to this Contract. Buyer shall furnish and pay for, as applicable, the survey, flood elevation certification, and documents required by Buyer's lender.

(iii) **FinCEN GTO REAL ESTATE REPORTING OBLIGATION.** Section 1010.821 of Chapter 31 of the Code of Federal Regulations ("CFR") requires that certain residential real estate transactions purchased without institutional lender financing, where at least one buyer/transferee is a legal entity, limited liability company, corporation, partnership, trust, trustee or other non-natural person, must be reported (a "FinCEN Report") to the U.S. Treasury Department's Financial Crimes Enforcement Network ("FinCEN") beginning March 1, 2026 (a "FinCEN Report"). If Closing Agent this transaction is required to completion of a FinCEN Report comply with a U.S. Treasury Department's Financial Crimes Enforcement Network ("FinCEN") Geographic Targeting Order ("GTO"), then Seller and Buyer shall, no later than the day prior to Closing, provide Closing Agent with essential-all information and documentation necessary to enable Closing Agent to complete the FinCEN report. related to Buyer and its Beneficial Owners, including photo identification, and related to the transaction contemplated by this Contract which are required to complete mandatory reporting, including the Currency Transaction Report. Such information and documentation includes, without limitation, full legal names, dates of birth, residential street addresses, and the IRS taxpayer identification number of the beneficial owners of the parties, as further defined and described in the Code. ; and Buyer Each party agrees to promptly provide and consents to Closing Agent's collection and report of said information to IRS FinCEN. Buyer shall pay all costs and fees charged by Closing Agent to prepare and file the FinCEN Report.

(iv) **PROCEDURE:** The deed shall be recorded upon Collection of all closing funds. If the Title Commitment provides insurance against adverse matters pursuant to Section 627.7841, F.S., as amended, the escrow closing procedure required by STANDARD J shall be waived, and Closing Agent shall, **subject to Collection of all closing funds**, disburse at Closing the brokerage fees to Broker and the net sale proceeds to Seller.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

(850) 561-5600
www.FLORIDABAR.org

REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
 - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
 - If comments have been received from another interested group, the comments must be included.
 - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
 - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
 - The proposal will then need to be presented at the Division Round Table.
 - Then, published as an Information Item to the Executive Council.
 - Then, published as an Action Item to the Executive Council.

LEGISLATIVE POSITION
REQUEST FORM

GOVERNMENTAL AFFAIRS OFFICE

Date Form Received _____

GENERAL INFORMATION

Submitted by: (name of Section Committee) Real Property, Probate and Trust Law
Section of the Florida Bar _____

Contact: (Name of Committee Chair(s), address and phone number) _____
Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800,
Ft. Lauderdale, FL 33301 Telephone 954-985-4147

S. Dresden Brunner, Legislation Committee Co-Chair, 8625 Tamiami Trail North, Suite 202,
Naples, FL 34108 Telephone 239-316-1400

(Name of Sub-committee Chair, if any, address and phone number, if any) _____

PROPOSED ADVOCACY

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

1. Proposed Wording of Legislative Position for Official Publication

- a. Oppose any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated, to convey property or an interest therein.
- b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.

- c. Oppose any legislation which sets requirements for the witnesses to any instrument which conveys real property or an interest therein which requirements apply only to transactions where the grantor is a natural person who has reached or surpassed a certain age.

2. Political Proposal

3. Reasons For Proposed Advocacy

- a. Per SBP 9.50(a), does the proposal meet all three of the following requirements? (select one) Yes No

- It is within the group's subject matter jurisdiction as described in the Section's Bylaws;
- It is beyond the scope of the Section/Bar's permissible legislative or political activity, **or** within the Section/Bar's permissible scope of legislative or political activity **and** consistent with an official Section/Bar position on that issue; **and**
- It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar's membership.

- b. Additional Information: _____

REFERRALS TO OTHER COMMITTEES, DIVISIONS & SECTIONS/VOLUNTARY FLORIDA BAR GROUPS

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List** all Bar committees, divisions, sections and voluntary bar **groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose.

Elder Law Section and Business Law Section of the Florida Bar. Florida Land Title Association. Clerks of the Court.

CONTACTS

Legislation Committee Appearance *(list name, address and phone #)*

Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 33301 Telephone 954-985-4147

S. Dresden Brunner, Legislation Committee Co-Chair, 8625 Tamiami Trail North, Suite 202, Naples, FL 34108 Telephone 239-316-1400

Appearances before Legislators *(list name and phone # of those having direct contact before House/Senate committees)*

Peter M. Dunbar, Martha J. Edenfield and H. French Brown, IV
c/o Jones Walker LLP, 106 E. College Avenue, Suite 1200, Tallahassee, FL 32301

Meetings with Legislators/staff *(list name and phone # of those having direct contact with legislators)*

Real Property, Probate and Trust Law Section of The Florida Bar

SB 116 (2026): Title Fraud Prevention for Specified Adults

White Paper

PROPOSED LEGISLATIVE POSITIONS RELATED TO: 1) RESTRICTIONS ON CONVEYANCE OF REAL PROPERTY; 2) DELAYS IN RECORDING INSTRUMENTS CONVEYING REAL PROPERTY; AND 3) IMPOSING ADDITIONAL RESTRICTIONS ON WITNESSES TO INSTRUMENTS

I. SUMMARY

Real property deed fraud is a serious problem and the Florida Legislature is currently proposing various legislative solutions which, if passed, may have significant impacts on how real property is conveyed and how such conveyances are recorded in the public records. While the Real Property, Probate and Trust Law Section of the Florida Bar (“RPPTL”) agrees deed fraud must be addressed, RPPTL is concerned that any proposed bill by the Florida Legislature should be drafted carefully to also protect the freedom of contract of all citizens, regardless of age, avoid delays in recording instruments conveying title or any interest therein so as not to impact the certainty of property title for those who search the public record for information regarding same, and avoid imposing additional restrictions on witnesses to any such instrument not directly bearing on the issue of deed fraud.

II. CURRENT SITUATION

Currently, there are no statutes establishing a maximum age for a seller of property or requiring a “cooling off” delayed period after signing a deed to real property before the deed can be recorded. Under current law, the only requirement for a witness of someone’s signature on a deed is that as to subscribing witnesses found in section 689.01 of the Florida Statutes.

In an apparent attempt to combat deed fraud, the Florida Legislature is currently considering several bills to combat title fraud involving “vulnerable adults”, including SB 116 (2026). This bill automatically and arbitrarily considers any person over the age of 65 to be a “vulnerable adult”, inhibiting the ability of such persons to convey real property or an interest therein, such as an easement or a mortgage. SB 116 also prevents the clerk of the court from timely recording deeds or other instruments conveying interests in real property and imposes

additional requirements upon the qualification of witnesses to the execution of conveyance instruments involving vulnerable adults.

III. CONCERNS WITH THE PROPOSED ACT

SB 116 (2026) automatically and arbitrarily considers any person over the age of 65 or a “vulnerable adult” to be in need of limitations in their ability to convey real property or an interest therein, such as an easement or a mortgage. SB 116 also prevents the Clerk from timely recording deeds or other instruments conveying interests in real property and imposes additional requirements upon the qualification of witnesses to the execution of conveyance instruments involving persons over the age of 65 or vulnerable adults.

A. Chilling Effect on Real Property Transactions

As forth in greater detail below, the proposed legislative position is problematic because:

- a. It constrains, based solely and arbitrarily on the age of the grantor, the ability of a person to convey an interest in real property even where under other applicable law that person has the legal capacity to do so;
- b. It requires the Clerk to delay the recording of an instrument conveying an interest in real property, thereby reducing the reliability of public record title searches when the searcher has no knowledge of a pending conveyance held in abeyance during the mandatory cooling off period;
- c. It imposes requirements for witnesses to any instrument which conveys an interest in real property, based solely on the arbitrary standard that the grantor has reached or surpassed a certain age, without a corresponding demonstration that the grantor has diminished capacity and requires the Clerk to determine whether the witnesses are “independent” prior to recording the instrument; and,
- d. It treats every conveyance by a grantor over the age of 65 as though it were fraudulent despite the fact that the vast majority of such conveyances are valid and legitimate.

Persons to whom Proposed SB 116 (2026) Applies

SB 116 applies to any natural person over 65 years of age or any “vulnerable adult” as defined in section 415.102 Florida Statutes.

Section 415.102(28) defines a vulnerable adult as a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide

for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

There is no practical way the Clerk can determine whether a grantor who is less than 65 years of age is a vulnerable adult. This makes the application of this bill very problematic.

Constraints on Conveyancing

While proposed SB 116 (2026) is well-intentioned, it and legislation like it will have a chilling effect on real estate transactions which most economists agree is a lynchpin for a healthy economy, and it discriminates against all persons over the age of 65. The bill treats all people over 65 years of age as though they were incapacitated, without any of the due process protections inherent in a proceeding to determine capacity. Existing guardianship and similar statutes already provide procedures to address the concern of incapacitated persons conveying real property or an interest therein.

Mandatory Delay in Recording Conveyances

Under the proposed legislation, the Clerk may not record any deed or other instrument executed by a specified adult during a mandatory 72-hour “cooling off” period. If the grantor has provided the Clerk with the name and contact information for a “trusted person”, the Clerk must contact that trusted person during the required cooling off period. The trusted person may object to recording the deed or instrument, which triggers an *additional* 72-hour cooling off period. Further, upon receipt of an objection, the Clerk must refer the matter to a not-for-profit legal aid organization to investigate whether the deed or other instrument was obtained through fraudulent or exploitive means. The not-for-profit legal aid organization may request additional time to investigate the matter. The Clerk is barred from recording the instrument until the not-for-profit legal aid organization “makes a finding” that the instrument was not obtained through fraudulent or exploitative means. There is no time deadline by which this finding must be made.

The recording of an instrument in the public records is constructive notice to all persons as to that instrument. If the Clerk is precluded from recording an instrument, based solely on the age of the grantor or an unverifiable concern that the grantor is a vulnerable adult, searches of the public records regarding title and encumbrances to real property will no longer be reliable, which has legal significance for conveyance of marketable and insurable title in the state and real property financing.

Additional Requirements for Witnesses to Conveyances

SB 116 would require that any specified adult who is executing a deed or instrument purporting to convey real property or an interest therein, must do so before an “independent witness”, defined as persons 18 years of age or older, of sound mind, who is not a party to the conveyance and who has no financial interest in the conveyance.

This requirement of an “independent witness” puts an impossible burden on the Clerk to determine the age and capacity (the witnesses must be of “sound mind”) of the witnesses as well as whether the witnesses may gain some benefit from the conveyance (and thus have a financial interest in the conveyance). For example, licensed Florida attorneys, licensed Florida title agents and agencies, and their respective employees acting in their official, for-fee function could be deemed to have a financial interest that disqualifies them from acting as an “independent witness” to the conveyance.

Blanket Application of SB 116

While deed fraud is a problem, SB 116 treats *every* attempted conveyance by a specified adult as fraudulent. The vast majority of such transactions, which are valid and legitimate, will also be encumbered by this bill.

B. Inconsistencies with Existing Statutes

SB 116 would create new statutory provisions that conflict with existing Florida law. Chapters 689 and 695 of the Florida Statutes contain requirements as to conveying real property and the recording of conveyances in the public records. Chapters 393, 415, 744 and 825 already contain specifically crafted provisions to identify, protect, and preserve the rights of people of any age who are unable to make the decisions necessary to manage their personal and business affairs, whether due to vulnerability, incapacity or developmental disability or are the victim of a fraudulent conveyance. These statutes also have provisions to help restore title to the rightful owner in the event of a fraudulent transaction.

More specifically, the proposed definition of “specified adult” is excessively broad and includes *any person* aged 65 years of age or older, even those with no physical or mental infirmity. The definition also includes a vulnerable adult as defined in section 415.102(28), Florida Statutes. A vulnerable adult under this existing statute is, however, often already legally unable to convey an interest in real property.

Pursuant to SB 116, the witnesses to a conveyance must be “independent witnesses”. This is inconsistent with the requirements of section 689.01 Florida

Statutes, which only requires two “subscribing witnesses” for conveyances of real estate. It is further inconsistent with the requirements of sections 732.502(1) and 736.0403(2)(b), Florida Statutes, which require that a will or a revocable trust with testamentary aspects be signed in the presence of at least two “attesting witnesses”.

IV. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

The proposal potentially has a substantial fiscal impact on state or local governments if the proposed legislative positions are adopted because the Clerk will need additional staffing to assess if the “independent witness” requirement is satisfied, as well as the added burden of contacting “trusted persons”.

V. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

The proposal may have a direct economic impact on the private sector to the extent it will chill the conveyance of real property, which most economists agree is a lynchpin for a healthy economy, and it reduces the reliability of real property public title searches, which will similarly chill real estate transactions. The mandatory 72-hour delay in recording will impact real property financing.

VI. CONSTITUTIONAL ISSUES

The proposed bill raises concerns over Florida’s equal protection and due process rights. The bill arbitrarily treats all people over 65 years of age as though they were incapacitated, without any of the due process protections inherent in a proceeding to determine capacity; this is age discrimination. It deprives all people over 65 years of age of the right to freely transfer real property or an interest therein. It requires the Clerk to refrain from timely recording legitimate conveyances during the mandatory 72-hour cooling off period, which may be extended while a non-profit organization investigates the grantor’s capacity based on an insufficient underlying predicate.

V. OTHER INTERESTED PARTIES

None of which we are aware.

**REAL PROPERTY, PROBATE & TRUST LAW SECTION
OF THE FLORIDA BAR**

WHITE PAPER

PROPOSAL OPPOSING LEGISLATIVE MANDATE OF
UNIVERSAL “KAUFMAN LANGUAGE” FOR COMMUNITY
ASSOCIATIONS SUBJECT TO CHAPTERS 718, 719 AND
720

DRAFT OF AUGUST 22, 2025

1. SUMMARY

The legislative position opposes the Florida Legislature impressing on any community association that is subject to Chapters 718, 719, or 720 that it is subject to mandatory, universal “Kaufman Language”.¹ It would leave in place the current law that a governing document by a community can only be amended by the process set forth in either the applicable statute or governing document and the Florida Legislature can only impose obligations on community associations that affect substantive contractual rights upon meeting the balancing test set forth by the Florida Supreme Court.²

The legislative position does not oppose the retroactive application of certain portions of Chapters 718, 719, and 720, provided a proper showing is made by the Legislature in accordance with existing case law. This would require the Legislature to meet the requirements in Fla. Ins. Guar. Ass’n, Inc. v. Devon Neighborhood Ass’n, Inc., 67 So.3d 187 (Fla. 2011) and Metro. Dade County v. Chase Fed. Hous. Corp., 737 So.2d 494 (Fla. 1999). These cases set out a two-part test for retroactive application of a statutory amendment. First, did the Legislature indicate a clear intent for the law to apply retroactively and only then, is retroactive application constitutionally permissible. Determination of whether retroactive application is constitutionally permissible would be

¹ See Kaufman v. Shere, 347 So.2d 627, 628 (Fla. 3d DCA 1977). “The contested clause unequivocally states that provisions of the Condominium Act are adopted “*as it may be amended from time to time.*” (Emphasis added). We perceive no ambiguity in this language, and thus find that it was the express intention of all parties concerned that the provisions of the Condominium Act were to become a part of the controlling document of Fifth Moorings whenever they were enacted.”

² See Pomponio v The Claridge of Pompano Condo, Inc., 378 So.2d 774, 779 (Fla. 1979). The factors to be considered in a balancing test to determine if legislation impairing contractual rights is constitutional are:

“(a) Was the law enacted to deal with a broad, generalized economic or social problem?

(b) Does the law operate in an area which was already subject to state regulation at the time the parties’ contractual obligations were originally undertaken, or does it invade an area never before subject to regulation by the state?

(c) Does the law effect a temporary alteration of the contractual relationships of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively.”

done under the balancing test articulated by the Florida Supreme Court in Pomponio v The Claridge of Pompano Condo, Inc., 378 So.2d 774, 779 (Fla. 1979).

2. CURRENT SITUATION

Since *Kaufman* was decided in 1977, it has impacted on a wide range of legal issues in community associations.³ These decisions have shown that having “Kaufman Language” in a declaration or other controlling document places both the community association and unit owners subject to the will of the Florida Legislature and any amendments to the applicable statutes will govern the contractual relationship of the parties going forward. Most community association attorneys, both association and developer counsel, refrain from placing universal “Kaufman Language” in their declarations. The addition of universal “Kaufman Language” in a declaration may rise to the level of professional malpractice due to the unknown future liabilities, obligations, and vested rights that may be modified or divested by a legislative enactment.⁴ To the extent that attorneys add “Kaufman Language” to their documents, it is often done in a targeted fashion so as to only have future legislative enactments that would be beneficial apply.

3. EFFECT OF PROPOSED CHANGE

The proposal opposes the impressing of mandatory, universal “Kaufman Language” by the Florida Legislature on any community association that is subject to Chapters 718, 719, or 720. This position leaves changes in the hands of the individual owners in a community association unless the Florida Legislature implements a specific change that satisfies the Pomponio balancing test.

The proposal will decrease the costs to community associations by providing a level of certainty to the applicable laws that govern and not having to incur potentially major expenses adjusting to the changes made each legislative session. It will also allow community associations to implement long-term decisions.

³ *In re Adam*, 646 B.R. 846 (SDFL 2022)(lack of “Kaufman” language meant claim of lien had to be recorded for a secured claim in bankruptcy); Beacon Hill Homeowners Ass’n, Inc. v. Colfin Ah-Florida 7, LLC, 221 So.3d 710 (Fla. 3d DCA 2017) (lack of “Kaufman” language in a declaration prevented a third-party purchaser from being jointly and severally liable with the prior owner for unpaid assessments after a mortgage foreclosure sale); Tropicana Condo. Ass’n, Inc. v. Tropical Condo., LLC, 208 So.3d 755 (Fla. 3d DCA 2016)(s. 718.117(2007) could not be applied retroactively to condominium declaration absent “Kaufman” language); Cohn v. Grand Condo. Ass’n, Inc., 62 So.3d 1120 (Fla. 2011)(lack of “Kaufman language prevented s. 718.404(2) from being applied retroactively to alter voting rights); De Soleil South Beach Residential Condo. Ass’n, Inc. v. De Soleil South Beach Ass’n, Inc., 322 So.3d 1189 (Fla. 3d DCA 2021)(lack of “Kaufman” language prevented association from suspending voting rights of members for non-payment of assessments); Angora Enterprises, Inc. v. Cole, 439 So.2d 832 (Fla. 1983)(Where declaration of condominium expressly incorporated Condominium Act and any amendments, such language encompassed amendment declaring escalation clauses in recreation or land leases void and unenforceable)

⁴ See Rules Regulating The Florida Bar, Rule 4-1.; Clayton v. City of Cape Canaveral, 354 So.2d 147 (Fla. 4th DCA 1978); The Florida Bar v. Kinney, 606 So.2d 367 (Fla. 1992)

4. ANALYSIS

The change being proposed is to leave the law as it currently exists. “Kaufman Language” would only be added either at the time of the creation of the community association’s governing documents or through the community association’s amendatory process. The Florida Legislature would be able to adopt legislation that applies to all community associations by ensuring that it satisfies constitutional requirements

5. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

The proposal does not have a direct fiscal impact on state and local governments. There may be an unknown long-term impact if community associations are subject to all changes made by the Florida Legislature to Chapters 718, 719, and 720 each legislative session.

6. DIRECT IMPACT ON PRIVATE SECTOR

Implementation of mandatory, universal “Kaufman Language” will impact private, individual owners on all aspects of community association living. The retroactive application of the substantial portions of proposal to existing community associations is in derogation of vested constitutional property rights of individual condominium unit owners. Such a proposal would remove and endanger consumer protections provided to property owners in community associations in Chapters 718, 719, and 720. This proposal ensures community associations can adhere to self-determination and that the Florida Legislature can only override the covenants of a community association by meeting the constitutional standards and balancing tests that have been in existence for 40 years.

Examples of the impact of universal “Kaufman Language” on community associations may be summarized as follows:⁵

- May limit protections of owners where legislature provides for lower protections than declaration (i.e. approval requirements for certain actions)
- Language that could apply to MRTA preservation and revitalization rights may impair existing title insurance policies by bringing in new provisions to revived declaration and increase likelihood of title insurance claims
- Universal application of “Kaufman Language” is a constitutional impairment of contract as it applies to existing declarations and other governing documents

⁵ This list is not intended to be exhaustive and comprehensive, but is used to highlight the myriad of rights and obligations that can be affected when a declaration or other governing document has “Kaufman Language.”

- Language violates s. 720.302(2) and mandatory statutory provision of Chapter 720 not impairing existing contracts and the legislative finding that HOA's do not need extensive governmental oversight and regulation
- Serves to bar development and redevelopment by providing unknown and contingent liabilities for developers
- May violate Article 1, Section 9 of the Florida Constitution by denying due process where an association declaration requires certain notice requirements that the statute does not
- Unknown liabilities for associations where future changes in the law may impair prior actions taken
- Abridges vested voting rights of owners by mandating provisions that have to be in declaration for a community
- Imposes additional costs on every association as each as to account for all statutory changes and ensure compliance, even the smaller associations that are not otherwise exempt, associations will have to spend more on professionals and compliance, increasing costs for all citizens in Florida in a community association
- Removes safeguards and prohibitions on fines becoming liens in some HOA

7. CONSTITUTIONAL ISSUES

Impairment of contract- To the extent that a court may find that a covenant or restriction may be considered a contract between the parties, the changes made by the adopting of mandatory, universal "Kaufman Language" may affect such current contract rights and obligations. Article I, s. 10 of the United States Constitution, and Art. I, s. 10 of the Florida Constitution both prohibit the Legislature from enacting any law impairing the obligation of contracts. Although written in terms of an absolute prohibition, the courts have long interpreted the constitutional provisions to prohibit enactment of any unreasonable impairment of contractual rights existing at the time that the law is enacted. The Florida Supreme Court in *Pomponio v. Claridge of Pompano Condominium, Inc.*, 378 So.2d 774 (Fla. 1979) set forth the following test:

- Was the law enacted to deal with a broad, generalized economic or social problem?
- Does the law operate in an area which was already subject to state regulation at the time the parties' contractual obligations were originally undertaken, or does it invade an area never before subject to regulation by the state?

- Does the law effect a temporary alteration of the contractual relationships of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively?

Access to courts- To the extent that mandatory, universal “Kaufman Language” may limit the rights and remedies of community associations and owners. Article I, s.21 of the Florida Constitution provides that the courts of Florida shall be open to every person for redress of any injury and justice shall be administered without sale, denial or delay. Although written in terms of a right, the courts have long interpreted the constitutional provisions to allow for the enactment of alternative remedies for the access to courts for redress of injury. The Florida Supreme Court in *Kluger v. White* 281 So.2d 1 (Fla. 1973) set forth the following exceptions for a statute restricting access to courts:

The law must provide a reasonable alternative remedy or commensurate benefit;
or

There must be a legislative showing of overpowering public necessity for the abolishment of the right of access to the courts and no alternative method of meeting such public necessity.

Due process- To the extent that mandatory, universal “Kaufman Language” would limit the right of a community association, owner, or developer to file any type of legal action against a party for violations of the applicable statute in these types of developments, the proposal may violate constitutional due process protections for these individual condominium unit owners. Article I, s.9 of the Florida Constitution provides that no person shall be deprived of property without due process of law. The courts have long allowed for a flexible standard of due process. Florida courts have provided the following general rules when considering whether a statute impairs due process:

In order to determine whether a statute violates substantive due process, a determination must be made as to whether it bears a reasonable relationship to a legitimate legislative objective and is not discriminatory, arbitrary or oppressive; *Ilkanic v. City of Ft. Lauderdale*, 691 So.2d 1080 (Fla. 1997).

When no fundamental right is at stake, the standard for evaluating a substantive due process challenge is the same as the rational basis test used for evaluating equal protection challenges. *United Yacht Brokers, Inc. v. Gillespie*, 377 So.2d 688 (Fla. 1979).

See *Chicago Title Ins. Co. v. Butler*, 770 So.2d 1210 (Fla. 2000): Historically, the Florida Supreme Court has carefully reviewed laws that curtail the economic bargaining power of the public. The Florida Supreme Court has found that such legislation is not within the scope of the state's police power noting that constitutional law

never sanctions the granting of sovereign power to one group of citizens to be exercised against another unless the *general welfare* is served.

□ See *Alliance of Auto. Mfrs., Inc. v. Jones*, 897 F. Supp. 2d 1241 (N.D. Fla. 2012). The state has the police power to enact laws reasonably construed as expedient for protections of the public health, safety, welfare, or morals,” which power “embraces regulations designed to promote the public convenience or the general prosperity or the public welfare as well as those designed to promote the public safety or public health. The due process clause does not override the power of the state or its political subdivisions to establish laws that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community. A statute will be upheld under Florida's substantive Due Process Clause if it “bears a rational relation to a legitimate legislative purpose in safeguarding the public health, safety, or general welfare and is not discriminatory, arbitrary, or oppressive.” The narrow question before the court is simply whether the Act is rationally or reasonably related to furthering a legitimate State objective.

Nondelegation Doctrine - To the extent that mandatory, universal “Kaufman Language” would lead to the Legislature divesting certain powers from the judiciary and transferring them to the Florida Department of Business and Professional Regulation, Florida Division of Condominiums, may be unconstitutional. Article I, s.18 of the Florida Constitution expressly prohibits delegation of powers from members of one branch to the members of the other branches of government. “No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.” Article II, s.3 declares a strict separation of the three branches of government and that: “No person belonging to one branch shall exercise any powers appertaining to either of the other two branches....”:

□ Under the non-delegation doctrine fundamental and primary policy decisions shall be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program; *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978)

□ At the very least, all challenged delegations in the criminal context must expressly or tacitly rest on a *legislatively determined* fundamental policy; and the delegations also must expressly articulate reasonably definite standards of implementation that do not merely grant open-ended authority, but that impose an actual limit—both minimum and maximum—on what the agency may do. *B.H. v. State*, 645 So.2d 987 (Fla. 1994)

□ See *State v. Scharlepp*, 292 So.3d 872 (Fla. 1st DCA 2020): A nondelegation violation should be found only when legislation is so lacking in guidelines that neither the agency nor the courts can determine whether the agency is carrying out the intent of the legislature in its conduct. Additionally, the specificity of the guidelines will depend on the complexity of the subject and the degree of difficulty involved in articulating finite standards for a nondelegation doctrine violation.

Disenfranchisement of owners- The Legislature’s adoption of mandatory, universal “Kaufman Language” abridges the fundamental right of an owner to vote on matters affecting their community and their right of self-determination (“disenfranchise”). Article VI of the Florida Constitution has not been held to apply to an owner’s right to approve or reject certain changes to the provisions governing their community. Although Section 1 is written in terms of an absolute right have elections be by direct and secret vote, no case law has extended this constitutional right to community associations. Current case law interpreting procedural changes to the election process has held these types of changes do not burden or disenfranchise the voter.

□ Disenfranchise is defined as “To deprive (a person) of the right to exercise a franchise or privilege, esp. to vote.” Disenfranchise, Black’s Law Dictionary (10th ed. 2014)

□ Enforcing the rules on voting does not disenfranchise any owner where those rules establish specific conditions for one to exercise their vote. See Democratic Senatorial Campaign Committee v. Detzner, 347 F.Supp.3d 1033 (N.D. Fla. Nov. 15, 2018):

“Undoubtedly, the state can promulgate rules on how voters should fill out their ballots—form not content—so the ballots can be counted. Indeed, without such rules, it would be impossible to determine the result of an election. If a voter fails to follow reasonable rules—and having to fill in an oval is reasonable—the state has not burdened the right to vote. Similarly, when the state applies a neutral, reasonable, standard practice—like the consistency and magic words rules—to try to determine the intent of a voter, when the voter has not followed instructions, the state has not burdened the right to vote.”

8. OTHER INTERESTED PARTIES

The Florida Association of Realtors, Florida Home Builders Association, Florida Land Title Association, Florida Banker’s Association, Business Law Section, Public Interest Law Section, CAI, CEOMC, Associated Builders and Contractors of Florida.

**REAL PROPERTY, PROBATE & TRUST LAW SECTION
OF THE FLORIDA BAR**

WHITE PAPER

PROPOSAL OPPOSING LEGISLATIVE MANDATE OF
UNIVERSAL “KAUFMAN LANGUAGE” FOR COMMUNITY
ASSOCIATIONS SUBJECT TO CHAPTERS 718, 719 AND
720

DRAFT OF AUGUST 22, 2025

1. SUMMARY

The legislative position opposes the Florida Legislature impressing on any community association that is subject to Chapters 718, 719, or 720 that it is subject to mandatory, universal “Kaufman Language”.¹ It would leave in place the current law that a governing document by a community can only be amended by the process set forth in either the applicable statute or governing document and the Florida Legislature can only impose obligations on community associations that affect substantive contractual rights upon meeting the balancing test set forth by the Florida Supreme Court.²

The legislative position does not oppose the retroactive application of certain portions of Chapters 718, 719, and 720, provided a proper showing is made by the Legislature in accordance with existing case law. This would require the Legislature to meet the requirements in Fla. Ins. Guar. Ass’n, Inc. v. Devon Neighborhood Ass’n, Inc., 67 So.3d 187 (Fla. 2011) and Metro. Dade County v. Chase Fed. Hous. Corp., 737 So.2d 494 (Fla. 1999). These cases set out a two-part test for retroactive application of a statutory amendment. First, did the Legislature indicate a clear intent for the law to apply retroactively and only then, is retroactive application constitutionally permissible. Determination of whether retroactive application is constitutionally permissible would be

¹ See Kaufman v. Shere, 347 So.2d 627, 628 (Fla. 3d DCA 1977). “The contested clause unequivocally states that provisions of the Condominium Act are adopted “*as it may be amended from time to time.*” (Emphasis added). We perceive no ambiguity in this language, and thus find that it was the express intention of all parties concerned that the provisions of the Condominium Act were to become a part of the controlling document of Fifth Moorings whenever they were enacted.”

² See Pomponio v The Claridge of Pompano Condo, Inc., 378 So.2d 774, 779 (Fla. 1979). The factors to be considered in a balancing test to determine if legislation impairing contractual rights is constitutional are:

“(a) Was the law enacted to deal with a broad, generalized economic or social problem?

(b) Does the law operate in an area which was already subject to state regulation at the time the parties’ contractual obligations were originally undertaken, or does it invade an area never before subject to regulation by the state?

(c) Does the law effect a temporary alteration of the contractual relationships of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively.”

done under the balancing test articulated by the Florida Supreme Court in Pomponio v The Claridge of Pompano Condo, Inc., 378 So.2d 774, 779 (Fla. 1979).

2. CURRENT SITUATION

Since *Kaufman* was decided in 1977, it has impacted on a wide range of legal issues in community associations.³ These decisions have shown that having “Kaufman Language” in a declaration or other controlling document places both the community association and unit owners subject to the will of the Florida Legislature and any amendments to the applicable statutes will govern the contractual relationship of the parties going forward. Most community association attorneys, both association and developer counsel, refrain from placing universal “Kaufman Language” in their declarations. The addition of universal “Kaufman Language” in a declaration may rise to the level of professional malpractice due to the unknown future liabilities, obligations, and vested rights that may be modified or divested by a legislative enactment.⁴ To the extent that attorneys add “Kaufman Language” to their documents, it is often done in a targeted fashion so as to only have future legislative enactments that would be beneficial apply.

3. EFFECT OF PROPOSED CHANGE

The proposal opposes the impressing of mandatory, universal “Kaufman Language” by the Florida Legislature on any community association that is subject to Chapters 718, 719, or 720. This position leaves changes in the hands of the individual owners in a community association unless the Florida Legislature implements a specific change that satisfies the Pomponio balancing test.

The proposal will decrease the costs to community associations by providing a level of certainty to the applicable laws that govern and not having to incur potentially major expenses adjusting to the changes made each legislative session. It will also allow community associations to implement long-term decisions.

³ *In re Adam*, 646 B.R. 846 (SDFL 2022)(lack of “Kaufman” language meant claim of lien had to be recorded for a secured claim in bankruptcy); Beacon Hill Homeowners Ass’n, Inc. v. Colfin Ah-Florida 7, LLC, 221 So.3d 710 (Fla. 3d DCA 2017) (lack of “Kaufman” language in a declaration prevented a third-party purchaser from being jointly and severally liable with the prior owner for unpaid assessments after a mortgage foreclosure sale); Tropicana Condo. Ass’n, Inc. v. Tropical Condo., LLC, 208 So.3d 755 (Fla. 3d DCA 2016)(s. 718.117(2007) could not be applied retroactively to condominium declaration absent “Kaufman” language); Cohn v. Grand Condo. Ass’n, Inc., 62 So.3d 1120 (Fla. 2011)(lack of “Kaufman language prevented s. 718.404(2) from being applied retroactively to alter voting rights); De Soleil South Beach Residential Condo. Ass’n, Inc. v. De Soleil South Beach Ass’n, Inc., 322 So.3d 1189 (Fla. 3d DCA 2021)(lack of “Kaufman” language prevented association from suspending voting rights of members for non-payment of assessments); Angora Enterprises, Inc. v. Cole, 439 So.2d 832 (Fla. 1983)(Where declaration of condominium expressly incorporated Condominium Act and any amendments, such language encompassed amendment declaring escalation clauses in recreation or land leases void and unenforceable)

⁴ See Rules Regulating The Florida Bar, Rule 4-1.; Clayton v. City of Cape Canaveral, 354 So.2d 147 (Fla. 4th DCA 1978); The Florida Bar v. Kinney, 606 So.2d 367 (Fla. 1992)

4. ANALYSIS

The change being proposed is to leave the law as it currently exists. “Kaufman Language” would only be added either at the time of the creation of the community association’s governing documents or through the community association’s amendatory process. The Florida Legislature would be able to adopt legislation that applies to all community associations by ensuring that it satisfies constitutional requirements

5. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

The proposal does not have a direct fiscal impact on state and local governments. There may be an unknown long-term impact if community associations are subject to all changes made by the Florida Legislature to Chapters 718, 719, and 720 each legislative session.

6. DIRECT IMPACT ON PRIVATE SECTOR

Implementation of mandatory, universal “Kaufman Language” will impact private, individual owners on all aspects of community association living. The retroactive application of the substantial portions of proposal to existing community associations is in derogation of vested constitutional property rights of individual condominium unit owners. Such a proposal would remove and endanger consumer protections provided to property owners in community associations in Chapters 718, 719, and 720. This proposal ensures community associations can adhere to self-determination and that the Florida Legislature can only override the covenants of a community association by meeting the constitutional standards and balancing tests that have been in existence for 40 years.

Examples of the impact of universal “Kaufman Language” on community associations may be summarized as follows:⁵

- May limit protections of owners where legislature provides for lower protections than declaration (i.e. approval requirements for certain actions)
- Language that could apply to MRTA preservation and revitalization rights may impair existing title insurance policies by bringing in new provisions to revived declaration and increase likelihood of title insurance claims
- Universal application of “Kaufman Language” is a constitutional impairment of contract as it applies to existing declarations and other governing documents

⁵ This list is not intended to be exhaustive and comprehensive, but is used to highlight the myriad of rights and obligations that can be affected when a declaration or other governing document has “Kaufman Language.”

- Language violates s. 720.302(2) and mandatory statutory provision of Chapter 720 not impairing existing contracts and the legislative finding that HOA's do not need extensive governmental oversight and regulation
- Serves to bar development and redevelopment by providing unknown and contingent liabilities for developers
- May violate Article 1, Section 9 of the Florida Constitution by denying due process where an association declaration requires certain notice requirements that the statute does not
- Unknown liabilities for associations where future changes in the law may impair prior actions taken
- Abridges vested voting rights of owners by mandating provisions that have to be in declaration for a community
- Imposes additional costs on every association as each as to account for all statutory changes and ensure compliance, even the smaller associations that are not otherwise exempt, associations will have to spend more on professionals and compliance, increasing costs for all citizens in Florida in a community association
- Removes safeguards and prohibitions on fines becoming liens in some HOA

7. CONSTITUTIONAL ISSUES

Impairment of contract- To the extent that a court may find that a covenant or restriction may be considered a contract between the parties, the changes made by the adopting of mandatory, universal "Kaufman Language" may affect such current contract rights and obligations. Article I, s. 10 of the United States Constitution, and Art. I, s. 10 of the Florida Constitution both prohibit the Legislature from enacting any law impairing the obligation of contracts. Although written in terms of an absolute prohibition, the courts have long interpreted the constitutional provisions to prohibit enactment of any unreasonable impairment of contractual rights existing at the time that the law is enacted. The Florida Supreme Court in *Pomponio v. Claridge of Pompano Condominium, Inc.*, 378 So.2d 774 (Fla. 1979) set forth the following test:

- Was the law enacted to deal with a broad, generalized economic or social problem?
- Does the law operate in an area which was already subject to state regulation at the time the parties' contractual obligations were originally undertaken, or does it invade an area never before subject to regulation by the state?

- Does the law effect a temporary alteration of the contractual relationships of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively?

Access to courts- To the extent that mandatory, universal “Kaufman Language” may limit the rights and remedies of community associations and owners. Article I, s.21 of the Florida Constitution provides that the courts of Florida shall be open to every person for redress of any injury and justice shall be administered without sale, denial or delay. Although written in terms of a right, the courts have long interpreted the constitutional provisions to allow for the enactment of alternative remedies for the access to courts for redress of injury. The Florida Supreme Court in *Kluger v. White* 281 So.2d 1 (Fla. 1973) set forth the following exceptions for a statute restricting access to courts:

The law must provide a reasonable alternative remedy or commensurate benefit;
or

There must be a legislative showing of overpowering public necessity for the abolishment of the right of access to the courts and no alternative method of meeting such public necessity.

Due process- To the extent that mandatory, universal “Kaufman Language” would limit the right of a community association, owner, or developer to file any type of legal action against a party for violations of the applicable statute in these types of developments, the proposal may violate constitutional due process protections for these individual condominium unit owners. Article I, s.9 of the Florida Constitution provides that no person shall be deprived of property without due process of law. The courts have long allowed for a flexible standard of due process. Florida courts have provided the following general rules when considering whether a statute impairs due process:

In order to determine whether a statute violates substantive due process, a determination must be made as to whether it bears a reasonable relationship to a legitimate legislative objective and is not discriminatory, arbitrary or oppressive; *Ilkanic v. City of Ft. Lauderdale*, 691 So.2d 1080 (Fla. 1997).

When no fundamental right is at stake, the standard for evaluating a substantive due process challenge is the same as the rational basis test used for evaluating equal protection challenges. *United Yacht Brokers, Inc. v. Gillespie*, 377 So.2d 688 (Fla. 1979).

See *Chicago Title Ins. Co. v. Butler*, 770 So.2d 1210 (Fla. 2000): Historically, the Florida Supreme Court has carefully reviewed laws that curtail the economic bargaining power of the public. The Florida Supreme Court has found that such legislation is not within the scope of the state's police power noting that constitutional law

never sanctions the granting of sovereign power to one group of citizens to be exercised against another unless the *general welfare* is served.

□ See *Alliance of Auto. Mfrs., Inc. v. Jones*, 897 F. Supp. 2d 1241 (N.D. Fla. 2012). The state has the police power to enact laws reasonably construed as expedient for protections of the public health, safety, welfare, or morals,” which power “embraces regulations designed to promote the public convenience or the general prosperity or the public welfare as well as those designed to promote the public safety or public health. The due process clause does not override the power of the state or its political subdivisions to establish laws that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community. A statute will be upheld under Florida's substantive Due Process Clause if it “bears a rational relation to a legitimate legislative purpose in safeguarding the public health, safety, or general welfare and is not discriminatory, arbitrary, or oppressive.” The narrow question before the court is simply whether the Act is rationally or reasonably related to furthering a legitimate State objective.

Nondelegation Doctrine - To the extent that mandatory, universal “Kaufman Language” would lead to the Legislature divesting certain powers from the judiciary and transferring them to the Florida Department of Business and Professional Regulation, Florida Division of Condominiums, may be unconstitutional. Article I, s.18 of the Florida Constitution expressly prohibits delegation of powers from members of one branch to the members of the other branches of government. “No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.” Article II, s.3 declares a strict separation of the three branches of government and that: “No person belonging to one branch shall exercise any powers appertaining to either of the other two branches....”:

□ Under the non-delegation doctrine fundamental and primary policy decisions shall be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program; *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978)

□ At the very least, all challenged delegations in the criminal context must expressly or tacitly rest on a *legislatively determined* fundamental policy; and the delegations also must expressly articulate reasonably definite standards of implementation that do not merely grant open-ended authority, but that impose an actual limit—both minimum and maximum—on what the agency may do. *B.H. v. State*, 645 So.2d 987 (Fla. 1994)

□ See *State v. Scharlepp*, 292 So.3d 872 (Fla. 1st DCA 2020): A nondelegation violation should be found only when legislation is so lacking in guidelines that neither the agency nor the courts can determine whether the agency is carrying out the intent of the legislature in its conduct. Additionally, the specificity of the guidelines will depend on the complexity of the subject and the degree of difficulty involved in articulating finite standards for a nondelegation doctrine violation.

Disenfranchisement of owners- The Legislature’s adoption of mandatory, universal “Kaufman Language” abridges the fundamental right of an owner to vote on matters affecting their community and their right of self-determination (“disenfranchise”). Article VI of the Florida Constitution has not been held to apply to an owner’s right to approve or reject certain changes to the provisions governing their community. Although Section 1 is written in terms of an absolute right have elections be by direct and secret vote, no case law has extended this constitutional right to community associations. Current case law interpreting procedural changes to the election process has held these types of changes do not burden or disenfranchise the voter.

□ Disenfranchise is defined as “To deprive (a person) of the right to exercise a franchise or privilege, esp. to vote.” Disenfranchise, Black’s Law Dictionary (10th ed. 2014)

□ Enforcing the rules on voting does not disenfranchise any owner where those rules establish specific conditions for one to exercise their vote. See Democratic Senatorial Campaign Committee v. Detzner, 347 F.Supp.3d 1033 (N.D. Fla. Nov. 15, 2018):

“Undoubtedly, the state can promulgate rules on how voters should fill out their ballots—form not content—so the ballots can be counted. Indeed, without such rules, it would be impossible to determine the result of an election. If a voter fails to follow reasonable rules—and having to fill in an oval is reasonable—the state has not burdened the right to vote. Similarly, when the state applies a neutral, reasonable, standard practice—like the consistency and magic words rules—to try to determine the intent of a voter, when the voter has not followed instructions, the state has not burdened the right to vote.”

8. OTHER INTERESTED PARTIES

The Florida Association of Realtors, Florida Home Builders Association, Florida Land Title Association, Florida Banker’s Association, Business Law Section, Public Interest Law Section, CAI, CEOMC, Associated Builders and Contractors of Florida.