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FILED
JAN 23 2006
Jim Fuller
CLERK CIRCUIT COURT

IN THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2006-01

IN RE: Creation of Probate Division for the Circuit Court in and for Duval County

WHEREAS, the use of subject matter divisions facilitates administrative efficiency and increases the benefit reaped from the increased expertise which specialization affords, see Hartley v. State, 650 So. 2d 1044 (Fla. 4th DCA 1995);

WHEREAS, at this time there is a need to add a Probate Division to the Circuit Court, in and for Duval County, Florida;

WHEREAS, there is currently pending before the Florida Supreme Court a request for approval of a local rule creating the Probate Division;

WHEREAS, until such local rule is approved, there is a need for an administrative order creating the division and addressing issues connected with the implementation of the division;

NOW, THEREFORE, pursuant to the authority vested in me as the Chief Judge of the Fourth Judicial Circuit it is hereby

ORDERED as follows:

(A) Effective February 1, 2006, a Probate Division of the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida, shall be created which shall be assigned any case filed in the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida, involving the probate of a will, the administration of an estate, a guardianship, or the administration of a trust, except that the division shall not be assigned: (a) any mental health case unless such case involves a person who is subject to a separately filed guardianship case which is assigned to the division; and

(b) any civil case simply because a trustee is a named party unless on the face of the operative pleading in such case significant issues are raised relating to the trustee's fiduciary duties, the interpretation of trust documents, or the rights or liabilities of beneficiaries of such trust, or such other matters that traditionally would primarily be considered a trust and estate matter, which other matters may be designated from time to time by administrative order.

(B) On or about February 1, 2006, the Clerk of the Circuit Court in and for Duval County shall: (i) transfer from the Civil Divisions of the Court to the Probate Division of the Court all pending cases which fall within the description of a probate matter as set forth in paragraph (A) above; except (ii) as otherwise provided in paragraph (C) below.

(C) In the event that any Judge who has presided over any case before February 1, 2006, which case would otherwise be assigned to the Probate Division by operation of paragraph (B)(i) of this Administrative Order, desires to continue presiding over such case after February 1, 2006, for reasons of judicial efficiency based on having an adjudicatory history over the case, the Judge may file a Notice of Retaining Probate/Trust/Guardianship Case, and provide a copy of the Notice to the parties as well as the Clerk of Court and the Probate Division Judge. A sample Notice of Retaining Probate/Trust/Guardianship Case is attached to this Administrative Order as Exhibit "A." Once such notice is filed, the Clerk of the Court shall not transfer such case to the Probate Division (or if already transferred, the Clerk shall return the case to its previous Civil Division). The case then shall not be transferred to the Probate Division until an order transferring the case is entered by the then presiding judge.

(D) This Administrative Order shall take effect immediately and shall remain in effect until further Order of the Court. All terms and conditions set forth in this Administrative Order shall apply unless otherwise ordered by the Court.

(E) This Administrative Order shall be recorded in the Official Records of Duval County

in the State of Florida, and the Clerk of Duval County shall furnish a copy of this Administrative Order to the local Bar Association.

DONE AND ORDERED in Jacksonville, Duval County, Florida, this 27 day of January, 2006.

DONALD R. MORAN, JR.
CHIEF JUDGE

Copies to:

All Circuit and County Court Judges
Honorable Jim Fuller, Clerk of Courts, Duval
Steven P. Combs, General Counsel for the Fourth Judicial Circuit
Bud Maurer, Director of the Duval County Law Library
H. Britt Beasley, Trial Court Administrator for the Fourth Judicial Circuit

EXHIBIT "A":

SAMPLE NOTICE OF RETAINING PROBATE/TRUST/GUARDIANSHIP CASE

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION:

IN RE:

_____/

NOTICE OF RETAINING PROBATE/TRUST/GUARDIANSHIP CASE

Pursuant to Paragraph (C) of Administrative Order 2006-1, for reasons of judicial efficiency, the above styled case shall be retained in this Civil Division and shall not be transferred to the Probate Division until further Order of the Court.

DONE and ORDERED in Duval County, Florida, this _____ day of _____, 2006.

_____
CIRCUIT JUDGE

Copies:

Probate Division Judge
Clerk of Court, Duval County
Parties/Counsel of Record