

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2014-030 PI-CIR

RE: ASSIGNMENT OF PROBATE CASES IN PINELLAS COUNTY

Administrative Order 2013-043, implemented by Administrative Order 2013-049, directed the Pinellas County Clerk of the Circuit Court (Clerk) to assign all cases filed in the Probate Division in Pinellas County in accordance with the Order and Local Rules.

Further clarification is needed to effectuate the assignment of cases in Probate. Application of Administrative Order 2013-049 has resulted in some petitions to determine incapacity and petitions for appointment of guardian being distributed to separate sections, without regard to whether the petitions relate to the same alleged incapacitated person. Additionally, petitions requesting court approval for a guardian advocate to consent to extraordinary medical treatment under the Baker Act are being assigned to section 3 or section 4 based upon the ZIP Code of the filing attorney, without regard to which facility is filing the petition.

In order to provide for the assignment of cases in the probate division in Pinellas County through the Justice Consolidated Case Management System (CCMS), also known as Odyssey, which became operational in the probate division on September 3, 2013; and

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and §43.26, Florida Statutes, it is

ORDERED:

1. The Pinellas Clerk of the Circuit Court (Pinellas Clerk) is directed to assign all cases filed in the Probate Division in Pinellas County in accordance with this Administrative Order and the Local Rules. All probate cases including estate cases, incapacity proceedings, guardianship proceedings, Baker Act proceedings, Marchman Act proceedings, and any other type of action in the Probate Division is to be assigned in accordance with this Administrative Order.

2. Unless otherwise provided in this Administrative Order, Probate cases are to be assigned based upon the ZIP code of the petitioner's attorney or if the petitioner is unrepresented, the ZIP code of the petitioner.

a. Cases filed in Pinellas County from the following Pinellas and Pasco County ZIP codes are to be assigned to section 3 in Clearwater:

33755; 33756; 33757; 33758; 33759; 33760; 33761; 33762; 33763; 33764; 33765;
33766; 33767; 33770; 33771; 33774; 33775; 33778; 33779; 33785; 33786; 34660;
34677; 34681; 34682; 34683; 34684; 34685; 34688; 34689; 34695; 34697; 34698;
33540; 33541; 33542; 33543; 33544; 33545; 33523; 33524; 33525; 33526; 33537;
33539; 33549; 33559; 33574; 33576; 33593; 33597; 33849; 33549; 33548; 33556;
33558; 34610; 34637; 34638; 34639; 34652; 34653; 34654; 34655; 34656; 34667;
34668; 34669; 34673; 34674; 34679; 34680; 34690; 34691

- b. Cases filed in Pinellas County from the following Pinellas, Manatee, and Sarasota County ZIP codes are to be assigned to section 4 in St. Petersburg:

33701; 33702; 33703; 33704; 33705; 33706; 33707; 33708; 33709; 33710; 33711;
33712; 33713; 33714; 33715; 33716; 33730; 33731; 33732; 33733; 33734; 33736;
33737; 33738; 33740; 33741; 33742; 33743; 33744; 33772; 33773; 33776; 33777;
33780; 33781; 33782; 33784; 34201; 34202; 34203; 34204; 34205; 34206; 34207;
34208; 34209; 34210; 34211; 34212; 34215; 34216; 34217; 34218; 34219; 34220;
34221; 34222; 34228; 34243; 34250; 34251; 34260; 34264; 34270; 34280; 34281;
34282; 34223; 34224; 34229; 34230; 34231; 34232; 34233; 34234; 34235; 34236;
34237; 34238; 34239; 34240; 34241; 34242; 34272; 34274; 34276; 34277; 34278;
34284; 34285; 34286; 34287; 34288; 34291; 34292; 34293; 34295

3. Unless otherwise provided in this Administrative Order, cases with an out of county ZIP code, an unknown ZIP code, or a ZIP code not listed in this Order are to be assigned in a manner that results in an even distribution of the cases between section 3 and section 4. The Administrative Office of the Courts will review the case distribution at least semi-annually and as needed adjust the percentage of such cases that are to be assigned to the Clearwater section and the percentage assigned to the St. Petersburg section in order to equalize the workload.

4. Petitions for Appointment of Guardian: When a Petition to Determine Incapacity is filed in the Probate Division with an out of county ZIP code, an unknown ZIP code, or a ZIP code not listed in paragraph 2 of this order, the accompanying Petition for Appointment of Guardian is to be assigned to the same section as the Petition to Determine Incapacity. For pending cases in which an adjudicatory hearing has not been held on the Petition to Determine Incapacity on the effective date of this Order, the Clerk is to reassign the companion Petition for Appointment of Guardian to the same section as the pending Petition to Determine Incapacity.

5. Baker Act Petitions: All Baker Act Petitions pursuant to Chapter 394, Florida Statutes, including but not limited to petitions for involuntary commitment under section 394.467; petitions for appointment of guardian under section 394.4598; and requests for a guardian advocate to consent to extraordinary medical treatment under section 394.4598(6)(c) filed on behalf of the following facilities are to be assigned as follows regardless of the ZIP code used or if no ZIP code is used.

- a. Section 3 in Clearwater:
Morton Plant Hospital
Largo Medical Center – Indian Rocks Rd. Campus
Windmoor Healthcare
- b. Section 4 in St. Petersburg:
Personal Enrichment Through Mental Health Services (PEMHS)
St. Anthony’s Hospital
Bay Pines Veterans Hospital

6. When a judge has entered an order recusing himself or herself from all cases of a named party or attorney, the Clerk shall:

- a. Reassign all cases from that party or attorney to the other probate section unless otherwise directed, and
- b. Assign future cases so that cases from that party or attorney are not assigned to the recused judge.

7. When a judge has entered an order of disqualification in an individual case, the Clerk shall reassign that case to the other probate section unless otherwise directed.

8. No cases are to be reassigned based upon this Administrative Order, except pending cases identified in paragraph 4.

9. A motion to re-open a case from a former section that is now closed is to be assigned in accordance with this Administrative Order. A motion to re-open a case from an open section is to be assigned to the former section unless the judge assigned to that section has entered an order of recusal.

No changes to the Administrative Order or exceptions to the terms of this Administrative Order may be made unless authorized in writing by the Chief Judge.

Administrative Orders 2013-043 PI-CIR and 2013-049 PI-CIR are hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this _____ day of June 2014.

ORIGINAL SIGNED ON JUNE 10, 2014
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Pinellas Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskip, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Martin Rose, BTS Executive Director
Tonya Rainwater, Justice CCMS Project Sponsor
Ed Hansen, CJIS Coordinator
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties