

**IN THE COURTS IN AND FOR
OKALOOSA COUNTY, FLORIDA**

ADMINISTRATIVE DIRECTIVE OCAD2009-06

IN RE: TIME REQUIREMENTS

WHEREAS, Rule 2.545(b) of the *Florida Rules of Judicial Administration* provides that “...the trial judge shall take charge of all cases at an early state in the litigation and shall control the progress of the case thereafter until the case is determined...” and

WHEREAS, the Florida Supreme Court prescribed time standards within which to dispose of probate matters, and

WHEREAS, the time standard for estate case pursuant to *Florida Rules of Judicial Administration 2.250(d)* is as follows:

Uncontested, no federal estate tax return - 12 months (from issuance of letters of administration to final discharge).

Uncontested, with federal estate tax return - 12 months (from the return’s due date to final discharge).

Contested - 24 months (from filing to final discharge), and

WHEREAS, counsel and personal representatives share a continuing duty to this Court to ensure that necessary action is taken in a timely manner, and

IN ORDER to provide for the efficient progression of this cause, it is

ORDERED:

1. Counsel and personal representative SHALL adhere to the time requirements contained hereby in order to properly distribute and discharge this estate.
2. Counsel SHALL file a motion for an extension of time and a proposed order thereon in the event that the time requirements set forth herein cannot be filed in a timely manner. Failure to file a motion for an extension of time prior to the expiration of these time requirements SHALL result in the issuance of an ORDER TO SHOW CAUSE as why counsel and/or personal representative shall not be found in contempt of court for violation of this order and for failure to timely file the required documents.
3. Below are listed PRESUMPTIVE time for the performance and filing of documentation in estate cases which such performance and filing aimed at the

ultimate disposition of probate actions within the time standards set by the Florida Supreme Court. All times shall be measured from the issuance of the Letters of Administration.

- (A) NOTICE TO ADMINISTRATION/NOTICE TO CREDITORS (whichever applies) shall be published as soon as practical.
 - (B) INVENTORY shall be filed within sixty (60) days.
 - (C) DEATH CERTIFICATE shall be filed within (90) days.
 - (D) NOTICE OF DUE DATE FOR FEDERAL ESTATE TAX RETURN shall be filed within twelve (12) months (where one is required).
 - (E) PETITION FOR DISCHARGE shall be filed within twelve (12) months unless the will is contested or a federal estate state tax return is required in which case the petition shall be filed within twenty-four (24) months.
4. All papers necessary for discharge SHALL be filed no later than the Petition for Discharge.
5. Counsel SHALL familiarize themselves with Florida Rules of Probate Rule 5.030 which provides in part:
- “An attorney of record for an interested person in a proceeding governed by these rules shall be the attorney of record in all other proceedings in the administration of the same estate or guardianship, except services or process in an independent action on a claim...”
- “An attorney of record may withdraw or limit his appearance with approval of the court after filing a motion setting forth his reasons and serving a copy of this client and interested persons.”
6. The Clerk SHALL provide copies of this order to each attorney of record and personal representative in each probate action filed in the Circuit Court in and for Okaloosa County, Florida.

DONE AND ORDERED at Shalimar, Okaloosa County, Florida this 21st day of December, 2009.

Signed by: William F. Stone, Administrative Judge