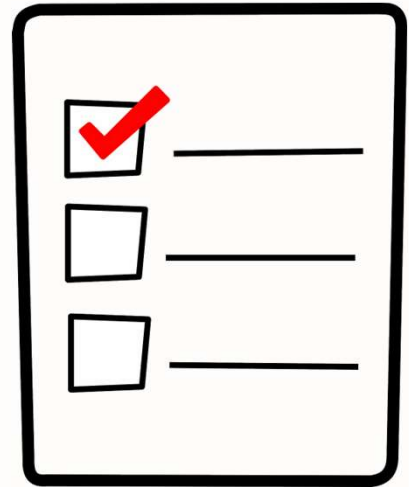


TRUSTS, ESTATES, AND PROBATE

Everything You Always Wanted to Know:
Checking All the Boxes...in 20 minutes

Laird A. Lile
Friday, May 1, 2026
Naples Hilton



TRUSTS

Non-Judicial Settlement Of Accounts



Laird A. Lile

2

ENROLLED

HB 895, Engrossed 1

2026 Legislature

1
2 An act relating to trustee settlement and discharge;
3 creating s. 736.10081, F.S.; authorizing a trustee to
4 obtain a settlement of his or her accounts and be
5 discharged under certain circumstances; requiring a
6 trustee seeking settlement and discharge to send a
7 trust disclosure document to specified persons;
8 requiring that certain information be included in the
9 trust disclosure document; requiring that the trust
10 disclosure document and any objections be sent with a
11 certain notice; providing applicability; providing
12 that an objection need not state the grounds for the
13 objection; providing that a trustee is discharged upon
14 completion of distributions or transfers if no timely
15 written objections are received and is discharged from
16 all liability and claims arising out of any matter
17 disclosed in the trust disclosure document; providing
18 that a waiver of the right to object is treated as an
19 expiration of the timeframe to object; providing
20 construction; providing applicability; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 736.10081, Florida Statutes, is created

ENROLLED

HB 895, Engrossed 1

2026 Legislature

26 | to read:

27 | 736.10081 Nonjudicial settlement and discharge of a
 28 | trustee; disclosure; objections.-

29 | (1) A trustee who is in substantial compliance with the
 30 | duty to inform and account under s. 736.0813 may obtain a
 31 | settlement of his or her accounts and be discharged pursuant to
 32 | this section when either of the following occurs 6 months
 33 | after the trustee's acceptance:

34 | (a) The trust terminates.

35 | (b) A trustee resigns or is removed from the trust.

36 | (2) A trustee seeking settlement and discharge pursuant to
 37 | this section must send to the trust's qualified beneficiaries
 38 | and any cotrustee, and the immediate successor trustee if the
 39 | trust is not terminating, a trust disclosure document as defined
 40 | in s. 736.1008(4) which contains all of the following:

41 | (a) The name, mailing address, telephone number, and e-
 42 | mail address of the trustee seeking discharge.

43 | (b) A plan of distribution which includes all of the
 44 | following:

45 | 1. A schedule of the assets reasonably anticipated to be
 46 | disbursed or distributed by the trustee.

47 | 2. The amount of any debts, expenses, and taxes to be paid
 48 | by the trustee.

49 | 3. Any reasonable reserve to be held by the trustee.

50 | (c) If the trustee's duty to account has not been waived,

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HB 895, Engrossed 1

2026 Legislature

51 a trust accounting as defined in s. 736.1008(4) for the period
52 for which an accounting has not been previously provided to the
53 qualified beneficiaries of the trust.

54 (d) A statement that the trust has terminated or that the
55 trustee has resigned or has been removed.

56 (e) A notice with substantially the following language in
57 at least 12-point type:

58
59 "NOTICE: Any claim or cause of action you might have
60 against the trustee arising from any matter disclosed
61 in a trust disclosure document may be barred unless a
62 written statement objecting is received by the trustee
63 from you within 60 days after your receipt of this
64 trust disclosure document and notice. If you have
65 questions, please consult your attorney."

66
67 (3) The trustee shall also send the trust disclosure
68 document described in subsection (2) to any other person who the
69 trustee reasonably believes would be affected by the trust
70 disclosure document. The trust disclosure document and any
71 objections must be sent with the notice requirements of s.
72 736.0109, except that s. 736.0109(3) does not apply.

73 (4) This section does not apply if the trustee receives a
74 written objection within 60 days after sending the trust
75 disclosure document. An objection does not need to state the

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HB 895, Engrossed 1

2026 Legislature

76 | grounds for the objection or be in any particular form.

77 | (5) If the trustee does not receive a timely written
 78 | objection, the trustee is discharged upon completion of all
 79 | distributions or transfers in accordance with the plan of
 80 | distribution and is discharged from all liability and claims
 81 | arising from any matter adequately disclosed in the trust
 82 | disclosure document, including any claim that the trustee failed
 83 | to inform and account pursuant to s. 736.0813, with the same
 84 | effect as if the court had entered a final order approving that
 85 | act or omission.

86 | (6) A waiver of the right to object pursuant to this
 87 | section is treated as the expiration of the 60-day period
 88 | without objection.

89 | (7) This section is in addition to, and not a replacement
 90 | of, rights of a trustee to otherwise settle the trustee's
 91 | accounts.

92 | Section 2. This act applies to all trusts that are
 93 | irrevocable or become irrevocable on or after the effective date
 94 | of this act.

95 | Section 3. This act shall take effect upon becoming a law.

CURATORS



Laird A. Lile

ENROLLED

CS/HB 131

2026 Legislature

1
 2 An act relating to curators of estates; amending s.
 3 733.501, F.S.; revising the requirements for a court
 4 to appoint a curator of estates; revising bond
 5 requirements for a curator of estates; clarifying who
 6 may subject a curator of estates to removal and
 7 surcharge; requiring a curator to file reports with
 8 the court in specified circumstances; requiring that
 9 certain details be included in such reports; requiring
 10 the court to review such reports; authorizing the
 11 court to require more frequent reporting or additional
 12 documents under certain circumstances; reenacting s.
 13 90.5021(1), F.S., relating to fiduciary lawyer-client
 14 privilege, to incorporate the amendment made to s.
 15 733.501, F.S., in a reference thereto; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 733.501, Florida Statutes, is amended
 21 to read:

22 733.501 Curators.—

23 (1) APPOINTMENT OF A CURATOR.—When it is necessary, the
 24 court may appoint a curator after formal notice to the person
 25 apparently entitled to letters of administration as follows:

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CS/HB 131

2026 Legislature

26 (a) The court may appoint a curator at any time with
 27 notice to other interested persons as the court deems
 28 appropriate. The curator may be authorized to perform any duty
 29 or function of a personal representative.

30 (b) If there is significant ~~great~~ danger that any of the
 31 decedent's property is likely to be wasted, destroyed, or
 32 removed beyond the jurisdiction of the court and if the
 33 appointment of a curator would be delayed by giving notice, the
 34 court may appoint a curator without giving notice to other
 35 interested persons.

36 (c) In any other proper case, the court may appoint a
 37 curator when deemed necessary to protect the interests of the
 38 estate or a decedent's heirs.

39 (2) BOND REQUIREMENTS.—Unless waived by the court,
 40 curators must post a reasonable bond in an amount to ~~shall~~ be
 41 determined by ~~required of the curator as~~ the court deems
 42 necessary. However, bonds are not ~~No bond shall be required for~~
 43 ~~of~~ banks and trust companies that serve as curators.

44 (3) COMPENSATION.—Curators are ~~shall be~~ allowed reasonable
 45 compensation for their services, and the court may consider the
 46 ~~provisions of s. 733.617.~~

47 (4) REMOVAL AND SURCHARGE.—Curators are ~~shall be~~ subject
 48 to removal and surcharge by the court.

49 (5) COURT REVIEW.—

50 (a) The curator shall file reports with the court when the

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CS/HB 131

2026 Legislature

51 court deems it necessary. Such reports must detail the actions
52 taken by the curator in managing the estate. The court shall
53 review such reports to ensure that the curator is effectively
54 managing the estate and fulfilling its duties.

55 (b) The court may require more frequent reporting or
56 additional documentation as it deems necessary to protect the
57 interests of the estate.

58 Section 2. For the purpose of incorporating the amendment
59 made by this act to section 733.501, Florida Statutes, in a
60 reference thereto, subsection (1) of section 90.5021, Florida
61 Statutes, is reenacted to read:

62 90.5021 Fiduciary lawyer-client privilege.—

63 (1) For the purpose of this section, a client acts as a
64 fiduciary when serving as a personal representative or a trustee
65 as defined in ss. 731.201 and 736.0103, an administrator ad
66 litem as described in s. 733.308, a curator as described in s.
67 733.501, a guardian or guardian ad litem as defined in s.
68 744.102, a conservator as defined in s. 710.102, or an attorney
69 in fact as described in chapter 709.

70 Section 3. This act shall take effect July 1, 2026.

ESTATES

Safe Deposit Box Access



Laird A. Lile

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CS/HB 1337

2026 Legislature

44 Section 1. Section 655.933, Florida Statutes, is amended
45 to read:
46 655.933 Access by fiduciaries.—If a safe-deposit box is
47 made available by a lessor to one or more persons acting as
48 fiduciaries, the lessor ~~may~~, except as otherwise expressly
49 provided in the lease or the writings pursuant to which such
50 fiduciaries are acting, ~~allow access thereto as follows:~~

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CS/HB 1337

2026 Legislature

51 (1) Must allow access to the safe-deposit box by any ~~one~~
 52 ~~or more~~ of the persons acting as personal representatives who
 53 present the lessor with a copy of the letters of administration;
 54 and-

55 (2) May allow access to the safe-deposit box by:

56 (a) Any ~~one or more~~ of the persons otherwise acting as
 57 fiduciaries if authorized in writing, which writing is signed by
 58 all other persons so acting; or-

59 (b) ~~(3)~~ ~~By~~ Any agent authorized in writing, which writing
 60 is signed by all persons acting as fiduciaries.

61 Section 2. Subsection (1) of section 655.936, Florida
 62 Statutes, is amended to read:

63 655.936 Delivery of safe-deposit box contents or property
 64 held in safekeeping to personal representative.-

65 (1) Subject to ~~the provisions of~~ subsection (3), the
 66 lessor shall:

67 (a) Immediately deliver to a personal representative
 68 appointed by a court in this state, upon presentation of a
 69 certified copy of his or her letters of authority, all property
 70 deposited with it by the decedent for safekeeping; ~~and shall~~

71 (b) Grant the personal representative access to any safe-
 72 deposit box in the decedent's name and allow ~~permit~~ him or her
 73 to remove from such box any part or all of the contents thereof;
 74 and

75 (c) Allow the personal representative or the personal

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2026 Legislature

76 representative's attorney to pay the accumulated charges and
77 terminate the lease.

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ESTATES

Double the
Amounts



Laird A. Lile

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CS/HB 1337

2026 Legislature

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Section 7. Subsection (2) of section 735.201, Florida Statutes, is amended to read:

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:

(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.

Section 8. Subsection (1) of section 735.302, Florida Statutes, is amended to read:

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

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2026 Legislature

176 the person in whose favor the overpayment is determined is dead
 177 at the time the overpayment of tax is to be refunded, and
 178 notwithstanding ~~irrespective of~~ whether the decedent had filed a
 179 joint and several or separate income tax return, the amount of
 180 the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be
 181 refunded as follows:

182 (a) Directly to the surviving spouse on his or her
 183 verified application; or

184 (b) If there is no surviving spouse, to one of the
 185 decedent's children who is designated in a verified application
 186 purporting to be executed by all of the decedent's children over
 187 the age of 14 years.

188
 189 In either event, the application must show that the decedent was
 190 not indebted, that provision has been made for the payment of
 191 the decedent's debts, or that the entire estate is exempt from
 192 the claims of creditors under the constitution and statutes of
 193 the state, and that no administration of the estate, including
 194 summary administration, has been initiated and that none is
 195 planned, to the knowledge of the applicant.

196 Section 9. Subsection (2), paragraph (c) of subsection
 197 (3), and subsection (4) of section 735.303, Florida Statutes,
 198 are amended to read:

199 735.303 Payment to successor without court proceedings.—

200 (2) A financial institution in this state may pay to the

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2026 Legislature

201 family member of a decedent, without any court proceeding,
 202 order, or judgment, the funds on deposit in all qualified
 203 accounts of the decedent at the financial institution if the
 204 total amount of the combined funds in the qualified accounts at
 205 the financial institution do not exceed an aggregate total of
 206 \$2,000 ~~\$1,000~~. The financial institution may not make such
 207 payment earlier than 6 months after the date of the decedent's
 208 death.

209 (3) In order to receive the funds described in subsection
 210 (2), the family member must provide to the financial institution
 211 a certified copy of the decedent's death certificate and a sworn
 212 affidavit that includes all of the following:

213 (c) A statement attesting that the total amount in all
 214 qualified accounts held by the decedent in all financial
 215 institutions known to the affiant does not exceed an aggregate
 216 total of \$2,000 ~~\$1,000~~.

217 (4) The family member may use an affidavit in
 218 substantially the following form to fulfill the requirements of
 219 subsection (3):

221 AFFIDAVIT UNDER
 222 SECTION 735.303, FLORIDA STATUTES,
 223 TO OBTAIN BANK PROPERTY OF DECEASED
 224 ACCOUNT HOLDER: ... (Name of decedent) ...
 225 State of

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2026 Legislature

226 County of

227

228 Before the undersigned authority personally appeared ... (name of
 229 affiant) ..., of ... (residential address of affiant) ..., who has
 230 been sworn and says the following statements are true:

231 (a) The affiant is (initial one of the following
 232 responses):

233 The surviving spouse of the decedent.

234 A surviving adult child of the decedent, and the
 235 decedent left no surviving spouse.

236 A surviving adult descendant of the decedent, and the
 237 decedent left no surviving spouse and no surviving adult child.

238 A surviving parent of the decedent, and the decedent
 239 left no surviving spouse, no surviving adult child, and no
 240 surviving adult descendant.

241 (b) As shown in the certified death certificate, the date
 242 of death of the decedent was ... (date of death) ..., and the
 243 address of the decedent's last residence was ... (address of last
 244 residence)

245 (c) The affiant is entitled to payment of the funds in the
 246 decedent's depository accounts and certificates of deposit held
 247 by the financial institution ... (name of financial
 248 institution) The total amount in all qualified accounts held
 249 by the decedent in all financial institutions known to the
 250 affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~. The

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2026 Legislature

276
 277 ...(Signature of Notary Public - State of Florida)...
 278 ...(Print, Type, or Stamp Commissioned Name of Notary
 279 Public)...

280 My commission expires: ...(date of expiration of
 281 commission)...

282
 283 Section 10. Subsection (1) of section 735.304, Florida
 284 Statutes, is amended to read:

285 735.304 Disposition without administration of intestate
 286 property in small estates.-

287 (1) ~~No~~ Administration is not ~~shall be~~ required and ~~or~~
 288 formal proceedings may not be instituted upon the estate of a
 289 decedent who has died intestate leaving only personal property
 290 exempt under ~~the provisions of~~ s. 732.402, personal property
 291 exempt from the claims of creditors under the State
 292 Constitution, and nonexempt personal property the value of which
 293 does not exceed the sum of \$20,000 ~~\$10,000~~ and the amount of
 294 preferred funeral expenses and reasonable and necessary medical
 295 and hospital expenses of the last 60 days of the last illness,
 296 provided the decedent has been deceased for more than 1 year and
 297 no administration of the decedent's estate is pending in this
 298 state.

299 Section 11. For the purpose of incorporating the amendment
 300 made by this act to section 655.933, Florida Statutes, in a

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2026 Legislature

301 reference thereto, paragraph (b) of subsection (1) of section
 302 655.937, Florida Statutes, is reenacted to read:

303 655.937 Access to safe-deposit boxes leased in two or more
 304 names.—

305 (1) Unless specifically provided in the lease or rental
 306 agreement to the contrary, if a safe-deposit box is rented or
 307 leased in the names of two or more lessees, access to the safe-
 308 deposit box will be granted to:

309 (b) Subject to s. 655.933, those persons named in s.
 310 655.933.

311 Section 12. For the purpose of incorporating the amendment
 312 made by this act to section 655.936, Florida Statutes, in a
 313 reference thereto, subsection (4) of section 734.101, Florida
 314 Statutes, is reenacted to read:

315 734.101 Foreign personal representative.—

316 (4) Except as provided in s. 655.936, all persons indebted
 317 to the estate of a decedent, or having possession of personal
 318 property belonging to the estate, who have received no written
 319 demand from a personal representative or curator appointed in
 320 this state for payment of the debt or the delivery of the
 321 property are authorized to pay the debt or to deliver the
 322 personal property to the foreign personal representative after
 323 the expiration of 90 days from the date of appointment of the
 324 foreign personal representative.

325 Section 13. For the purpose of incorporating the amendment

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2026 Legislature

326 made by this act to section 733.6171, Florida Statutes, in a
 327 reference thereto, subsection (4) of section 733.106, Florida
 328 Statutes, is reenacted to read:

329 733.106 Costs and attorney fees.—

330 (4) If costs and attorney fees are to be paid from the
 331 estate under this section, s. 733.6171(4), s. 736.1005, or s.
 332 736.1006, the court, in its discretion, may direct from what
 333 part of the estate they shall be paid.

334 (a) If the court directs an assessment against a person's
 335 part of the estate and such part is insufficient to fully pay
 336 the assessment, the court may direct payment from the person's
 337 part of a trust, if any, if a pour-over will is involved and the
 338 matter is interrelated with the trust.

339 (b) All or any part of the costs and attorney fees to be
 340 paid from the estate may be assessed against one or more
 341 persons' part of the estate in such proportions as the court
 342 finds to be just and proper.

343 (c) In the exercise of its discretion, the court may
 344 consider the following factors:

345 1. The relative impact of an assessment on the estimated
 346 value of each person's part of the estate.

347 2. The amount of costs and attorney fees to be assessed
 348 against a person's part of the estate.

349 3. The extent to which a person whose part of the estate
 350 is to be assessed, individually or through counsel, actively

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2026 Legislature

351 participated in the proceeding.

352 4. The potential benefit or detriment to a person's part
353 of the estate expected from the outcome of the proceeding.

354 5. The relative strength or weakness of the merits of the
355 claims, defenses, or objections, if any, asserted by a person
356 whose part of the estate is to be assessed.

357 6. Whether a person whose part of the estate is to be
358 assessed was a prevailing party with respect to one or more
359 claims, defenses, or objections.

360 7. Whether a person whose part of the estate is to be
361 assessed unjustly caused an increase in the amount of costs and
362 attorney fees incurred by the personal representative or another
363 interested person in connection with the proceeding.

364 8. Any other relevant fact, circumstance, or equity.

365 (d) The court may assess a person's part of the estate
366 without finding that the person engaged in bad faith,
367 wrongdoing, or frivolousness.

368 Section 14. This act shall take effect July 1, 2026.

ESTATES

Enforcement of PR's Authority



Laird A. Lile

6

ENROLLED

CS/HB 1337

2026 Legislature

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Section 3. Section 733.603, Florida Statutes, is amended to read:

733.603 Personal representative to proceed without court order.—A personal representative 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, 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.

Section 4. Subsection (28) is added to section 733.612, Florida Statutes, to read:

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:

(28) Institute a proceeding to enforce his or her authority as personal representative as conferred by this code.

Section 5. Section 733.6125, Florida Statutes, is created to read:

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2026 Legislature

101 733.6125 Proceedings to enforce authority.—In any
 102 proceeding to enforce the authority of a personal representative
 103 as conferred by this code, the court shall award to a prevailing
 104 personal representative taxable costs as in chancery actions,
 105 including attorney fees. When awarding taxable costs and
 106 attorney fees under this section, the court may direct payment
 107 from any person whose action or inaction necessitated the
 108 enforcement proceeding or from any person having an interest in
 109 the estate and may enter a judgment that may be satisfied from
 110 other property.

111 Section 6. Paragraph (b) of subsection (2) and subsection
 112 (6) of section 733.6171, Florida Statutes, are amended, and
 113 paragraph (1) is added to subsection (4) of that section, to
 114 read:

115 733.6171 Compensation of attorney for the personal
 116 representative.—

117 (2)

118 (b) An attorney representing a personal representative in
 119 an estate administration who intends to charge a fee based upon
 120 the schedule set forth in subsection (3) shall make the
 121 following disclosures in writing to the personal representative:

122 1. There is not a mandatory statutory attorney fee for
 123 estate administration.

124 2. The attorney fee is not required to be based on the
 125 size of the estate, and the presumed reasonable fee provided in

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2026 Legislature

126 subsection (3) may not be appropriate in all estate
 127 administrations.

128 3. The fee is subject to negotiation between the personal
 129 representative and the attorney.

130 4. The selection of the attorney is made at the discretion
 131 of the personal representative, who is not required to select
 132 the attorney who prepared the will.

133 5. The personal representative is ~~shall~~ be entitled to a
 134 summary of ordinary and extraordinary services rendered for the
 135 fees agreed upon at the conclusion of the representation. The
 136 summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist
 137 of the total hours devoted to the representation or a detailed
 138 summary of the services performed during the representation.

139 (4) Subject to subsection (2), in addition to fees for
 140 ordinary services, the attorney for the personal representative
 141 shall be allowed further reasonable compensation for any
 142 extraordinary service. What is an extraordinary service may vary
 143 depending on many factors, including the size and complexity of
 144 the estate. Extraordinary services may include, but are not
 145 limited to:

146 (1) Involvement in any proceeding to enforce the authority
 147 of a personal representative as conferred by this code.

148 (6) If a separate written agreement regarding compensation
 149 exists between the attorney and the decedent, the attorney must
 150 ~~shall~~ furnish a copy to the personal representative before ~~prior~~

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CS/HB 1337

2026 Legislature

151 ~~to~~ commencement of employment, and, if employed, must ~~shall~~
 152 promptly file and serve a copy on all interested persons. A
 153 separate agreement or a provision in the will suggesting or
 154 directing that the personal representative retain a specific
 155 attorney does not obligate the personal representative to employ
 156 the attorney or obligate the attorney to accept the
 157 representation, but if the attorney who is a party to the
 158 agreement or who drafted the will is employed, the compensation
 159 paid may ~~shall~~ not exceed the compensation provided in the
 160 agreement or in the will.

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RPPTL
FREE CLE

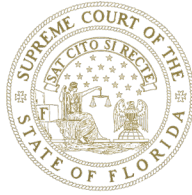


Powers That You May Not Realize Are There: The Non-Judicial Powers Granted To Personal Representatives Under The Florida Probate Code

1.0 CLE by Daniel A. Seigel

Available On Demand at www.FloridaBar.org or scan the QR code

Laird A. Lile



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CARLOS G. MUÑIZ
CHIEF JUSTICE
CHARLES T. CANADY
JORGE LABARGA
JOHN D. COURIEL
JAMIE R. GROSSHANS
RENATHA S. FRANCIS
MEREDITH L. SASSO
JUSTICES

JOHN A. TOMASINO
CLERK OF COURT

WOODROW KERCE II
MARSHAL

December 18, 2025

Mr. William Cary Wright
Chair, Real Property, Probate and
Trust Law Section of The Florida Bar
Carlton Fields P.A.
Post Office Box 3239
Tampa, Florida 33601-3239

Dear Mr. Wright:

On April 30, 2024, the Court established the Workgroup on Uncontested Probate Proceedings within the Judicial Management Council to examine Florida's uncontested probate processes and recommend reforms to improve efficiency and effectiveness. The Workgroup issued its Final Report and Recommendations on July 15, 2025, which is attached for your review.

The report emphasizes the need for education and training to ensure consistent statewide implementation of the recommended reforms. It is recommended that attorneys and personal representatives be instructed on:

- The scope of authority granted by section 733.603, Florida Statutes, which allows personal representatives to independently administer estates without further court order.

Mr. William Cary Wright

December 18, 2025

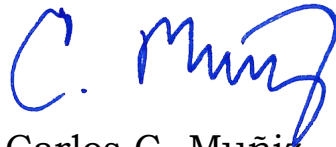
Page 2

- Best practices for managing interactions with financial institutions, including account access and safe-deposit box procedures.
- The fact that an estate affidavit is no longer required in most cases.

Accordingly, the Court respectfully refers this matter to the Real Property, Probate and Trust Law Section of The Florida Bar. The Section is asked to collaborate with the Workgroup in developing these materials.

If you have any questions, please contact Mr. Dustin W. Metz, Chief of Innovations and Outreach within the Office of the State Courts Administrator, at metzd@flcourts.gov. Thank you for the Section's assistance in enhancing Florida's probate processes.

Sincerely,



Carlos G. Muñiz

CGM:dwm

Attachment

cc: Judge Michael T. McHugh, Chair, Workgroup on
Uncontested Probate Proceedings
Eric W. Maclure, State Courts Administrator
Tina White, Deputy State Courts Administrator
Dustin W. Metz, Chief, Office of Innovations and Outreach

ESTATE AND TRUST LITIGATION

Case Management



Laird A. Lile

8



RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

(a) Applicability; Exemptions. The requirements of this rule apply to all civil actions except:

(1) actions required to proceed under section 51.011, Florida Statutes;

April 1, 2026 Florida Rules of Civil Procedure 49

(2) actions proceeding under section 45.075, Florida Statutes;

(3) actions subject to the Florida Small Claims Rules, unless the court, under rule 7.020(c), has ordered the action to proceed under one or more of the Florida Rules of Civil Procedure and the deadline for the trial date specified in rule 7.090(d) no longer applies;

(4) an action or proceeding initiated under chapters 731–736, 738, and 744, Florida Statutes;

(5) an action for review of an administrative proceeding;

(6) eminent domain actions under article X, section 6 of the Florida Constitution or chapters 73 and 74, Florida Statutes;

(7) a forfeiture action in rem arising from a state statute;

(8) a petition for habeas corpus or any other proceeding to challenge a criminal conviction or sentence;

(9) an action brought without an attorney by a person

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

(a) Applicability; Exemptions. The requirements of this rule apply to all civil actions except:

(1) actions required to proceed under section 51.011, Florida Statutes;

- (2) actions proceeding under section 45.075, Florida Statutes;
- (3) actions subject to the Florida Small Claims Rules, unless the court, under rule 7.020(c), has ordered the action to proceed under one or more of the Florida Rules of Civil Procedure and the deadline for the trial date specified in rule 7.090(d) no longer applies;
- (4) an action or proceeding initiated under chapters 731–736, 738, and 744, Florida Statutes;
- (5) an action for review of an administrative proceeding;
- (6) eminent domain actions under article X, section 6 of the Florida Constitution or chapters 73 and 74, Florida Statutes;
- (7) a forfeiture action in rem arising from a state statute;
- (8) a petition for habeas corpus or any other proceeding to challenge a criminal conviction or sentence;
- (9) an action brought without an attorney by a person in the custody of the United States, a state, or a state subdivision;
- (10) an action to enforce or quash an administrative summons or subpoena;
- (11) a proceeding ancillary to a proceeding in another court;
- (12) an action to enforce an arbitration award;
- (13) an action involving an extraordinary writ or remedy under rule 1.630;
- (14) actions to confirm or enforce foreign judgments;
- (15) all proceedings under chapter 56, Florida Statutes;

(16) a civil action pending in a special division of the court established by administrative order issued by the chief judge of the circuit or local rule (*e.g.*, a complex business division or a complex civil division) that enters case management orders;

(17) all proceedings under chapter 415, Florida Statutes, and sections 393.12 and 825.1035, Florida Statutes; and

(18) a claim requiring expedited or priority resolution under an applicable statute or rule.

(b) Case Track Assignment. Not later than 120 days after an action commences as provided in rule 1.050, the court must assign each civil case to 1 of 3 case management tracks either by an initial case management order or an administrative order on case management issued by the chief judge of the circuit: streamlined, general, or complex. Assignment is not based on the financial value of the case but rather the amount of judicial attention required for resolution.

(1) “*Complex*” cases are actions designated by court order as complex under rule 1.201. Complex cases must proceed as provided in rule 1.201.

(2) “*Streamlined*” cases are actions that reflect some mutual knowledge about the underlying facts, have limited needs for discovery, well-established legal issues related to liability and damages, few anticipated dispositive pretrial motions, minimal documentary evidence, and an anticipated trial length of no more than 3 days. Uncontested cases should generally be presumed to be streamlined cases.

(3) “*General*” cases are all other actions that do not meet the criteria for streamlined or complex.

(c) Changes in Track Assignment.

(1) *Change Requested by a Party.* Any motion to change the track to which a case is assigned must be filed promptly after the appearance of good cause to support the motion.

(2) *Change Directed by the Court.* A track assignment may be changed by the court on its own motion.

(d) Case Management Order.

(1) *Complex Cases.* Case management orders in complex cases must issue as provided in rule 1.201.

(2) *Streamlined and General Cases.* In streamlined and general cases, the court must issue a case management order that specifies the projected or actual trial period based on the case track assignment, consistent with administrative orders entered by the chief judge of the circuit. The order must also set deadlines that are differentiated based on whether the case is streamlined or general and must be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases. The order must specify no less than the following deadlines:

- (A) service of complaints;
- (B) service under extensions;
- (C) adding new parties;
- (D) completion of fact discovery;
- (E) completion of expert discovery;
- (F) filing and service of motion for summary judgment;
- (G) filing and resolution of all objections to pleadings;
- (H) filing and resolution of all pretrial motions; and
- (I) completion of alternative dispute resolution.

(3) *Strict Enforcement of Deadlines.* The case management order must indicate that the deadlines established in the order will be strictly enforced unless changed by court order.

(4) *Timing of Issuance.* The court must issue the case management order no later than 120 days after commencement of the action as provided in rule 1.050. No case management conference is required to be set by the court before issuance.

(e) Extensions of Time; Modification of Deadlines.

(1) *Deadlines are Strictly Enforced.* Deadlines in a case management order must be strictly enforced unless changed by court order. Parties may submit an agreed order to extend a deadline if the extension does not affect the ability to comply with the remaining dates in the case management order. If extending an individual case management deadline may affect a subsequent deadline in the case management order, parties must seek an amendment of the case management order, rather than submitting a motion for extension of an individual deadline.

(2) *Modification of Actual Trial Period.* Once an actual trial period is set, the parties must satisfy the requirements of rule 1.460 to change that period. During the time a trial period is still a projection, the parties may seek to change the projected trial period through the process in subdivision (e)(3).

(3) *Modifications of Deadlines or Projected Trial Period.* Any motion to extend a deadline, amend a case management order, or alter a projected trial period must specify:

(A) the basis of the need for the extension, including when the basis became known to the movant;

(B) whether the motion is opposed;

(C) the specific date to which the movant is requesting the deadline or projected trial period be extended, and whether that date is agreed by all parties; and

(D) the action and specific dates for the action that will enable the movant to meet the proposed new deadline or projected trial period, including, but not limited to, confirming the specific date any required participants such as third-party witnesses or experts are available.

(f) Notices of Unavailability. Notices of unavailability have no effect on the deadlines set by the case management order. If a party is unable to comply with a deadline in a case management order, the party must take action consistent with subdivision (e)(1).

(g) Inability to Meet Case Management Deadlines. If any party is unable to meet the deadlines set forth in the case management order for any reason, including due to the unavailability of hearing time, the affected party may promptly set a case management conference and alert the court. The notice of case management conference must identify the issues to be addressed in the case management conference.

(h) If Trial Is Not Reached During Trial Period. If a trial is not reached during the trial period set by court order, the court must enter an order setting a new trial period that is as soon as practicable, given the needs of the case and resources of the court. The order resetting the trial period must reflect what further activity will or will not be permitted.

(i) Forms. Except for case management orders issued in cases governed by rule 1.201, the forms for case management orders will be set by the chief judge of the circuit. The form orders must comply with the requirements of this rule.

(j) Case Management Conferences.

(1) *Scheduling.* The court may set case management conferences at any time on its own notice or on proper notice by a party. Whether set by the court or a party, the amount of notice must be reasonable. If noticed by a party, the notice itself must identify the specific issues to be addressed during the case management conference and must also provide a list of all pending motions. The court may set, or the parties may request, case

management conferences on an as-needed basis or an ongoing, periodic basis.

(2) *Issues That May Be Addressed.* During a case management conference, the court may address all scheduling issues, including requests to amend the case management order, and other issues that may impact trial of the case. In addition, on reasonable notice to the parties and adequate time available during the conference, the court may elect to hear a pending motion, other than motions for summary judgment and motions requiring evidentiary hearings, even if the parties have not identified the motion as an issue to be resolved. Motions for summary judgment and motions requiring evidentiary hearings may not be heard as part of a case management conference, unless agreed to by the parties.

(3) *Preparation Required.* Attorneys and self-represented litigants who appear at a case management conference must be prepared on the pending matters in the case, be prepared to make decisions about future progress and conduct of the case, and have authority to make representations to the court and enter into binding agreements concerning motions, issues, and scheduling. If a party is represented by more than 1 attorney, the attorney(s) present at a case management conference must be prepared with all attorneys' availability for future events.

(4) *Other Hearings Convertible.* Any scheduled hearing may be converted to a sua sponte case management conference by agreement of the parties at the time of the hearing.

(5) *Proposed Orders.* At the conclusion of the case management conference, unless the court is drafting its own order, the court must set a deadline for submitting proposed orders arising out of the case management conference. A proposed order must be submitted by that deadline unless an extension is requested. If the parties do not agree to the contents of a proposed order, competing proposed orders must be submitted to the court. The parties must notify the court of the basis of any objections at the time the competing orders are submitted.

(6) *Failure to Appear.* On failure of a party to attend a case management conference, the court may dismiss the action, strike the pleadings, limit proof or witnesses, or take any other appropriate action against a party failing to attend.

(k) Pretrial Conference. After the action has been set for an actual trial period, the court itself may, or must on the timely motion of any party, require the parties to appear for a pretrial conference to consider and determine:

- (1) a statement of the issues to be tried;
- (2) the possibility of obtaining evidentiary and other stipulations that will avoid unnecessary proof;
- (3) the witnesses who are expected to testify, evidence expected to be proffered, and any associated logistical or scheduling issues;
- (4) the use of technology and other means to facilitate the presentation of evidence and demonstrative aids at trial;
- (5) the order of proof at trial, time to complete the trial, and reasonable time estimates for voir dire, opening statements, closing arguments, and any other part of the trial;
- (6) the numbers of prospective jurors required for a venire, alternate jurors, and peremptory challenges for each party;
- (7) finalize jury instructions and verdict forms; and
- (8) any other matters the court considers appropriate.

Committee Notes

1971 Amendment. The 3 paragraphs of the rule are lettered and given subtitles. The present last paragraph is placed second as subdivision (b) because the proceeding required under it is taken before that in the present second paragraph. The time for implementation is changed from settling the issues because the language is erroneous, the purpose of the conference being to settle

some and prepare for the trial of other issues. The last 2 sentences of subdivision (b) are added to require uniformity by all judges of the court and to require specification of the documentary requirements for the conference. The last sentence of subdivision (c) is deleted since it is covered by the local rule provisions of rule 1.020(d). The reference to the parties in substitution for attorneys and counsel is one of style because the rules generally impose obligations on the parties except when the attorneys are specifically intended. It should be understood that those parties represented by attorneys will have the attorneys perform for them in the usual manner.

1972 Amendment. Subdivision (a) is amended to require the motion for a pretrial by a party to be timely. This is done to avoid motions for pretrial conferences made a short time before trial and requests for a continuance of the trial as a result of the pretrial conference order. The subdivision is also amended to require the clerk to send to the judge a copy of the motion by a party for the pretrial conference.

1988 Amendment. The purpose of adding subdivision (a)(5) is to spell out clearly for the bench and bar that case management conferences may be used for scheduling the disclosure of expert witnesses and the discovery of the opinion and factual information held by those experts. Subdivision (5) is not intended to expand discovery.

1992 Amendment. Subdivision (a) is amended to allow a party to set a case management conference in the same manner as a party may set a hearing on a motion. Subdivision (c) is amended to remove the mandatory language and make the notice requirement for a case management conference the same as that for a hearing on a motion; *i.e.*, reasonable notice.

2012 Amendment. Subdivisions (a)(5) to (a)(7) are added to address issues involving electronically stored information.

Court Commentary

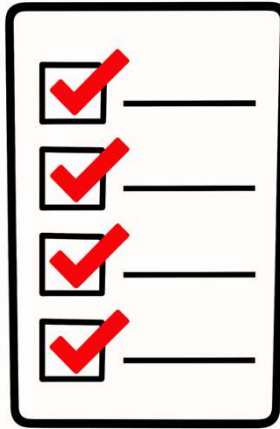
1984 Amendment. This is a substantial rewording of rule 1.200. Subdivision (a) is added to authorize case management conferences in an effort to give the court more control over the progress of the action. All of the matters that the court can do under the case management conference can be done at the present time under other rules or because of the court's authority otherwise. The new subdivision merely emphasizes the court's authority and arranges an orderly method for the exercise of that authority. Subdivisions (a), (b), and (c) of the existing rule are relettered accordingly. Subdivision (a) of the existing rule is also amended to delete the reference to requiring the attorneys to appear at a pretrial conference by referring to the parties for that purpose. This is consistent with the language used throughout the rules and does not contemplate a change in present procedure. Subdivisions (a)(5) and (a)(6) of the existing rule are deleted since they are now covered adequately under the new subdivision (a). Subdivisions (b) and (c) of the existing rule are amended to accommodate the 2 types of conferences that are now authorized by the rules.

2024 Amendment. Rule 1.200 as amended is intended to supersede any case management rules issued by circuit courts and administrative orders on case management to the extent of contradiction. The rule is not intended to preclude the possibility of administrative orders issued by circuit chief judges and local rules under Florida Rule of General Practice and Judicial Administration 2.215 that refine and supplement the procedures delineated in the rule, including rollover practices for situations where a trial is not reached during the scheduled trial period.

RULE 1.201. COMPLEX LITIGATION

(a) Complex Litigation Defined. At any time after all defendants have been served, and an appearance has been entered in response to the complaint by each party or a default entered, any party, or the court on its own motion, may move to declare an action complex. However, any party may move to designate an action complex before all defendants have been served subject to a showing to the court why service has not been made on all

CONCLUSION



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