

# FREQUENTLY ASKED QUESTIONS ABOUT PROBATE

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## RECEIVING NEW CASES AND SUBSEQUENT PLEADINGS

- The clerk has 'read-only' access to the portal and it does not appear the same as for a filer. Essentially, we can only see the documents you have submitted to Pinellas.
- Intellidact Software is our interface between the portal and our Case Management System. This allows us to confirm that the image is legible, correct the docketing if necessary, and either accept the filing or send it to your correction (formerly pending) queue. See the [Efile Helpful Hints](#) below. The clerk tries not to send pleadings back, but since we are limited on what we can correct on our end, these hints are provided to help prevent the most common reasons submissions are returned.

## PROBATE WORKFLOW SYSTEM

- Odyssey is our Case Management System. All cases are assigned a number and judge through Odyssey. It houses the docket, party, and financial information of the case. The public and attorney online access reads from it.
- Case 360 is our current workflow system; it is how digital images move through clerk's queues to the court and back again. It is expected that by mid to late 2017, Case 360 will be replaced with new applications of Odyssey. This will mean we work with only one system for both case management and moving digital images.
- Work – such as a new case or a proposed order-- gets forwarded to the judge or magistrate as outlined on this [Letter from Judge Allan](#).
- When we do not have sufficient documentation, or time needs to lapse on a notice given, the work is sent to our Pend queue. It is set with a timer to come out of Pend for us finish processing at a certain date. If we receive new documentation (from an Order Checklist), that will also pull the work out of Pend.
- Our electronic tasks are marked as a Priority if the court approves the [priority request](#) (see below) or it is a Baker or Marchman Act case.
- When we have marked a document complete, it goes through validation (a QC step), redaction and recording (if applicable) before being 'published' in Odyssey. Once it appears in Odyssey, you may see it through your attorney access (see below). When Case 360 'retires' documents will appear in Odyssey as soon as they are accepted through the portal or the original is scanned.

## PRIORITY REQUESTS

- There is a new process for priority requests, effective 5/15/16. Click on [this hyperlink for more information](#).
- When e-filing, you must mark the batch as an emergency in the portal (check box on the case information tab) **and** e-file the request. If you mark it as an emergency in the portal, it floats to the top of our list on our end, so that we can forward it to the court for approval. Otherwise, it will wait in our queue while we process them in the order they are received. If you mark it an emergency, but do not provide a Priority Request pleading, after being accepted, it will simply be processed in the order it was received.
- A Priority Request is good for only **one** trip to the judge. If the judge does not sign your proposed order for some reason, the matter is no longer a priority. You will need to submit a new request with your new proposed order or whatever documents the court may require.

## CLERK'S WEBSITE OVERVIEW

- Please visit our website: [MyPinellasClerk.org](http://MyPinellasClerk.org).
- By clicking on 'Find a Department' on the left side of the main page, you can navigate to the [Probate page](#) for basic information.
- Under the [Get Forms](#) page, you can find helpful documents, like our Order Checklists and Audit Work slips. This will show you what we are looking for when reviewing your cases. The new guardianship reporting forms are also found on the Get Forms page, under Guardianship.
- From the [Attorney page](#), you can find helpful information like the E-file [AO 16-18](#) (combines Civil, Probate, and Criminal into a single AO). While you are there, you can sign up for [Clerk Alerts](#) to get emails of important news and information.
- Online viewing has a complicated security matrix due to a Florida Supreme Court AO. Most attorneys will want their cases, other court cases **and** Official Records. These are **THREE DIFFERENT USER ACCOUNTS**.

1. To get Attorney Access to court records: [sign up here](#) – [log in here](#). If you have any issues with your attorney account, contact [PublicView@mypinellasclerk.org](mailto:PublicView@mypinellasclerk.org). NOTE: This is NOT the same as the Case 360 notifications. This subscription only allows you to see cases on which you are the attorney of record. There is no cost for this subscription. You will be able to see un-redacted documents.
  2. To view cases other than your own, [register for a 'registered user' account](#). There is no fee for this subscription. You will only be able to see redacted documents with this account.
  3. To sign up for an Official Records subscriber account, [click here](#). There is [a fee](#) for the Official Records subscription.
- Please review the [Recordable Probate Documents link](#) to see which documents are sent to recording per statute. If you wish to have other documents recorded, you will need to pay the [recording fees](#). Please also review the information found [here](#).
  - [Establish a deposit account \(escrow\) with the clerk](#) to pay for copy requests and recording fees that are not payable through the Efile portal.
  - **Helpful Hint:** send Death Certificates to Recording *before* filing into an Estate. ***Once it has a probate case number, it is not viewable online to the public.***
  - Click [Clerk's E-Recording page](#) for more information about electronically submitting documents for recording.

## NOTICES OF CONFIDENTIAL INFORMATION


- Please review the [Civil Procedure Rule 2.420\(c\)](#) and/or [AO 13-24](#) to be sure that you are providing the Notice when appropriate and that you are completing the Notice as proscribed in the Rule or AO.
- The 'entire' death certificate is not confidential, ***only the social security number and cause of death.***
- A date of birth may be truncated, but is not confidential. Only a birth certificate is confidential.
  - For Approving Minor Settlements, or Minor Guardianships, we will need the full DOB to know when the minor turns 18.
  - A minor can be listed by their initials only on all pleadings from petition to letters. Be aware that a repository (bank or other financial institution) may wish to see the minor's full name on the Letters.

## ESTATES:

- **Please review** the [Order Checklist](#) - Petition for Administration to verify you have all the documents you may need before filing.
- **Required originals:** Wills, bonds and death certificates are still required to be filed in the original paper copy. You may also include them in the Efile new case, but it is not necessary. We recommend you Efile the new case and when you get the confirmation email that the clerk has assigned it a case number, put the case number on the original before sending it in or dropping it off. (Yes, you can ***and should*** write the case number on an original will, bond or death certificate. It is now a pleading, after all).
- **Notice of Civil Action:** If the estate is being opened to appoint a personal representative so that civil litigation can proceed, please e-file a Notice of Civil Action in the estate when the civil case has been opened, per [Probate Rule 5.065](#). Please indicate in the Notice the jurisdiction the civil case was filed in and the case number. This allows the clerk to adjust the time standards for [discharge](#).
- **Bonds:** Please see the [estate bond schedule](#). If you are petitioning for a bond to be waived, please review the [Judicial Preferences](#). Very few estate bonds are waived. Do not forget to include the POA as the second page of the bond. If you have to file a second bond or amended bond for the correct amount, don't forget to include the POA with that bond as well.

decedent, and that upon taking the prescribed oath, filing designation and acceptance of resident agent, and posting bond in the sum of \$ 50,000 \*, letters of administration shall be issued.

ORDERED on September 9, 2016, 2016.

  
Circuit Judge  
Linda R. Allan, Circuit Judge

\* Petition to Waive Bond has been reviewed and is denied. Counsel should review the Court's published Practice Preferences.

- **Estates and Official Records:** Probate documents, including Estates, are not viewable online to the public. They must have a user account to see court documents or Official Records. If you need to record a death certificate, as well as open an estate, we recommend you record the death certificate first, then file it into the case. Once it has the probate case number on it, it will not be viewable online. Petitions and Orders determining homestead should have the legal description **within** them so that they may be recorded as part of the document. Similarly, if you wish your distribution schedule to be recorded, you should include it **within** the petition for discharge. Filing a distribution or legal description as an exhibit (and thus as a separate document per AO 16-18), will mean it does not get recorded, unless you request it (and pay the recording fee). The Property Appraiser's office does have access to probate documents in Official Records. For title companies, please encourage them to get a [subscriber account](#) (there is a fee for this), so you do not have order certified copies.
- **Petitions for Discharge:** Please review this [Order Checklist](#) – Petition for Discharge or this [Audit for Discharge](#) worksheet, which the auditors use to ensure you have all of the required documents. The court will be expecting a petition and proposed order for discharge within one year of Letters being issued. If it is a taxable estate, or a [Notice of Civil Action](#) has been e-filed, there is an automatic one-year extension (discharge will not be expected until two years after Letters). If you do not feel you can close the estate within this time frame, please e-file a petition and proposed order for an extension **prior to** the anniversary of Letters.
  - **Helpful Hint:** If your petition for discharge is e-filed before the anniversary and/or before the time to object to the final notice has passed, the clerk will review the petition but will not send an Order Checklist until that time has passed. However, **you can view the discharge worksheet**, showing what items may be outstanding on the case with your [attorney online access account](#).

#### GUARDIANSHIP:

- Please visit the [Sixth Circuit's website](#) for Guardianship information.
- **New cases:** Incapacity cases and Guardianship cases are to be e-filed at the same time per [AO 09-36](#). **They must be e-filed as two separate new cases.** They will each have an Efile reference number, require a fee, and get a case number. For Guardianships, please remember to put only the petition for appointment, [application](#) and [checklist](#) in the Guardianship (GD) batch. Any other pleadings, prior to Letters being issued, should be e-filed into the Incapacity (IN) batch. **All ETG filings belong in the IN case.**
- **ETGs:** Before Efiling a Petition for Emergency Temporary Guardian (ETG), please call the Magistrate's office: (727) 582-7243. A magistrate will direct you further, schedule a hearing and email the clerk with the hearing date and time. **All ETG filings belong in the IN case.**
- **DCF Background Check Form:** Do NOT Efile this form. Please send the original and a check for \$27.50 to the address on the form. Please put the case number on the check.


**DEPARTMENT OF CHILDREN AND FAMILIES**  
**FLORIDA ABUSE HOTLINE INFORMATION SYSTEM BACKGROUND CHECK**

Agency/Facility: **Administrative Office of the Courts** Phone: (727) 582-7243  
Pinellas Circuit Court Fax: (727) 582-7406  
**501 1<sup>st</sup> Avenue North Room 637**  
St. Petersburg, Florida 33701

- Likewise, do not file a **credit report**. The magistrates will do a credit check of the proposed guardian. It does not belong in the case file and does NOT get sealed.
- **Guardianship bonds** must still be filed in the original paper with the Clerk of Court. Please put the GD case number on the bond and send it in to the clerk with the \$8.50 approval fee. Do not forget to include the POA as the second page of the bond.
- **Initial and annual report due dates:** [See chart at end.](#)
- **Initial and annual report forms:** Per [AO 09-36](#), guardians will file their reports on court approved forms. Newly updated forms have been created using Word and Excel by a committee of Pinellas clerks and auditors, Pasco clerks and auditors, Professional Guardians, attorneys and the court. Per a letter from Chief Judge Rondolino, guardians are to use these new forms starting 1/1/17. Currently, they are found [here](#) on the clerk's website and also on jud6.org. Soon they will also be available on the Pasco Clerk's website. Detailed instructions on how to use the forms, how to get your report approved, and other helpful information for guardians have been created. These should soon be on the website as well, but in the meantime, you may wish to have a copy emailed to you. Send a request to [Probate@mypinellasclerk.org](mailto:Probate@mypinellasclerk.org).
- **Audit Action Alert Emails:** In an effort to streamline our process and reduce the amount of Orders Disapproving, Probate offers an Audit Email Alert subscription to Guardians and Guardianship Attorneys. Subscribers receive an email alert when **ONE** of the following items will result in an Order Disapproving an Annual Guardianship Report that would have otherwise been approved:
  - Missing fees: audit fee, professional guardian fee or initial investigation fee
  - Missing certificate of service
  - An updated Disaster plan is needed

If multiple items are missing, or if there are other discrepancies needing to be reported, the auditor will proceed with the recommendation to disapprove. To begin receiving our audit alerts, send an email with the guardian's or attorney's name to [ProbateCert@pinellascounty.org](mailto:ProbateCert@pinellascounty.org). For guardians and attorneys with staff, please sign up under the guardian's or attorney's name. We can add up to 3 email addresses to a contact, but the contact name must be the guardian or attorney. To ensure our emails do not get delivered to your spam folder, please add [ProbateAuditAlert@pinellascounty.org](mailto:ProbateAuditAlert@pinellascounty.org) (a no-reply email address) to your address book.

#### **E-FILE HELPFUL HINTS**

- The Florida Efile Portal has its own [You Tube channel](#) with helpful videos. You can subscribe to the channel and be notified when new videos are posted. Each page has a purple camera symbol  that you can click to view a video specific to that page.
- If you have signed up for [Clerk Alerts](#), you will receive an email when there are changes to the portal which may affect you.

- If you have not already done so, please review the Administrative Order on e-filing ([AO 16-18](#)).
- **Pinellas is not listed as a county you can file Proposed Orders in. Submit Probate proposed orders as ‘Pleadings on an existing case.’**
- The ‘pending queue’ has been renamed a ‘correction queue’ and the portal is trying to make correcting a submission easier for the filer. Items not corrected and resubmitted within 5 business days will be labeled ‘abandoned filings’ instead of ‘filed for judicial review’ for clarity. If you submitted the pleadings with a new reference number rather than correcting the original submission, you will receive an email stating that the original submission is now ‘abandoned’.
  - **Documents:** if there is an issue with the document(s), click on REPLACE to upload a new version of the document and keep your original filing date/time! If you remove and then add another document, the added document will get a new date/time filing stamp.

Document	Document Group/Type	Fee	Pages	File	Size(MB)
Remove	Replace Correspondence Priority Request	\$0.00	1	View  sample Priority Request 1 pg.docx	0.05
Remove	Replace All Petition For Formal Administration			Sample Word 6 pgs.doc	0.03
Add					
Total					0.08

If you REPLACE a document, you will keep the original date/time filing stamp. If you click on REMOVE, then ADD a new document, you will get a new date/time filing stamp.

- When the clerk sends a filing to your correction queue, it is the **entire** filing. The portal does not allow us to pick out the acceptable documents and just send the rest back. You will need to resubmit EVERYTHING in the batch.
- Per [AO 16-18](#), there are to be no attachments to any document (including a Notice of Filing). The clerk tries not to pend back for this, but here is a quick list of do’s and don’ts:
  - Please e-file annual guardianship plans, disaster plans and physician’s reports as three separate documents. They can be in the same batch (filing), but need to be scanned and uploaded as separate documents.
  - Copy and paste legal descriptions into petitions and proposed orders, rather than as exhibits (for recording purposes).
  - Do not attached sealed (confidential) items to non-sealed items.
  - Do not attach recordables to non-recordables. Please see the [list of recordable probate documents](#).
  - All documents in support of a guardianship inventory or accounting **can and should be e-filed** as one document, all part of the accounting or inventory.
  - A commission, oath of witness or proof of will, and the certificate of commissioner may be e-filed as one document.
- You cannot add a new party to an existing case, but you *must* select (highlight) ONE existing party when filing something with a fee attached.
- Check that the case number generates the correct party name on subsequent filings:
  - More and more fees are being collected through the portal. If the case number is incorrect, the payment will not be applied properly. If we catch it, we will send it back to your ‘correction queue’.
  - Do not e-file estate docs into a Deposit Will case number.
  - For new Incapacity Guardianships, please remember to put only the petition for appointment, application and checklist in the GD case number. Any other pleadings, prior to Letters being issued should be e-filed into the IN case number. All ETG filings belong in the IN case as well.
- The ‘Emergency Filing’ check box is on the bottom of the case number/type screen. You must check the box AND e-file a [Priority Request](#) for the filing to be treated as an emergency/priority.
- Please wait for the confirmation email with your new case number before filing original documents. Please put the new case number on the original will, bond or death certificate before filing.
- If it appears you were charged twice for same batch, this may be the result of a credit card hold. When you submit a payment, a hold is placed on the account. You are not actually charged (the payment does not post) until the clerk accepts the filing.

- **Helpful Hint:** When reconciling bank and credit card statements, check for the MFC order (receipt) number instead of the Efile reference number. Some firms have difficulty matching the charges to the cases because the order number is on the statement, not the e-file reference number.
- A **Notice of Trust** requires the \$41 fee, whether it is filed by itself or as part of an Estate. Despite what it may say on the form, you DO NOT need to e-file two copies of the Notice of Trust.
- The portal 'reads' our case information from the state-wide Comprehensive Case Information System (CCIS). Pinellas is working to refresh this information in real-time, but until then there may be a 24-48 hr. delay after you e-file a new case where it appears as 'Not Found' when you e-file subsequent pleadings. Also, you may be connected to the case through CCIS, but if you did not e-file any pleadings on the case through the portal, it may not appear in 'My Cases.' If the case you are wishing to e-file in does not appear in 'My Cases', you can still e-file through the map page. Sealed cases, such as Marchman or Baker Acts, will also appear as 'Not Found' due to security.
- Soon more Probate fees will be paid through the portal. Currently, claim, notice of appeal, Notice of Trust, Caveat, and guardianship audit fees are all in the portal. **You must click on an existing party on the case.** If your party is not listed, select the ward or decedent and we will correct it on our end. If audit fees were waived by court order, select 'Waiver', select 'Indigent', then upload a copy of the order waiving. Plan ahead. You will need an order waiving **before** you e-file the documents requiring a fee.
- Documents MUST BE scanned in monochrome (black & white) or greyscale. This is a setting on your scanner. If you scan in color, it will be black and white on our end. Some colors are not visible when converted to black and white. Scan in monochrome and review before uploading to the portal.
- Per the E-portal, documents must be: MS Word, PDF, or WordPerfect. Per a portal error message, the file extension must be: .doc, .docx, .wpd, .pdf, and .rtf.
  - However it gets through the portal, our software (Intellidact) currently converts it to a .tiff on the case, as we do with paper documents which we scan. There is a movement to convert to PDF, but there is no time-frame on that. If you are not sure what the file extension is, attach the document to an email (even if you discard it and do not send it), both the file extension and the file size are displayed in the email.
- Effective 4/16/16, batch e-file size increased from 25MB to 50MB, and email attachment size from 5MB to 10MB. The Portal warns that some email providers do not allow a 10MB attachment. Please check with your email provider.
- Metadata must be removed. Metadata is an electronic tag on a digital document (such as who created it and when) that is not visible on the image, but is imbedded in it. [Video to Remove Metadata](#)
- Per [AO 16-18](#), an electronic signature is either a digital copy of a signature or in the format of '/s', '/s/', or '/s' AND will include the attorney's typed name, Florida Bar address, telephone number, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number. **Be aware that if it is submitted under your portal account, you are the attorney of record.**
- When you log in to the E-portal, any filings submitted are tied to you and your bar number. We have had attorneys e-file on behalf of friends/family that they are not representing...but your FBN *is* attached! See [AO 16-018](#) and [Rule of Judicial Admin 2.515\(2\)](#). A self-represented litigant can create their own account in a matter of a few minutes.
- **Best submissions** (less likely to be pended, need correction or have an issue) are generated electronically and remain that way! If possible, create the document digitally, have the petitioner sign digitally, upload it to the portal and never print it out. Electronic signatures are not just for attorneys! Unless the document requires a notary, it may be digitally signed. You will also have an electronic email 'trail' that it was sent to the client and sent back to you for signature.
- Why was one batch pended, when another, similar batch was not? Unless we had the reference numbers for the two filings, and could compare them side by side, it is difficult to say. We try to be consistent with the items listed above.
- Do NOT use Civil e-filing email for Probate! Call us at 727-464-3321 or send to [probate@pinellascounty.org](mailto:probate@pinellascounty.org).

## JUDICIAL PRACTICE REQUIREMENTS/PREFERENCES:

Attorneys are encouraged ([see illustration](#)) to review the Judicial Preferences found on [www.jud6.org](http://www.jud6.org) under 'Practice Requirements'

- [Judge Allan](#) updated 8/30/16.
- [Judge Shames](#)

**CONTACT US:**

- You may call us at 727-464-3321 or
- Email us: [probate@pinellascounty.org](mailto:probate@pinellascounty.org).



## GUARDIANSHIP REPORTING PERIODS AND REPORT DUE DATES

Per FS 744.367						
Month Letters of Guardianship were issued:	Annual Reporting period (fiscal year) begins:	Annual Reporting period (fiscal year) ends:	Annual Accounting due no later than:	Exam by Physician must be NO EARLIER than:	Annual Plan due NO EARLIER than:	Annual Plan Due no later than:
January	Feb. 1	Jan. 31	May 1	Nov. 1	Nov. 1	Dec. 1
February	Mar. 1	Feb. 28 (29)	June 1	Dec. 1	Dec. 1	Jan. 1
March	Apr. 1	Mar. 31	July 1	Jan. 1	Jan. 1	Feb. 1
April	May 1	Apr. 30	Aug. 1	Feb. 1	Feb. 1	Mar. 1
May	June 1	May 31	Sep. 1	Mar. 1	Mar. 1	Apr. 1
June	July 1	June 30	Oct. 1	Apr. 1	Apr. 1	May 1
July	Aug. 1	July 31	Nov. 1	May 1	May 1	June 1
August	Sep. 1	Aug. 31	Dec. 1	June 1	June 1	July 1
September	Oct. 1	Sep. 30	Jan. 1	July 1	July 1	Aug. 1
October	Nov. 1	Oct. 31	Feb. 1	Aug. 1	Aug. 1	Sep. 1
November	Dec. 1	Nov. 30	Mar. 1	Sep. 1	Sep. 1	Oct. 1
December	Jan. 1	Dec. 31	Apr. 1	Oct. 1	Oct. 1	Nov. 1

Initial Reports (inventory, plan, and disaster plan) are due no later than 60 days from the date Letters of Guardianship were issued, per FS 744.362. The physician's exam should be no more than 90 days before the start of the plan period. For minors, the physician's exam must be no more than 180 days before the reporting period.

Updated disaster plans are required when a new guardian is appointed or the ward's residence is changed. They are to be filed when the initial or annual plan is due, per [Administrative Order 2009-036](#).

For the Sixth Circuit, the clerk is directed to send out a Guardianship Filing Schedule with due dates when Letters of Guardianship are issued, per Administrative Order 2009-036.