

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA
PROBATE DIVISION

STANDING ORDER ON PROBATE PRACTICE

The following standing order is designed to provide guidance to counsel/parties and to maximize efficiency in the handling of probate matters assigned to Circuit Judge Don Barbee Jr. In furtherance of this effort, it is

ORDERED AS FOLLOWS

PAPERLESS: The Probate Division in Hernando County strives to be 100% paperless. Please do not submit proposed orders or copies of pleadings in paper format or through the U.S. Mail.

PROPOSED ORDERS: All proposed orders shall be submitted through the Florida Courts E-portal and be properly labeled identifying the requested relief. Please do not submit proposed orders until all of the necessary predicate documents are visible in the online docket, i.e. do not file your motion/petition through the portal and send the proposed orders on the same day. Some of the most commonly “missing” items include the original will, death certificate (original not required), and spouse’s death certificate when he or she appears on the deed. There is no need to send courtesy copies of standard motions.

BOND FOR PERSONAL REPRESENTATIVES: This Court does not require a bond for personal representatives absent a request from a beneficiary or other interested party. Please fill in “0” or N/A on your proposed orders.

TIME TO COMPLETE ADMINISTRATION OF THE ESTATE: Counsel is reminded that Florida Probate Rule 5.400(c) requires that probate matters be completed within twelve (12) months of being issued Letters of Administration. If you exceed the 12 months, you may receive a “Notice of Expired Letters” or an order setting a Case Management Conference. To avoid the administrative

closure of your case, and the possible revocation of letters of administration, please file a timely request for an extension. If your extension is based upon collateral litigation (wrongful death, etc), please include the case number and jurisdiction in your motion.

REOPENING OF ESTATES: A Petition to Reopen an Estate, and the corresponding proposed orders, shall include an expiration date for the reissued letters of administration. Counsel is directed to make a good faith effort to estimate the amount of time it will take the PR to complete the tasks related to the reopening of the Estate.

EXTENSIONS BASED UPON COLLATERAL LITIGATION: If your extension is based upon a wrongful death, asbestos, tobacco, or some other collateral litigation, the Court may administratively close the case allowing the personal representative to continue with his/her authority to prosecute/defend the civil action.

LOST WILLS: A Petition to Admit a Lost/Destroyed Will requires a hearing. See *Florida Probate Rule 5.510* and *Brennan v. Brennan*, 30 So.3d 894 (Fla. 5th DCA 2010).

HOMESTEAD: This Court does not entertain stand alone petitions to determine homestead property. Counsel/parties must file a petition for summary administration if the sole asset is a piece of homestead property.

ADVERSARIAL PROCEEDINGS: Counsel is reminded that the Rules of Civil Procedure apply to all adversarial probate proceedings. This includes Rule 1.202 which requires a party to meet and confer on most motions prior to seeking judicial intervention. A motion which fails to comport with this requirement will be summarily denied. Adversarial proceedings will receive a case management order establishing deadlines and a trial period.

HEARINGS: Hearing times for probate cases may be obtained by sending an email to hernandoprobate@circuit5.org. Please include the case number, motion to be heard, and an estimate of the time you need for the hearing.

EVIDENCE: This Court does not accept paper evidence during trials or hearings. Evidence for ALL evidentiary hearings (Zoom and live) shall be submitted to the judicial assistant at hernandoprobate@circuit5.org, as well shared with opposing counsel/party, in an electronic format at least one full business day prior to the trial/hearing or any earlier date established in the order setting the trial/hearing. The electronic exhibits should be in a commonly recognized format such as JPEG or PDF. **The exhibits are to be named in such a manner as to make them easily located such as “P#1 – Copy of Will” etc.** and shall be submitted as separate documents (do not submit one PDF containing multiple exhibits). Parties with a large number of exhibits should consider using “dropbox” or a zip file to transmit large amounts of evidence to the Court. Counsel and pro-se parties are directed to confer to maximize the use of stipulations. Pursuant to F.S. 90.202(6), the Court will take judicial notice of items already in the court file (pleadings, orders, etc.). These items need not be provided. Failure to follow these directives may result in the exclusion of your evidence.

If you have any questions about this standing order, please contact Jamie Shreiber, Judicial Assistant, at hernandoprobate@circuit5.org

RENEWED this 1st day of May, 2026.



Don Barbee Jr.
Circuit Judge