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1 A bill to be entitled

2 An act relating to the descent of an intestate estate;
3 amending s. 723.103, F.S.; authorizing the court to extend
4 the right of succession to surviving heirs under certain
5 circumstances when the decedent's lineage cannot be fully
6 documented because it includes a Holocaust victim;
7 limiting the application of statutes of limitation and
8 laches under certain circumstances; defining the term
9 "Holocaust victim"; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 732.103, Florida Statutes, is amended
14 to read:

15 732.103 Share of other heirs.--The part of the intestate
16 estate not passing to the surviving spouse under s. 732.102, or
17 the entire intestate estate if there is no surviving spouse,
18 descends as follows:

19 (1) To the lineal descendants of the decedent.

20 (2) If there is no lineal descendant, to the decedent's
21 father and mother equally, or to the survivor of them.

22 (3) If there is none of the foregoing, to the decedent's
23 brothers and sisters and the descendants of deceased brothers
24 and sisters.

25 (4) If there is none of the foregoing, the estate shall be
26 divided, one-half of which shall go to the decedent's paternal,
27 and the other half to the decedent's maternal, kindred in the
28 following order:

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29 (a) To the grandfather and grandmother equally, or to the
30 survivor of them.

31 (b) If there is no grandfather or grandmother, to uncles
32 and aunts and descendants of deceased uncles and aunts of the
33 decedent.

34 (c) If there is either no paternal kindred or no maternal
35 kindred, the estate shall go to the other kindred who survive,
36 in the order stated above.

37 (5) If there is no kindred of either part, the whole of
38 the property shall go to the kindred of the last deceased spouse
39 of the decedent as if the deceased spouse had survived the
40 decedent and then died intestate entitled to the estate.

41 (6) If there are none of the foregoing and part of the
42 normal family lineage of the intestate decedent cannot be
43 documented because it includes a Holocaust victim, the probate
44 court may extend the right of succession to other persons who
45 the best available evidence shows are surviving heirs. A
46 petition by a person claiming to be such an heir may not be
47 dismissed for failure to comply with an applicable statute of
48 limitations or laches. In addition, the court may allow such
49 claimant to meet a reasonable, not unduly restrictive, standard
50 to substantiate a claim, including a claim that a person's
51 whereabouts are unknown, as evidence of a decedent if such claim
52 is from a source that a reasonable person would accept as
53 reliable in the conduct of his or her affairs. For purposes of
54 this subsection, the term "Holocaust victim" means a person who
55 disappeared or lost his or her life or property as a result of
56 discriminatory laws, policies, or actions targeted against
57 discrete groups or persons between 1900 and 1945, inclusive, in

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58 | Nazi Germany, areas occupied by Nazi Germany, or countries
59 | allied or cooperating with Nazi Germany.

60 | Section 2. This act shall take effect upon becoming a law.