

By Senator Aronberg

27-1712-04

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

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

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15 Section 1. Section 732.103, Florida Statutes, is
16 amended to read:

17 732.103 Share of other heirs.--The part of the
18 intestate estate not passing to the surviving spouse under s.
19 732.102, or the entire intestate estate if there is no
20 surviving spouse, descends as follows:

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

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

25 (3) If there is none of the foregoing, to the
26 decedent's brothers and sisters and the descendants of
27 deceased brothers and sisters.

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

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

3 (b) If there is no grandfather or grandmother, to
4 uncles and aunts and descendants of deceased uncles and aunts
5 of the decedent.

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

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

13 (6) If there are none of the foregoing and part of the
14 normal family lineage of the intestate decedent cannot be
15 documented because it includes a Holocaust victim, the probate
16 court may extend the right of succession to other persons who
17 the best available evidence shows are surviving heirs. A
18 petition by a person claiming to be such an heir may not be
19 dismissed for failure to comply with an applicable statute of
20 limitations or laches. In addition, the court may allow such a
21 claimant to meet a reasonable, not unduly restrictive,
22 standard to substantiate a claim, including a claim that a
23 person's whereabouts are unknown as evidence of a decedent if
24 such claim is from a source that a reasonable person would
25 accept as reliable in the conduct of his or her affairs. For
26 purposes of this subsection, the term "Holocaust victim" means
27 a person who disappeared or lost his or her life or property
28 as a result of discriminatory laws, policies, or actions
29 targeted against discreet groups or persons between 1900 and
30 1945, inclusive, in Nazi Germany, areas occupied by Nazi
31 Germany, or countries allied or cooperating with Nazi Germany.

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

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5 SENATE SUMMARY

6 Provides that the right of succession to an intestate
7 estate may be extended to include additional surviving
8 heirs if the decedent's lineage includes a Holocaust
9 victim and cannot be fully documented. Provides a
10 standard of evidence to be used by the probate court.
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