

HB 605

2007

1 A bill to be entitled
2 An act relating to the distribution of estate shares to
3 heirs; amending s. 732.103, F.S.; revising the order of
4 the distribution of shares of an estate to heirs; deleting
5 an application limitation to escheated property of certain
6 descendants of Holocaust victims; deleting a termination
7 of application to certain filings; limiting responsibility
8 and liability of personal representatives in searches for
9 certain levels of descendants for purposes of escheated
10 property; providing an effective date.

11

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

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14 Section 1. Subsections (4) and (6) of section 732.103,
15 Florida Statutes, are amended, and subsection (7) is added to
16 that section, to read:

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

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

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

27 (b) If there is no grandfather or grandmother, to uncles
 28 and aunts and descendants of deceased uncles and aunts of the
 29 decedent.

30 (c) If there are no uncles or aunts ~~is either no paternal~~
 31 ~~kindred or no maternal kindred, the estate shall go to the~~
 32 great-grandfather and great-grandmother equally, or to the
 33 survivor of them ~~other kindred who survive, in the order stated~~
 34 ~~above.~~

35 (d) If there is no great-grandfather or great-grandmother,
 36 to the brothers and sisters of the grandfather and grandmother
 37 on the same side and to the descendants of such of them as may
 38 be deceased.

39 (e) If there are no paternal or maternal kindred, the
 40 estate shall go to such of the kindred as shall survive in the
 41 order provided in paragraphs (a) - (d).

42 (6) If none of the foregoing, and if any of the
 43 descendants of the decedent's great-grandparents were Holocaust
 44 victims as defined in s. 626.9543(3)(a), including such victims
 45 in countries cooperating with the discriminatory policies of
 46 Nazi Germany, then to the lineal descendants of the great-
 47 grandparents. The court shall allow any such descendant to meet
 48 a reasonable, not unduly restrictive, standard of proof to
 49 substantiate his or her lineage. ~~This subsection only applies to~~
 50 ~~escheated property and shall cease to be effective for~~
 51 ~~proceedings filed after December 31, 2004.~~

52 (7) For purposes of filing claims for proceeds of property
 53 that escheats to the state as provided in s. 732.107 in cases of
 54 estates left with no known heirs, the personal representative

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55 | shall exercise ordinary and reasonable diligence in locating
56 | heirs only to the grandfather descendant level of inheritance
57 | and shall not be held liable for failing to search beyond that
58 | descendant level of inheritance.

59 | Section 2. This act shall take effect July 1, 2007.