



043400

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/15/2008	.	
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1 The Committee on Banking and Insurance (Alexander) recommended  
 2 the following **amendment**:

3  
 4 Senate Amendment (with title amendment)  
 5 Delete everything after the enacting clause  
 6 and insert:

7 Section 1. Subsection (6) of section 732.103, Florida  
 8 Statutes, is amended to read:

9 732.103 Share of other heirs.--The part of the intestate  
 10 estate not passing to the surviving spouse under s. 732.102, or  
 11 the entire intestate estate if there is no surviving spouse,  
 12 descends as follows:

13 (6) If none of the foregoing, and if any of the descendants  
 14 of the decedent's great-grandparents were Holocaust victims as  
 15 defined in s. 626.9543(3)(a), including such victims in countries  
 16 cooperating with the discriminatory policies of Nazi Germany,  
 17 then to the descendants of the great-grandparents. The court

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18 shall allow any such descendant to meet a reasonable, not unduly  
19 restrictive, standard of proof to substantiate his or her  
20 lineage. This subsection ~~only~~ applies only to estate property  
21 deposited with the Chief Financial Officer pursuant to s.  
22 732.107, regardless of whether the specified 10-year escheatment  
23 period has run, escheated property and shall cease to be  
24 effective for proceedings filed after December 31, 2010 ~~2004~~.

25 Section 2. Subsection (2) of section 732.402, Florida  
26 Statutes, is amended to read:

27 732.402 Exempt property.--

28 (2) Exempt property shall consist of:

29 (a) Household furniture, furnishings, and appliances in the  
30 decedent's usual place of abode up to a net value of \$20,000  
31 ~~\$10,000~~ as of the date of death.

32 (b) Up to two motor vehicles as defined in s. 316.003(21),  
33 each of which do not have a gross vehicle weight in excess of  
34 15,000 pounds, All automobiles held in the decedent's name and  
35 regularly used by the decedent or members of the decedent's  
36 immediate family as their personal vehicles ~~automobiles~~.

37 (c) All qualified tuition programs authorized by s. 529 of  
38 the Internal Revenue Code, including, but not limited to, advance  
39 payment contracts under s 1009.98 and participation agreements  
40 under s. 1009.981 Stanley G. Tate Florida Prepaid College Program  
41 contracts purchased and Florida College Savings agreements  
42 established under part IV of chapter 1009.

43 (d) All benefits paid pursuant to s. 112.1915.

44 Section 3. Subsection (1) of section 733.602, Florida  
45 Statutes, is amended to read:

46 733.602 General duties.--



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47 (1) A personal representative is a fiduciary who shall  
 48 observe the standards of care applicable to trustees ~~as described~~  
 49 ~~by part VII of chapter 736~~. A personal representative is under a  
 50 duty to settle and distribute the estate of the decedent in  
 51 accordance with the terms of the decedent's will and this code as  
 52 expeditiously and efficiently as is consistent with the best  
 53 interests of the estate. A personal representative shall use the  
 54 authority conferred by this code, the authority in the will, if  
 55 any, and the authority of any order of the court, for the best  
 56 interests of interested persons, including creditors.

57 Section 4. This act shall take effect July 1, 2008.

58  
 59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete everything before the enacting clause  
 62 and insert:

63 A bill to be entitled  
 64 An act relating to probate; amending s. 732.103, F.S.;  
 65 authorizing intestate property that has escheated to the  
 66 state to descend to certain Holocaust descendants prior to  
 67 the 10-year escheatment period; extending the effective  
 68 date of this provision; amending s. 732.402, F.S.;  
 69 revising the list of property that is exempt from most  
 70 claims against the estate; amending s. 733.602, F.S.;  
 71 revising which standard of care is applicable to a  
 72 personal representative responsible for settling an  
 73 estate; providing an effective date.