

By the Committee on Banking and Insurance; and Senator Lynn

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1 A bill to be entitled

2 An act relating to probate; amending s. 732.103, F.S.;
3 authorizing intestate property that has escheated to the
4 state to descend to certain Holocaust descendants prior to
5 the 10-year escheatment period; extending the effective
6 date of this provision; amending s. 732.402, F.S.;
7 revising the list of property that is exempt from most
8 claims against the estate; amending s. 733.602, F.S.;
9 revising which standard of care is applicable to a
10 personal representative responsible for settling an
11 estate; providing an effective date.

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

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15 Section 1. Subsection (6) of section 732.103, Florida
16 Statutes, is amended 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 (6) If none of the foregoing, and if any of the descendants
22 of the decedent's great-grandparents were Holocaust victims as
23 defined in s. 626.9543(3)(a), including such victims in countries
24 cooperating with the discriminatory policies of Nazi Germany,
25 then to the descendants of the great-grandparents. The court
26 shall allow any such descendant to meet a reasonable, not unduly
27 restrictive, standard of proof to substantiate his or her
28 lineage. This subsection ~~only~~ applies only to estate property
29 deposited with the Chief Financial Officer pursuant to s.

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30 732.107, regardless of whether the specified 10-year escheatment
31 period has run, escheated property and shall cease to be
32 effective for proceedings filed after December 31, 2010 ~~2004~~.

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

35 732.402 Exempt property.--

36 (2) Exempt property shall consist of:

37 (a) Household furniture, furnishings, and appliances in the
38 decedent's usual place of abode up to a net value of \$20,000
39 ~~\$10,000~~ as of the date of death.

40 (b) Up to two motor vehicles as defined in s. 316.003(21),
41 each of which do not have a gross vehicle weight in excess of
42 15,000 pounds, All automobiles held in the decedent's name and
43 regularly used by the decedent or members of the decedent's
44 immediate family as their personal vehicles ~~automobiles~~.

45 (c) All qualified tuition programs authorized by s. 529 of
46 the Internal Revenue Code, including, but not limited to, advance
47 payment contracts under s 1009.98 and participation agreements
48 under s. 1009.981 Stanley G. Tate Florida Prepaid College Program
49 contracts purchased and Florida College Savings agreements
50 established under part IV of chapter 1009.

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

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

54 733.602 General duties.--

55 (1) A personal representative is a fiduciary who shall
56 observe the standards of care applicable to trustees ~~as described~~
57 ~~by part VII of chapter 736~~. A personal representative is under a
58 duty to settle and distribute the estate of the decedent in

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59 | accordance with the terms of the decedent's will and this code as
60 | expeditiously and efficiently as is consistent with the best
61 | interests of the estate. A personal representative shall use the
62 | authority conferred by this code, the authority in the will, if
63 | any, and the authority of any order of the court, for the best
64 | interests of interested persons, including creditors.

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