

1                                   A bill to be entitled  
 2           An act relating to probate; amending s. 732.103, F.S.;  
 3           limiting application of certain descent provisions to  
 4           certain estate property deposited with the Chief Financial  
 5           Officer notwithstanding the running of the 10-year  
 6           escheatment period; extending an effective date; amending  
 7           s. 732.402, F.S.; revising the list of property exempt  
 8           from certain claims against an estate; amending s.  
 9           733.602, F.S.; revising which standard of care is  
 10          applicable to a personal representative responsible for  
 11          settling an 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  
 22           descendants of the decedent's great-grandparents were Holocaust  
 23           victims as defined in s. 626.9543(3)(a), including such victims  
 24           in countries cooperating with the discriminatory policies of  
 25           Nazi Germany, then to the descendants of the great-grandparents.  
 26           The court shall allow any such descendant to meet a reasonable,  
 27           not unduly restrictive, standard of proof to substantiate his or  
 28           her lineage. This subsection ~~only~~ applies only to estate

29 property deposited with the Chief Financial Officer pursuant to  
 30 s. 732.107, regardless of whether the specified 10-year  
 31 escheatment period has run, escheated property and shall cease  
 32 to be effective for proceedings filed after December 31, 2010  
 33 2004.

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

36 732.402 Exempt property.--

37 (2) Exempt property shall consist of:

38 (a) Household furniture, furnishings, and appliances in  
 39 the decedent's usual place of abode up to a net value of \$20,000  
 40 ~~\$10,000~~ as of the date of death.

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

46 (c) All qualified tuition programs authorized by s. 529 of  
 47 the Internal Revenue Code of 1986, as amended, including, but  
 48 not limited to, advance payment contracts under s. 1009.98 and  
 49 participation agreements under s. 1009.981 ~~Stanley G. Tate~~  
 50 ~~Florida Prepaid College Program contracts purchased and Florida~~  
 51 ~~College Savings agreements established under part IV of chapter~~  
 52 ~~1009.~~

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

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

56 733.602 General duties.--

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57 (1) A personal representative is a fiduciary who shall  
58 observe the standards of care applicable to trustees ~~as~~  
59 ~~described by part VII of chapter 736~~. A personal representative  
60 is under a duty to settle and distribute the estate of the  
61 decedent in accordance with the terms of the decedent's will and  
62 this code as expeditiously and efficiently as is consistent with  
63 the best interests of the estate. A personal representative  
64 shall use the authority conferred by this code, the authority in  
65 the will, if any, and the authority of any order of the court,  
66 for the best interests of interested persons, including  
67 creditors.

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