

HB 1459

2026

A bill to be entitled
An act relating to serving as personal representative after a felony conviction; amending s. 733.303, F.S.; creating an exception to allow a person convicted of a felony who is not currently incarcerated to serve as a personal representative if they have a specified relationship to the deceased in certain circumstances; requiring a court to consider certain criteria when determining if such person may serve as a personal representative; providing applicability; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 733.303, Florida Statutes, is amended to read:

733.303 Persons not qualified.—

(1) A person is not qualified to act as a personal representative if the person:

(a) 1. Has been convicted of a felony, unless the person is a parent, spouse, child, or grandchild of the deceased who is not currently incarcerated and there are no other family members of the same degree of consanguinity to serve.

2. If a family member of a decedent petitions to be appointed as personal representative and has a felony

conviction, the court shall make the determination to grant the petition pursuant to Article VI, Section 4 of the State Constitution and use the following criteria to evaluate the petitioner's ability to serve as personal representative:

a. If the decedent was the victim of the felony.

b. If the petitioner was convicted for a violation of chapters 812 or 817 or a crime involving dishonesty, theft, or fraud.

c. The nature and circumstances of the offense.

d. The timing of the offense including the petitioner's age at the time of the offense and, if applicable, the length of time since the petitioner was released from incarceration.

e. Any concerns of interested parties.

f. Evidence of rehabilitation.

g. Whether civil rights have been restored.

h. The relationship of the decedent and petitioner at the time of the decedent's death and for at least 2 years prior.

3. The court may use any of the criteria under subparagraph 2. when determining if a petition will be granted.

Section 2. This act shall take effect July 1, 2026.