

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

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

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15 **Section 1. Paragraph (a) of subsection (1) of section**
16 **733.303, Florida Statutes, is amended to read:**

17 733.303 Persons not qualified.—

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

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

24 2. If a family member of a decedent petitions to be
25 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.