

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1500

INTRODUCER: Banking and Insurance Committee and Senator Bradley

SUBJECT: Estates

DATE: February 16, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|------------------|
| 1. | <u>Collazo</u> | <u>Cibula</u> | <u>JU</u> | Favorable |
| 2. | <u>Knudson</u> | <u>Knudson</u> | <u>BI</u> | Fav/CS |
| 3. | <u>Collazo</u> | <u>Kruse</u> | <u>RC</u> | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1500 amends various provisions of state law relating to uncontested probate proceedings. Probate is the court-supervised process for identifying and gathering a decedent's assets, paying the decedent's debts, and distributing the decedent's remaining assets to his or her beneficiaries.

Specifically, the bill:

- Increases the value of estates eligible for summary administration from \$75,000 to \$150,000.
- Increases the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000.
- Increases the maximum income tax refund that may be claimed by a decedent's spouse or child without administration of the decedent's estate from \$2,500 to \$5,000.
- Increases the maximum amount of funds in a qualified account held by a financial institution which may be distributed to a family member using affidavit procedures from \$1,000 to \$2,000.
- Requires financial institutions to grant personal representatives access to a decedent's safe deposit box if a personal representative provides a copy of the letters of administration to the financial institution and allows the personal representative to pay any accumulated charges for, and terminate, the safe deposit box lease.
- Authorizes personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to recover any associated costs, including attorney fees.

In 2024, the Florida Supreme Court established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council to make recommendations and improve the efficiency and effectiveness of Florida’s processes and procedures for uncontested probate proceedings. The bill implements the Workgroup’s recommendations.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Probate Code (“Probate Code”)¹ outlines the state’s probate process, which is the court-supervised process² for identifying and gathering a decedent’s assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.³ The probate process is also known as “estate administration.”⁴

Whenever a decedent dies leaving a valid will,⁵ estate administration generally proceeds in accordance with the will’s terms, with estate assets being distributed to the named beneficiaries;⁶ however, if a decedent dies intestate, which means the decedent died and did not leave a valid will, asset distribution generally occurs by operation of Florida’s intestate succession laws.⁷

Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative⁸ to oversee the estate’s administration and grants him or her letters of administration.⁹ A personal representative’s primary purpose is to ensure that the administration of the decedent’s estate proceeds in accordance with the decedent’s wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on a personal representative.

¹ Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).

² In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, *Trial Courts-Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Jan. 15, 2026).

³ “Beneficiary” means an heir at law in an intestate estate and a devisee in a testate estate. Section 731.201(2), F.S. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent’s assets may be held jointly with a surviving person, requiring no asset ownership transfer, and thus, no court intervention.

⁴ “Estate” means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.

⁵ A “will” means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person’s property on or after his or her death. Section 731.201(40), F.S. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator’s property. Section 733.103(1), F.S.

⁶ *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).

⁷ *See generally* Part I, ch. 732, F.S. (governing intestate succession).

⁸ “Personal representative” means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. Section 731.201(28), F.S.

⁹ Letters of administration convey the legal authority to manage a decedent’s estate. Section 731.201(24), F.S.

Duties and Powers

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts¹⁰ and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.¹¹ This duty generally begins upon appointment¹² and includes the following:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.¹³
- Expeditiously proceed with the settlement and distribution of the decedent's estate.¹⁴
- Act in the best interests of interested persons including creditors.¹⁵
- File a verified inventory of estate property, subject to statutory requirements.¹⁶
- Take all steps reasonably necessary for the estate's management, protection, and preservation.¹⁷

To assist in the exercise of such duties, the personal representative also has statutorily enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration.¹⁸

Compensation

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.¹⁹ Such compensation must be based on the estate's compensable value, which is the inventory value of the estate's assets and the income the estate earns during administration, and Florida law provides that such compensation is presumed

¹⁰ An "express trust" is a trust created with the settlor's express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318, 326-27 (Fla. 1921).

¹¹ Section 733.609(1), F.S.

¹² Section 733.601, F.S.

¹³ Section 733.602(1), F.S.

¹⁴ Section 733.603, F.S.

¹⁵ Section 733.602(1), F.S.

¹⁶ Section 733.604, F.S.

¹⁷ Section 733.607(1), F.S.

¹⁸ See generally s. 733.612, F.S.

¹⁹ Section 733.617(1), F.S.

to be reasonable if calculated at statutorily-specified rates.²⁰ However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.²¹

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.²² Extraordinary services may include:

- The sale of real or personal property;
- Litigating on behalf of the estate;
- Involvement in proceedings for the adjustment or payment of any taxes;
- The carrying on of the decedent's business;
- Dealing with protected homestead;
- The rendering of legal services in connection with estate administration, if the personal representative is a Florida Bar member;²³ and
- Any other special services that may be necessary for the personal representative to perform.²⁴

Further, if a will provides that a personal representative's compensation must be based on specific criteria, other than a general reference to compensation allowed by law, the personal representative is entitled to compensation in accordance with that provision; however, the personal representative may renounce the provision and receive compensation as provided in law, unless a contract with the decedent would prohibit such renunciation.²⁵

Attorneys for personal representatives are also entitled to reasonable compensation, payable from estate assets without court order, for ordinary and extraordinary services rendered.²⁶

Alternatives to Formal Administration

Florida law provides for certain simplified probate processes, which function as abbreviated alternatives to the formal administration process.

Summary Administration

A summary administration may be had in the administration of either a resident or nonresident decedent's estate if it appears that the value of the entire estate subject to administration in Florida, less the value of property exempt from the claim of creditors, does not exceed \$75,000 or that the decedent has been dead for more than 2 years.²⁷

²⁰ Those rates are 3 percent for the first \$1 million; 2.5 percent for all above \$1 million and not exceeding \$5 million; 2 percent for all above \$5 million and not exceeding \$10 million; 1.5 percent for all above \$10 million. Section 733.617(2), F.S.

²¹ Section 733.617(7), F.S.

²² Section 733.617(3), F.S.

²³ Section 733.617(6), F.S. The Florida Supreme Court regulates the practice of law in Florida, through The Florida Bar. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Jan. 15, 2026); FLA. CONST. art. V, s. 15.

²⁴ Section 733.617(3), F.S.

²⁵ Section 733.617(4), F.S.

²⁶ See generally s. 733.6171, F.S.

²⁷ Section 735.201(2), F.S.

For summary administration to be available in the administration of a testate estate, the will must not direct administration as required by the statutes governing the administration of estates.²⁸ Such estates may be administered in the same manner as the administration of any other estate, or they may be administered in conformance with summary administration.²⁹

Disposition without Administration

No administration is required if the decedent leaves an estate only consisting of:

- Personal property exempt under state law.³⁰
- Personal property classified as exempt from the claims of the decedent's creditors by the Florida Constitution.
- Nonexempt personal property, the value of which does not exceed the total of the cost of preferred funeral expenses, and the amount of all reasonable and necessary medical and hospital expenses incurred in the last 60 days of the decedent's final illness, if any.³¹

Administration is also not required if a decedent dies intestate leaving only a small estate consisting of:

- Personal property exempt under state law.³²
- Personal property classified as exempt from the claims of the decedent's creditors by the Florida Constitution.
- Nonexempt personal property, the value of which does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, if any, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in Florida.³³

Additionally, state law permits:

- A maximum of \$2,500 in income tax refunds to be claimed by a decedent's spouse or child without administration of the decedent's estate.³⁴
- A maximum of \$1,000 in funds in a qualified account held by a financial institution to be distributed to a family member of a decedent using affidavit procedures.³⁵

Judicial Management Council Workgroup on Uncontested Probate Proceedings

On April 30, 2024, the Florida Supreme Court issued Administrative Order No. AOSC24-20. That order established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council (Council)³⁶ to make recommendations to redesign and improve

²⁸ Section 735.201(1), F.S. (referencing ch. 733, F.S.).

²⁹ Section 735.202, F.S.

³⁰ Section 732.402, F.S.

³¹ Section 735.301(1), F.S.

³² Section 732.402, F.S.

³³ Section 735.304, F.S.

³⁴ Section 735.302, F.S.

³⁵ Section 735.303, F.S.

³⁶ The Judicial Management Council is a focused advisory body that assists the chief justice and the Supreme Court. The Council is charged, among other responsibilities, with identifying and evaluating information that would assist in improving

the efficiency and effectiveness of Florida's processes and procedures for uncontested probate proceedings.³⁷

The Workgroup conducted a comprehensive review of Florida's probate procedures, probate laws in other states, and probate data trends. It also requested and received feedback from stakeholders. Based upon that information, the Workgroup prepared and submitted its Final Report and Recommendations to the Judicial Management Council on July 15, 2025 (Final Report). The Final Report was approved by the Council on August 11, 2025, for submission to the Florida Supreme Court.³⁸

The Final Report identified numerous recurring challenges in Florida's probate proceedings that contribute to inefficiencies, delays, and inconsistent outcomes statewide. These challenges, which include barriers imposed by financial institutions and outdated statutory small estate values,³⁹ are discussed in more detail in Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

The bill amends various provisions of state law relating to uncontested probate proceedings, consistent with the recommendations of the Workgroup on Uncontested Probate Proceedings (Workgroup).

Barriers Imposed by Financial Institutions

According to the Workgroup, interactions with financial institutions are a significant source of delay in probate proceedings; personal representatives frequently face obstacles when financial institutions refuse to honor valid letters of administration, impose inconsistent or extralegal requirements, or restrict access to account information and safe deposit boxes. These practices delay asset distribution, generate unnecessary court filings, and impose additional burdens on judges, attorneys, and personal representatives.⁴⁰

To address these issues, the Workgroup's Final Report recommended an amendment to s. 655.933, F.S., which regulates access to safe deposit boxes by fiduciaries, to require, rather than permit, financial institutions to grant personal representatives access to a decedent's safe deposit box.⁴¹ **Section 1** of the bill implements this recommendation and specifies that this provision

the performance and effectiveness of the judicial branch. Florida Courts, Office of the State Courts Administrator, *Judicial Management Council*, <https://www.flcourts.gov/Services/innovations-outreach/judicial-management-council>.

³⁷ *In re: Workgroup on Uncontested Probate Proceedings*, Fla. Admin. Order No. AOSC24-20 (April 30, 2024), available at <https://flcourts-media.flcourts.gov/content/download/2425605/file/AOSC24-20.pdf>.

³⁸ Florida Courts, Office of the State Courts Administrator, *Uncontested Probate Proceedings*, 1, undated (on file with the Committee on Judiciary).

³⁹ *Id.*; The Workgroup on Uncontested Probate Proceedings, *Final Report and Recommendations* (July 15, 2025), <https://www.flcourts.gov/Services/innovations-outreach/workgroups/workgroup-on-uncontested-probate-proceedings2/the-workgroup-on-uncontested-probate-proceedings-report>.

⁴⁰ *Id.*

⁴¹ Florida Courts, Office of the State Courts Administrator, *Uncontested Probate Proceedings*, 2, undated (on file with the Committee on Judiciary); The Workgroup on Uncontested Probate Proceedings, *Final Report and Recommendations* (July 15, 2025), <https://www.flcourts.gov/Services/innovations-outreach/workgroups/workgroup-on-uncontested-probate-proceedings2/the-workgroup-on-uncontested-probate-proceedings-report>.

only applies when the personal representative provides a copy of the letters of administration to the financial institution.

The Workgroup's Final Report also recommended an amendment to s. 655.936, F.S., which regulates the delivery of safe deposit box contents or property held in safekeeping to personal representatives, to require financial institutions to allow personal representatives or their attorneys to pay accumulated charges for a safe deposit box lease and to terminate the safe deposit box lease.⁴² **Section 2** of the bill implements this recommendation.

Regarding the apparent obstacles faced by personal representatives, the Workgroup's Final Report recommended amendments to:

- Section 733.603, F.S., which regulates the duties of personal representatives without court order.
- Section 733.612, F.S., which authorizes personal representatives to undertake certain transactions.
- Section 733.6171, F.S., which regulates the compensation a personal representative's attorney may collect.

The recommended amendments expressly authorize personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to clarify that that attorney involvement in enforcement proceedings constitutes an extraordinary service for which reasonable compensation is warranted.⁴³ **Sections 3, 4, and 6** implement these recommendations.

The Workgroup's Final Report also recommended creating s. 733.6125, F.S., entitled "Proceedings to enforce authority," to require the award of taxable costs, including attorney fees, against any person whose actions or inactions necessitate a successful enforcement proceeding by a personal representative.⁴⁴ **Section 5** of the bill implements this recommendation.

Outdated Statutory Small Estate Values

Another challenge identified by the Workgroup is the statutory value of small estates eligible for Florida's simplified probate processes. According to the Workgroup, these statutory values have not kept pace with inflation and evolving economic conditions, limiting access to simplified probate processes for small estates and resulting in more cases being directed to formal administration.⁴⁵

The Workgroup's Final Report recommended amending s. 735.201, F.S., which regulates summary administration eligibility, to increase the value of estates eligible for summary administration from \$75,000 to \$150,000.⁴⁶ **Section 7** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.302, F.S., which regulates such tax refunds, to increase the maximum income tax refund that may be claimed by a

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

decedent's spouse or child without administration of the decedent's estate from \$2,500 to \$5,000.⁴⁷ **Section 8** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.303, F.S., which regulates the payment of successors without court proceedings, to increase the amount of funds in a qualified account held by a financial institution that may be distributed to a family member of the decedent using affidavit procedures from \$1,000 to \$2,000.⁴⁸ **Section 9** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.304, F.S., which provides for the disposition of intestate property in small estates without administration, to increase the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000. **Section 10** of the bill implements this recommendation.

Reenactments

The bill implements the following reenactments:

- **Section 11** of the bill reenacts s. 655.937(1)(b), F.S., for the purpose of incorporating the amendment made by the bill to s. 655.933, F.S.
- **Section 12** of the bill reenacts s. 734.101(4), F.S., for the purpose of incorporating the amendment made by the bill to s. 655.936, F.S.
- **Section 13** of the bill reenacts s. 733.106, F.S., for the purpose of incorporating the amendment made by the bill to s. 733.6171, F.S.

Effective Date

Section 14 of the bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁴⁷ *Id.*

⁴⁸ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will increase the number of estates eligible for summary administration or no administration, which means fewer personal representatives will need to incur the legal and other costs to formally administer estates. Additionally, because the bill clarifies the authority of personal representatives to access certain assets held by financial institutions, it is anticipated the bill will result in fewer legal disputes with financial institutions.

C. Government Sector Impact:

The bill will increase the number of estates eligible for summary administration or no administration. It will also increase the number of assets held by financial institutions that may be distributed without further action by the court. Accordingly, it is anticipated that the bill will conserve judicial resources because it will result in fewer probate cases requiring formal administration or other court action.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 655.933, 655.936, 733.603, 733.612, 733.6171, 735.201, 735.302, 735.303, and 735.304.

This bill creates section 733.6125 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 655.937(1)(b), 734.101(4), and 733.106.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on February 4, 2026:

The CS provides that the bill's requirement that financial institutions must grant personal representatives access to a decedent's safe deposit box only applies if a personal representative provides a copy of the letters of administration to the financial institution.

- B. **Amendments:**

None.