

By Senator Jones

34-01329A-26

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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 decedent 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 must make the determination to grant the  
petition pursuant to s. 4, Art. VI of the State Constitution. In  
making its determination, the court shall consider the following  
criteria to evaluate the petitioner's ability to serve as

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personal representative:

a. Whether the decedent was the victim of the felony for which the petitioner was convicted.

b. Whether 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 committed by the petitioner.

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 the petitioner's rehabilitation.

g. Whether the petitioner's 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.