

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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30 personal representative:31 a. Whether the decedent was the victim of the felony for
32 which the petitioner was convicted.33 b. Whether the petitioner was convicted for a violation of
34 chapters 812 or 817 or a crime involving dishonesty, theft, or
35 fraud.36 c. The nature and circumstances of the offense committed by
37 the petitioner.38 d. The timing of the offense, including the petitioner's
39 age at the time of the offense and, if applicable, the length of
40 time since the petitioner was released from incarceration.41 e. Any concerns of interested parties.42 f. Evidence of the petitioner's rehabilitation.43 g. Whether the petitioner's civil rights have been
44 restored.45 h. The relationship of the decedent and petitioner at the
46 time of the decedent's death and for at least 2 years prior.47 3. The court may use any of the criteria under subparagraph
48 2. when determining if a petition will be granted.

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