

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 733 — Probate

by Rep. Kiar and others (SB 988 by Senator Joyner)

The bill revises the effective date of the 2011 amendments to s. 732.102, F.S., so that the changes to that section apply only to the estates of decedents dying on or after October 1, 2011. Section 732.102, F.S., was amended in 2011 to revise the share a decedent's spouse receives as part of an intestate estate under certain circumstances.

Effective July 1, 2012, and applicable to estates of persons dying on or after July 1, 2012, the bill:

- Clarifies that real property owned in joint tenancy with right of survivorship is not protected homestead. Thus, clarifying that property not subject to devise may be transferred before a person dies by titling the property in joint tenancy with right of survivorship.
- Revises the time in which an attorney in fact or guardian for an incapacitated spouse must file a petition for authority to make an election to take an undivided one-half interest as a tenant in common in the decedent's homestead.
- Bars inheritance through intestate succession by a parent from a child in cases when the natural or adoptive parent's parental rights were terminated prior to the death of the child. In such cases, the natural or adoptive parent must be treated as if the parent predeceased the child.

If approved by the Governor, and except as otherwise provided in the bill, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 115-0