

Committee on Judiciary

CS/CS/SB 492 — Estates

by Banking and Insurance Committee; Judiciary Committee; and Senator Hukill

The bill makes a number of changes to the Florida Probate Code, which were recommended by the Real Property, Probate, and Trust Law Section of The Florida Bar. These changes include:

- Retroactively eliminating a requirement that an estate file a tax return for an estate tax when no tax is due.
- Reducing from 5 years to 2 years the time period in which intangible property held in a trust is presumed to be unclaimed property and payable to the Department of Financial Services.
- Providing that a caveator is not required to serve notice on his or herself when he or she submits a petition for administration of an estate.
- Making void, with certain exceptions, any gift received by a lawyer, or a relative of the lawyer, from a written instrument that the lawyer prepared.
- Requiring that a clerk of court, upon receipt of a will, keep the will in its original form for 20 years.
- Expanding the long-arm jurisdiction of Florida courts to adjudicate trust disputes.
- Removing conflicts between the Florida Statutes and the Florida Rules of Civil Procedure pertaining to forum non conveniens.
- Requiring that a trustee provide a trust accounting to beneficiaries at least once a year.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 40-0; House 117-0