



665556

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 86 - 133

and insert:

(2) In a probate proceeding, formal notice to a person is sufficient notice for the court to exercise its in rem ~~to~~ acquire jurisdiction over the ~~person receiving formal notice to~~ the extent of the person's interest in the estate property or in the decedent's protected homestead. The court does not acquire personal jurisdiction over a person by service of formal notice.

Section 4. The amendment made by this act to s. 731.301,



12 Florida Statutes, applies to all proceedings pending on or
13 before, or commenced after, the date this act becomes a law.

14 Section 5. Paragraph (e) of subsection (2) of section
15 733.212, Florida Statutes, is amended, and paragraph (f) is
16 added to that subsection, to read:

17 733.212 Notice of administration; filing of objections.—

18 (2) The notice shall state:

19 (e) That, unless an extension is granted pursuant to s.
20 732.2135(2), an election to take an elective share must be filed
21 on or before the earlier of the date that is 6 months after the
22 date of service of a copy of the notice of administration on the
23 surviving spouse, or an attorney in fact or a guardian of the
24 property of the surviving spouse, or the date that is 2 years
25 after the date of the decedent's death.

26 (f) That, under certain circumstances and by failing to
27 contest the will, the recipient of the notice of administration
28 may be waiving his or her right to contest the validity of a
29 trust or other writing incorporated by reference into a will.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete lines 2 - 18

34 and insert:

35 An act relating to estates and trusts; creating s.
36 731.1065, F.S.; specifying that precious metals are
37 tangible personal property for the purposes of the
38 Florida Probate Code; providing for retroactive
39 application; amending s. 731.201, F.S.; revising the
40 definition of the term "property"; amending s.



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41 731.301, F.S.; specifying that formal notice is not
42 sufficient to invoke a court's personal jurisdiction
43 over a person receiving such formal notice; providing
44 applicability; amending s. 733.212, F.S.; revising the
45 required contents of a notice of administration;
46 amending s. 733.610, F.S.;