

Bill No. CS for CS for SB 2288

Amendment No. ____ Barcode 391958

CHAMBER ACTION

Senate

House

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Senators Aronberg and Klein moved the following amendment:

Senate Amendment (with title amendment)

On page 54, between lines 6 and 7,

insert:

Section 36. Section 732.103, Florida Statutes, is amended to read:

732.103 Share of other heirs.--The part of the intestate estate not passing to the surviving spouse under s. 732.102, or the entire intestate estate if there is no surviving spouse, descends as follows:

(1) To the lineal descendants of the decedent.

(2) If there is no lineal descendant, to the decedent's father and mother equally, or to the survivor of them.

(3) If there is none of the foregoing, to the decedent's brothers and sisters and the descendants of deceased brothers and sisters.

(4) If there is none of the foregoing, the estate shall be divided, one-half of which shall go to the decedent's

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1 paternal, and the other half to the decedent's maternal,
2 kindred in the following order:

3 (a) To the grandfather and grandmother equally, or to
4 the survivor of them.

5 (b) If there is no grandfather or grandmother, to
6 uncles and aunts and descendants of deceased uncles and aunts
7 of the decedent.

8 (c) If there is either no paternal kindred or no
9 maternal kindred, the estate shall go to the other kindred who
10 survive, in the order stated above.

11 (5) If there is no kindred of either part, the whole
12 of the property shall go to the kindred of the last deceased
13 spouse of the decedent as if the deceased spouse had survived
14 the decedent and then died intestate entitled to the estate.

15 (6) If there are none of the foregoing and part of the
16 normal family lineage of the intestate decedent cannot be
17 documented because it includes a Holocaust victim, the probate
18 court may extend the right of succession to other persons who
19 the best available evidence shows are surviving heirs. A
20 petition by a person claiming to be such an heir may not be
21 dismissed for failure to comply with an applicable statute of
22 limitations or laches. In addition, the court may allow such a
23 claimant to meet a reasonable, not unduly restrictive,
24 standard to substantiate a claim, including a claim that a
25 person's whereabouts are unknown as evidence of a decedent if
26 such claim is from a source that a reasonable person would
27 accept as reliable in the conduct of his or her affairs. For
28 purposes of this subsection, the term "Holocaust victim" means
29 a person who disappeared or lost his or her life or property
30 as a result of discriminatory laws, policies, or actions
31 targeted against discreet groups or persons between 1900 and

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1 1945, inclusive, in Nazi Germany, areas occupied by Nazi
2 Germany, or countries allied or cooperating with Nazi Germany.

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 4, line 30, after the semicolon,

10
11 insert:

12 amending s. 723.103, F.S.; authorizing the
13 court, under specified conditions, to extend
14 the right of succession to surviving heirs when
15 the decedent's lineage cannot be fully documented
16 because it includes a Holocaust victim;
17 limiting the application of statutes of
18 limitation under certain circumstances;
19 defining the term "Holocaust victim";

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