

The Florida Bar's Probate Rules Committee (Committee) has submitted to the Florida Supreme Court a regular-cycle report proposing amendments to the Florida Probate Rules. The Committee proposes amendments to rules 5.040 (Notice); 5.041 (Service of Pleadings and Papers); 5.200 (Petition for Administration); 5.210 (Probate of Wills without Administration); 5.241 (Notice to Creditors); 5.490 (Form and Manner of Presenting Claim); 5.496 (Form and Manner of Objecting to Claim); 5.498 (Personal Representative's Proof of Claim); 5.499 (Form and Manner of Objecting to Personal Representative's Proof of Claim); 5.530 (Summary Administration); 5.650 (Resignation or Disqualification of Guardian; Appointment of Successor); 5.670 (Termination of Guardianship on Change of Domicile of Resident Ward); 5.697 (Magistrates' Review of Guardianship Accountings and Plans); and 5.710 (Reports of Public Guardian). The Committee further proposes two new rules: 5.095 (General and Special Magistrates); and 5.645 (Management of Property of Nonresident Ward by Foreign Guardian).

The Court invites all interested persons to comment on the committee's proposed amendments, which are summarized below and reproduced in full online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. An original and nine paper copies of all comments must be filed with the Court on or before April 2, 2007, with a certificate of service verifying that a copy has been served on the Committee Chair, Peter A. Sachs, Post Office Box 3475, West Palm Beach, Florida 33402-3475, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case for June. Further, if comments are directed toward the proposed adoption of rule 5.095 (General and Special Magistrates), the certificate of service shall also verify that a copy has been served on the proponent of the amendment, The Honorable Hugh D. Hayes, Circuit Judge of the Twentieth Judicial Circuit, Collier County Courthouse, 3301 Tamiami Trail East, Building L, Second Floor, Naples, Florida 34112. The Committee Chair has until April 16, 2007, to file a response to any comments filed with the Court. Electronic copies of all comments also must be filed in accordance with the Court's Administrative Order In Re: Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (September 13, 2004).

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO FLORIDA PROBATE RULES, CASE NO. SC07-153**

<b>RULE</b>	<b>CHANGE TO RULE</b>
Rule 5.040 Notice	Subdivision (a)(3)(A) amended to require that formal notice to a minor be made by serving a person designated under Chapter 48, Florida Statutes, to accept service on behalf of a minor. Subsequent subdivisions renumbered.
Rule 5.041 Service of Pleadings and Papers	Subdivision (b) amended to provide for service of pleadings and papers on a minor by serving a person designated under Chapter 48, Florida Statutes, to accept service on behalf of a minor.
Rule 5.095 General and Special Magistrates	New rule, patterned after Fla. R. Civ. P. 1.490, to implement use of magistrates in any probate or guardianship matter other than those specified in rule 5.697.
Rule 5.200 Petition for Administration	Editorial change in subdivision (h) deleting the phrase “or otherwise a statement of the facts concerning any such will or codicil.”
Rule 5.210 Probate of Wills without Administration	Adds subdivision (b) providing for service of a copy of the petition to probate a decedent’s will without administration, and adds subdivision (c) providing the procedure for objections, to be consistent with the procedure for probate of a will with administration.
Rule 5.241 Notice to Creditors	Editorial change in subdivision (a), substituting “by informal notice” for “in the manner provided for informal notice.”
Rule 5.490 Form and Manner of Presenting Claim	Editorial change in subdivision (a). New (f) added, providing procedure for notice when personal representative files a claim individually or otherwise has a conflict of interest with any interested person regarding a claim.
Rule 5.496 Form and Manner of Objecting to Claim	Editorial change in subdivision (a), and adds following sentence to (b): “The objection shall include a certificate of service.”
Rule 5.498 Personal Representative’s Proof of Claim	Clarifying amendment to subdivision (b), requiring service of personal representative’s proof of claim only on interested persons, which would include those creditors listed in the proof of claim who have not yet been paid, as opposed to claimants who have already been paid.
Rule 5.499 Form and Manner of Objecting to Personal Representative’s Proof of Claim	Extensive changes to rule governing objections to personal representative’s proof of claim to clarify the differences in procedure between items listed as paid and items listed as to be paid. Substantial revision to Committee Notes.

<p>Rule 5.530 Summary Administration</p>	<p>Summary administration rule substantially rewritten to require the petition to include essentially the same information required to be stated in a petition for administration under Rule 5.200, and to require the petitioners to specify facts showing that they are entitled to summary administration. New subdivision (b) added to provide for formal notice of the petition, and subsequent subdivisions relettered.</p>
<p>Rule 5.645 Management of Property of Nonresident Ward by Foreign Guardian</p>	<p>New rule, providing procedure to be followed by guardian of the property of a nonresident ward seeking to manage any part of property of the ward located in this state. Includes provisions for designation of resident agent, filing of oath, and requirement of bond if foreign bond or other security is deemed insufficient to guarantee faithful management of the ward's Florida property.</p>
<p>Rule 5.650 Resignation or Disqualification of Guardian; Appointment of Successor</p>	<p>Subdivision (i) (waiver) deleted to avoid duplication with Rule 5.180, and subsequent subdivisions relettered.</p>
<p>Rule 5.670 Termination of Guardianship on Change of Domicile of Resident Ward</p>	<p>Subdivision (i) (waiver) deleted to avoid duplication with Rule 5.180.</p>
<p>Rule 5.697 Magistrates' Review of Guardianship Accountings and Plans</p>	<p>Title of rule and subdivisions (a) and (b) amended to add inventories to list of items that magistrates may be appointed to review in guardianship proceedings. Change in (f) to make review by the court mandatory when a party objects to magistrate's report.</p>
<p>Rule 5.710 Reports of Public Guardian</p>	<p>Rule extensively amended to specify which reports the public guardian is required to file, either with the court or with the Statewide Public Guardianship Office, including initial and annual reports and a biennial report of an independent audit by a certified public accountant.</p>