

## Amendments to the Florida Probate Rules

The Florida Probate Rules Committee invites comment on the proposed three-year-cycle amendments to the Florida Probate Rules. The full text of the proposals can be found at the Bar's web site at [www.floridabar.org](http://www.floridabar.org). The proposed amendments will be filed with the court by February 1, 2007. Interested persons have until August 1, 2006, to submit comments electronically to Peter A. Sachs, Chair, Florida Probate Rules Committee, [psachs@jones-foster.com](mailto:psachs@jones-foster.com).

<b>RULE</b>	<b>COMMITTEE VOTE</b>	<b>CHANGE TO RULE</b>
5.040	24-0	Subdivision (a)(3)(A) amended to require that formal notice to a minor be made by serving a person designated under F.S. Chapter 48 to accept service on behalf of a minor.
5.041	25-0	Subdivision (b) amended to provide for service of pleadings and papers on a minor by serving a person designated under F.S. Chapter 48 to accept service on behalf of a minor.
5.095	26-1	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.
5.200	20-0	Editorial change in subdivision (h) deleting the phrase "or otherwise a statement of the facts concerning any such will or codicil."
5.210	20-0	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.
5.241	28-0	Editorial change in subdivision (a), substituting "by informal notice" for "in the manner provided for informal notice."
5.490	25-0	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.

5.496	20-0	Editorial change in subdivision (a), and adds following sentence to (b): “Service shall be in the manner provided for service of formal notice.”
5.498	25-0	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.
5.499	25-0	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.
5.530	25-0	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.
5.560	23-0	Subdivision (a)(9) added to require statement from professional guardians that they have complied with registration requirements imposed on professional guardians by F.S. 744.1083.
5.645	20-0	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.
5.650	20-0	Subdivision (i) (waiver) deleted to avoid duplication with Rule 5.180, and subsequent subdivisions relettered.
5.670	20-0	Subdivision (i) (waiver) deleted to avoid duplication with Rule 5.180.

5.680	20-0	Subdivision (h) (waiver) deleted to avoid duplication with Rule 5.180.
5.697	26-1	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. Editorial change in (f).
5.710	25-0	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.

## Amendments to the Florida Probate Rules

In the June 15, 2006, issue of the *Bar News*, the Florida Probate Rules Committee invited comment on the proposed three-year-cycle amendments to the Florida Probate Rules. After consideration of comments received, the proposals regarding the rules listed below have been amended. The full text of these proposals can be found at the Bar's web site at [www.floridabar.org](http://www.floridabar.org). The entire set of proposed amendments will be filed with the court by February 1, 2007. Any person wishing to comment should submit written comments to the Supreme Court pursuant to Fla.R.Jud.Admin. 2.140(b)(6), with a copy to the Chair, Peter A. Sachs, at [psachs@jones-foster.com](mailto:psachs@jones-foster.com).

RULE	COMMITTEE VOTE	REASONS FOR CHANGE
5.490	16-0	Phrase "at the option of the personal representative" in third sentence of new (f) deleted as unnecessary.
5.496	16-0	Requirement in (b) for service of objection to a claim "in the manner provided for service of formal notice" deleted and replaced by requirement for certificate or other proof of service, which establishes date of service.
5.499	16-0	Requirement in new (e) (former (c)) for service of objection to item listed on proof of claim as to be paid "in the manner provided for service of formal notice" deleted and replaced by requirement for certificate or other proof of service, which establishes date of service.
5.530	16-0	Text in (a) modified to delete as unnecessary the following struck-through language: "The petition shall be signed and verified by each petitioner as required by law and shall contain. . ." Subdivision (a)(9) amended to clarify contents of petition regarding status of creditors' claims in summary administration proceeding.