

IN THE SUPREME COURT OF FLORIDA

CASE NO:

77,086

IN RE:

AMENDMENTS TO THE FLORIDA
PROBATE RULES

PETITION OF THE FLORIDA BAR
FLORIDA PROBATE RULES COMMITTEE
SUBMITTING PROPOSED CHANGES TO
THE FLORIDA PROBATE RULES

FILED
SID J. WHITE
DEC 18 1930
CLERK, SUPREME COURT
By _____ Deputy Clerk

JOHN F. HARKNESS, JR., Executive Director
The Florida Bar
650 Apalachee Parkway
Tallahassee, FL 32399-2300
(904)561-5600
Florida Bar No. 123390

H. LAURENCE COOPER, JR., Co-Chair
Florida Probate Rules Committee of
The Florida Bar
P.O. Box 3746
West Palm Beach, FL 33402-3746
(407)655-8131
Florida Bar No. 15492

SAMUEL S. SMITH, Co-Chair
Florida Probate Rules Committee of
The Florida Bar
701 Brickell Avenue, 19th Floor
Miami, FL 33131-2822
(305)789-2727
Florida Bar No. 75682,

Petitioners.

The Probate Rules Committee of The Florida Bar, pursuant to the procedure established by Rule of Judicial Administration 2.130(e), submits its report of proposed changes to the Florida Probate Rules. This report comes upon the Court's order of September 29, 1989, requesting this committee to proceed outside its four-year cycle to redraft and rewrite the Florida Probate Rules in compliance with numerous legislative changes to the Florida Guardianship Law.

Each rule change or addition was presented to the full committee and voted upon. This request contains the proposals that were passed out of the committee by at least a majority vote and pursuant to the committee's internal operating procedures.

All of the rule changes were presented to the Florida Bar Board of Governors and the Board voted unanimously (34-0) in favor of these revisions on October 4, 1990.

The attached set of rules includes changes to all three parts of the Florida Probate Rules. In "Part I - General" the committee proposes amending Rule 5.050 governing transfers of proceedings to reflect changes in the guardianship statute governing venue. In "Part II - Probate" the committee proposes amending Rule 5.240 and deleting Rule 5.495 to reflect changes in the statutes governing creditors' claims. In "Part III - Guardianship" the committee proposes numerous amendments to all of the rules in Part III to reflect the major revision of the Florida Guardianship Law passed in 1989 and the further changes made to the Law in 1990. These substantive rules changes are

accompanied by many editorial changes as well as amendments to create a gender neutral document.

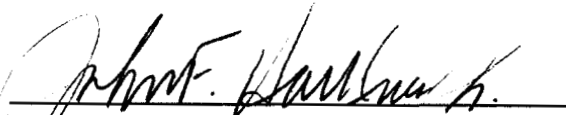
The Florida Probate Rules Committee of The Florida Bar hereby presents its completed set of rules incorporated within the attached pages, in three-column format.

REQUEST FOR ORAL ARGUMENT

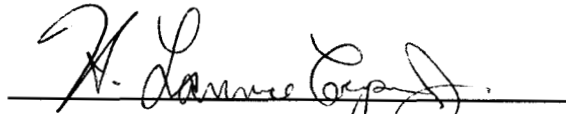
This committee requests oral argument on the proposed rule changes to be set by the Court.

NOTICE TO THE BAR

The proposed rule changes or a summary will be published in The Florida Bar News before oral argument. The notice will request that any comments be in writing and submitted to the Court.



JOHN F. HARKNESS, JR., Executive Director
The Florida Bar
650 Apalachee Parkway
Tallahassee, FL 32399-2300
(904)561-5600
Florida Bar No. 123390



H. LAURENCE COOPER, JR., Co-Chair
Florida Probate Rules Committee of
The Florida Bar
P.O. Box 3746
West Palm Beach, FL 33402-3746
(407)655-8131
Florida Bar No. 15492



SAMUEL S. SMITH, Co-Chair
Florida Probate Rules Committee of
The Florida Bar
701 Brickell Avenue, 19th Floor
Miami, FL 33131-2822
(305)789-2727
Florida Bar No. 75682