

A bill to be entitled  
An act relating to probate; amending s. 731.110, F.S.; clarifying the right of an interested person, other than a creditor, to file a pre-death caveat, revising requirements relating to designation of resident agents, eliminating procedure from statute, providing expiration date for pre-death caveats, and providing effective date.

Be It Enacted by the Legislature of the State of Florida;

Section 1. Subsection (1) and (2) of Section 731.110, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

Section 731.110. CAVEAT; PROCEEDINGS

(1) Any interested person, including a creditor, who is apprehensive that an estate, either testate or intestate, will be administered or that a will may be admitted to probate without ~~that the~~ person's knowledge may file a caveat with the court. The caveat of an interested person other than a creditor may be filed either before or after the death of the person for whom the estate is being, or will be, administered. The caveat of a creditor may be filed only after the death of the person for whom the estate is being, or will be, administered.

(2) ~~If A caveat shall contain the decedent's social security number, last known residence address, and date of birth, if they are known, as identification, a statement of the interest of the caveat or in the estate, the name and specific residence address of the caveat or, and, if the caveator, other than a state agency, is a nonresident of the county Florida, the caveator shall designate, the additional name and specific residence address of some person residing in the county in which the caveat is filed, or office address of a member of The Florida Bar residing in Florida, designated as the agent of the caveator, upon whom service may be made, however, if the caveator is represented by an attorney admitted to practice in Florida who signs the caveat, it shall not be necessary to designate a resident agent.~~

(3) When a caveat has been filed by an interested person other than a creditor, the court shall not admit the will of the decedent to probate or appoint a personal representative until the petition for administration has been served on the caveat or the caveator's designated agent by formal notice and the caveator has had the opportunity to participate in proceedings on the petition, as provided by the Florida Probate Rules.

(4) A caveat filed before death shall expire two years after filing.

Section 2. This act shall take effect on July 1, 2009.