

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Probate Rules

948 So. 2d 735 (Fla. 2007) · Decided February 1, 2007

SUMMARY

The Florida Supreme Court approved amendments to the Florida Probate Rules in response to 2006 legislation and the renumbering of the Florida Rules of Judicial Administration. The amendments addressed attorney appearances, notice and service, waivers and consents, distribution and discharge, incapacity proceedings, and guardianship procedures, and were made effective immediately.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, C.J.; Wells, J.; Anstead, J.; Pariente, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	February 1, 2007
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Probate Rules Committee petitioned the Supreme Court of Florida for expedited amendments to the Florida Probate Rules in response to 2006 legislation and recent renumbering of the Florida Rules of Judicial Administration.
PRECEDENTIAL VALUE	Published Florida Supreme Court rulemaking opinion; authoritative as to the adoption and effective date of the amendments stated in the opinion.

TOPICS

- probate procedure
- guardianship procedure
- probate
- guardianships
- civil procedure

PRACTICE AREAS

- Probate
- Guardianship
- Civil procedure
- Judicial rulemaking

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt the proposed amendments to the Florida Probate Rules.

2. Whether the amendments should become effective immediately.

HOLDINGS

1. The court adopted the proposed amendments to the Florida Probate Rules as set forth in the appendix.
2. The amendments became effective immediately.

KEY QUOTATIONS

“Accordingly, upon consideration of the Committee’s report and the relevant legislation, we hereby amend the Florida Probate Rules as reflected in the appendix to this opinion.” (736)

“The amendments shall become effective immediately.” (736)

FACTUAL BACKGROUND

The Florida Probate Rules Committee proposed amendments responding primarily to statutory changes enacted in chapters 2006-77 and 2006-178, Laws of Florida. The Committee also proposed amendments conforming the probate rules to the recent renumbering of the Florida Rules of Judicial Administration. The proposals received unanimous committee and Board of Governors approval and no public comments were filed.

PROCEDURAL HISTORY

On October 30, 2006, the Florida Probate Rules Committee filed a fast-track report recommending amendments. The proposals were unanimously approved by the Committee and the Executive Committee of The Florida Bar Board of Governors, published for public comment, and received no comments. The Supreme Court considered the report and relevant legislation and adopted the proposed amendments.

DISPOSITION

approved

CASES CITED

- In re Amendments to Fla. Rules of Jud. Admin., 939 So. 2d 966 (Fla. 2006)
- State ex rel. Falkner v. Blanton, 297 So. 2d 825 (Fla. 1974)
- In re Estate of Shaw, 340 So. 2d 491 (Fla. 3d DCA 1976)
- In re Estate of Posner, 492 So. 2d 1093 (Fla. 3d DCA 1986)