

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Probate Rules

In re Amendments to Florida Probate Rules, No. SC2025-1462 · No. SC2025-1462 · Decided June 18, 2026

SUMMARY

The Supreme Court of Florida amends Florida Probate Rules 5.025, 5.122, 5.200, 5.320, and 5.470 based on a proposal from the Florida Bar’s Probate Rules Committee. The amendments address adversary proceedings, curator powers, statutory references concerning elder and disabled-adult abuse, personal-representative oaths, and ancillary administration. The amendments become effective October 1, 2026, at 12:01 a.m.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Carlos G. Muñoz, Chief Justice; Jorge Labarga, Justice; Renatha Francis, Justice; Robert J. Long, Jr., Justice; Meredith Sasso, Justice; M. Kevin G. Thane, Justice
JURISDICTION	Supreme Court of Florida
DECIDED	June 18, 2026
DOCKET	SC2025-1462
DISPOSITION	approved
PROCEDURAL POSTURE	Original rulemaking proceeding in which the Florida Bar’s Probate Rules Committee proposed amendments to several Florida Probate Rules, the proposal was published for comment, and the Supreme Court of Florida reviewed the proposal, one filed comment, and the Committee’s response.
PRECEDENTIAL VALUE	Published rulemaking opinion of the Supreme Court of Florida

TOPICS

- probate procedure
- ancillary probate
- estate administration
- pleadings
- civil procedure

PRACTICE AREAS

- Probate
- Civil procedure
- Judicial rulemaking

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt the proposed amendments to Florida Probate Rules 5.025, 5.122, 5.200, 5.320, and 5.470.
2. What substantive and procedural changes should be made to the rules governing adversary probate proceedings, curatorships, personal-representative qualifications and oaths, and ancillary administration.
3. When the adopted amendments should become effective.

HOLDINGS

1. The Court adopted the proposed amendments to Florida Probate Rules 5.025, 5.122, 5.200, 5.320, and 5.470, with minor revisions.
2. The amendments become effective October 1, 2026, at 12:01 a.m., and the filing of a motion for rehearing does not alter that effective date.
3. Letters of curatorship must state whether the curator is entitled to possess or control all or part of the decedent's property, and an order authorizing a curator must state whether the curator may address demands filed under Florida Probate Rules 5.240 and 5.241.
4. Petitions for administration and oaths of individual personal representatives must address convictions for abuse, neglect, or exploitation of an elderly person or disabled adult, using the definitions in sections 825.101, 825.102, and 825.103, Florida Statutes.
5. A petition for ancillary letters in a testate estate must include an authenticated copy of the domiciliary proceedings showing the will, petition for administration, order admitting the will to probate, and authority of the personal representative to act; the court must determine whether the authenticated will complies with Florida law before admitting it to probate.

KEY QUOTATIONS

“The amendments shall become effective October 1, 2026, at 12:01 a.m.” (at 2)

“THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.” (at 2)

FACTUAL BACKGROUND

The Florida Bar's Probate Rules Committee proposed amendments concerning adversary proceedings, curators, petitions for administration, oaths of personal representatives, and ancillary administration. The proposal was published for public comment, one comment was received, and the Committee filed a response. The Court considered those materials and adopted the proposed amendments with minor revisions.

PROCEDURAL HISTORY

The Florida Bar's Probate Rules Committee submitted proposed amendments to Rules 5.025, 5.122, 5.200, 5.320, and 5.470. The proposal was published for comment; one comment was filed and the Committee responded. The Supreme Court of Florida adopted the amendments with minor revisions and established an effective date of October 1, 2026, at 12:01 a.m.

DISPOSITION

approved

CASES CITED

- In re Guidelines for Rules Submissions, Fla. Admin. Order No. AOSC22-78 (Fla. Oct. 24, 2022)

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