

PUBLICATION UPDATE

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Florida Probate Code Manual

Publication 80736

Release 99

June 2024

HIGHLIGHTS

- Florida Guardianship Forms have been updated
- Florida Probate Rules have been updated

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Amended Florida Probate Rules

- Rule 5.040: Notice
- Rule 5.330: Execution by Personal Representative

New Florida Probate Rule

- Rule 5.930: Affidavit of Qualified Custodian of Electronic Will

Recent Case Law

Thayer v. Hawthorn, 363 So. 3d 170 (Fla. 4th DCA 2023). Where the warranty deed contained no language of release or of a conveyance of a hereditament and simply “granted, bargained and sold” the property to the grantee, it was considered insufficient to constitute a written waiver of homestead rights. [§ 4.06]

Larkins v. Mendez, 363 So. 3d 140 (Fla. 3d DCA 2023). The court held that a convenience account, which is owned by the principal but for which a second person is authorized to make deposits and withdrawals on behalf of the principal, is for the benefit of the principal and does not contain a right of survivorship in the agent. [§ 13.08]

Grommers v. Pla, 365 So. 3d 1188 (Fla. 3d DCA 2023). A voluntary dismissal, with the exception of cer-

tain limitations, operates to terminate guardianship matter. [§ 19.22]
a trial court’s jurisdiction over a

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Publication 80736, Release 99, June 2024

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