

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Judiciary

[2016s0540.hms]

BILL: CS/CS/CS/SB 540

INTRODUCER: Rules Committee; Banking and Insurance Committee; Judiciary Committee; and Senator Hukill

SUBJECT: Estates

DATE: March 7, 2016

I. Amendments Contained in Message:

House Amendment 1 – 065027 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 states that a surviving spouse's claim of an elective share does not reduce what the spouse would receive if the election had not been made and that the spouse is not to be treated as having predeceased the decedent.

The intent of the amendment is to clarify that a probate court should depart from the decedent's estate plan only when the surviving spouse would otherwise receive less than the elective share amount. In other words, the amendment is intended to clarify that an elective share is a floor, not a ceiling, on the amount of assets which the surviving spouse may receive from the decedent's estate.