

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 1439 — Bank Property of Deceased Account Holders

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Yarborough
(CS/CS/SB 380 by Judiciary Committee; Banking and Insurance Committee; and Senator
Baxley)

The bill authorizes a financial institution to pay the family member of a deceased deposit account holder, without any additional court proceeding, order, or judgment authorizing the payment, the funds on deposit in all qualified accounts, if the total amount of such funds does not exceed \$1,000. The bill allows family members of a deceased deposit account holder to claim such funds upon presentation of the decedent's death certificate and an affidavit stating that the family member is entitled to the funds, that he or she is not aware of a will, that a personal representative has not been appointed to administer the estate, that no probate proceeding has commenced for the account holder's estate, and that he or she expressly accepts liability for the disbursement of the funds. The bill provides criminal penalties for making a false statement in the affidavit, classifying such action as theft. The bill releases a financial institution from liability upon its disbursement of funds to an affiant and expressly provides that the financial institution is not required to verify the content of the affidavit.

The bill also authorizes the distribution of small intestate estates without probate administration or other "formal proceedings." "Small intestate estates" means estates consisting of personal property exempt from creditor claims under the State Constitution or exempt under s. 732.402, F.S., and nonexempt personal property that does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. To claim the property of these estates, an heir of a person who has been deceased for at least one year must file an affidavit with the court, which in turn provides the heir with a letter authorizing anyone holding the decedent's property to release it to the heir. The required content of the affidavit is designed to demonstrate to the court that the rights of any creditors and other heirs are and will be protected.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 115-0