

By Representative Eggelletion

1                                   A bill to be entitled  
2           An act relating to disposition of unclaimed  
3           moneys; amending s. 116.21, F.S.; providing  
4           that specified unclaimed moneys in the  
5           possession of a municipality will be paid into  
6           the municipality's fine and forfeiture fund;  
7           providing an effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Section 116.21, Florida Statutes, is  
12   amended to read:

13           116.21 Unclaimed moneys; limitation.--

14           (1) The sheriff ~~sheriffs~~ and clerk ~~clerks~~ of the  
15   courts of each county ~~the various counties~~ of the state, and  
16   the appropriate officer of each municipality that has  
17   municipal detention facilities and that prosecutes through its  
18   own municipal prosecutor, are authorized at their discretion  
19   on or before September 25 of each and every year hereafter to  
20   pay into the fine and forfeiture fund of their county or  
21   municipality ~~respective counties~~ any or all unclaimed moneys  
22   deposited or collected by them in their official capacity,  
23   which unclaimed moneys came into their hands prior to January  
24   1 of the preceding year and for which moneys claim has not  
25   been made.

26           (2) The sheriff or clerk ~~sheriffs and clerks~~ of the  
27   various courts of each county, and the appropriate officer of  
28   each municipality, ~~the respective counties~~ may, during the  
29   month of July of each year, hereafter make and compile a list  
30   of any or all unclaimed moneys that ~~which~~ came into their  
31   hands as provided in subsection (1) ~~above~~. Such compilation

1 shall list, in addition to the name of the defendant, the  
2 respective amounts of such unclaimed moneys. Such list or  
3 compilation shall be published one time during the month of  
4 July in a newspaper of general circulation in the county  
5 served by such sheriff or clerk, or in the municipality, and  
6 the notice shall specify that unless such moneys are claimed  
7 on or before September 1 after such publication that same  
8 shall be declared forfeited to such county or municipality.  
9 Proof of such publication shall be made by the publisher of  
10 such newspaper and shall be filed and recorded in the minutes  
11 of the county commissioners of such county or the governing  
12 body of such municipality.

13 (3) Persons having or claiming any interest in such  
14 funds or any portion of them shall file their written claims  
15 with the sheriff or clerk of the court of the county, or the  
16 appropriate officer of the municipality, having custody of  
17 such funds within the time specified by the notice and shall  
18 make sufficient proof to the sheriff, or clerk, or municipal  
19 officer of ~~their~~ ownership and upon so doing shall be entitled  
20 to receive any part of the moneys so claimed. Unless claim is  
21 filed within such time as aforesaid, all claims in reference  
22 thereto are forever barred.

23 (4) The cost of publishing the notices as required by  
24 subsection (2) shall be paid by the county commissioners for  
25 all unclaimed moneys coming into their hands due to violations  
26 of ordinances or misdemeanors within the county, or by the  
27 governing body of the municipality for all unclaimed moneys  
28 coming into their hands due to violations of municipal  
29 ordinances within the territorial jurisdiction of the county  
30 court, and the sheriff, ~~or the~~ clerk, or municipal officer  
31 shall receive as compensation the regular fee allowed by

1 statute for the collection of fines, fees, and costs adjudged  
2 to the state upon the amounts remitted to the fine and  
3 forfeiture fund. Upon such payment to the fine and forfeiture  
4 fund, the sheriff, ~~or~~ clerk, or municipal officer shall be  
5 released and discharged from any and all further  
6 responsibility or liability in connection therewith.

7 Section 2. This act shall take effect upon becoming a  
8 law.

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11 SENATE SUMMARY

12 Provides that unclaimed moneys in the possession of a  
13 municipality will be paid into the fine and forfeiture  
14 fund of the municipality if they remain unclaimed after a  
15 specified period.

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