

By Senator Laurent

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A bill to be entitled

An act relating to juvenile justice; creating s. 985.423, F.S.; specifying the Department of Juvenile Justice's duties in administering and maintaining the Care and Maintenance Trust Fund for juvenile offenders; providing an effective date.

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

Section 1. Section 985.423, Florida Statutes, is created to read:

985.423 Claims for care and maintenance; trust property.--

(1) MONEY OR PROPERTY RECEIVED FOR USE OR BENEFIT OF CLIENTS.--The Department of Juvenile Justice shall:

(a) Accept and administer in trust, as a trustee having a fiduciary responsibility to a client of the department, any money or other property received for personal use or benefit of that client.

(b) Deposit the money in banks qualified as state depositories, or in any bank, credit union, or savings and loan association authorized to do business in this state. The moneys so deposited or held by such institutions must be fully insured by a federal depository or share insurance program, or the institution must be an approved state depository or share insurance program; and the moneys must be available on demand.

(c) Withdraw the money and use it to meet current needs of clients.

(d) As trustee, invest in the manner authorized by law for fiduciaries money not used for current needs of clients.

1 Such investments may include, but are not limited to,
2 investments in savings share accounts of any credit union
3 chartered under the laws of the United States and doing
4 business in this state, and savings share accounts of any
5 credit union chartered under the laws of this state, provided
6 that the credit union is insured under the federal share
7 insurance program or is an approved state share insurance
8 program.

9 (2) DISPOSITION OF UNCLAIMED TRUST FUNDS.--Upon the
10 death of any client to which this section applies, any
11 unclaimed money held in trust for him or her by the department
12 or by the Treasurer shall be applied first to the payment of
13 any unpaid claim of the state against the client, and any
14 balance remaining unclaimed for a period of 1 year shall
15 escheat to the state as unclaimed funds held by fiduciaries.

16 (3) DEPOSIT OR INVESTMENT OF FUNDS OF CLIENTS.--

17 (a) The Department of Juvenile Justice may deposit any
18 client's funds that are in its possession in any bank in the
19 state or may invest or reinvest such funds in bonds or
20 obligations of the United States for the payment of which the
21 full faith and credit of the United States is pledged. For
22 purposes of deposit only, the funds of any client may be
23 mingled with the funds of other clients.

24 (b) The interest or increment accruing on such funds
25 shall be the property of the clients and shall be used or
26 conserved for the personal use or benefit of the individual
27 client, in accordance with the department's fiduciary
28 responsibility as a trustee for the money and property of the
29 client held by the department. Such interest shall not accrue
30 to the general welfare of all clients. Whenever any proposed
31 action of the department, acting in its own interest,

1 conflicts with the department's obligation as a trustee having
2 a fiduciary responsibility to the client, the department shall
3 promptly present the matter to a court of competent
4 jurisdiction for the court's determination as to what action
5 the department should take. The department shall establish
6 rules governing reasonable fees for the cost of administering
7 such accounts and for establishing the minimum balance
8 eligible to earn interest.

9 Section 2. This act shall take effect upon becoming a
10 law.

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13 SENATE SUMMARY

14 Specifies the duties of the Department of Juvenile
15 Justice in administering and maintaining the Care and
16 Maintenance Trust Fund for juvenile offenders.