

By Senator Saunders

25-732-00

1 A bill to be entitled
2 An act relating to unclaimed funds held by a
3 guardian; amending s. 744.534, F.S.; increasing
4 the threshold value of such funds for which
5 publication of a notice of disposition is
6 required; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 744.534, Florida Statutes, is
11 amended to read:

12 744.534 Disposition of unclaimed funds held by
13 guardian.--

14 (1) In all cases in which it is appropriate for the
15 guardianship to terminate due to the ward's death and in which
16 property in the hands of the guardian cannot be distributed
17 because no estate proceeding has been instituted, the guardian
18 of the property shall be considered an interested person
19 pursuant to s. 733.202 and may, after a reasonable time,
20 institute such a proceeding. In the alternative, the guardian
21 may follow the procedures set forth in subsection (2).

22 (2)(a) In those cases in which it is appropriate for
23 the guardianship to terminate pursuant to s. 744.521 and in
24 which property in the hands of a guardian cannot be
25 distributed to the ward or the ward's estate solely because
26 the guardian is unable to locate the ward through diligent
27 search, the court shall order the guardian of the property to
28 sell the property of the ward and deposit the proceeds and
29 cash already on hand after retaining those amounts provided
30 for in paragraph (e) with the clerk of the court exercising
31 jurisdiction over the guardianship and receive a receipt. The

1 clerk shall deposit the funds in the registry of the court, to
2 be disposed of as follows:

3 1. If the value of the funds is \$500~~\$50~~ or less, the
4 clerk shall post a notice for 30 days at the courthouse door
5 giving the amount involved, the name of the ward, and other
6 pertinent information that will put interested persons on
7 notice.

8 2. If the value of the funds is over \$500~~\$50~~, the
9 clerk shall publish the notice once a month for 2 consecutive
10 months in a newspaper of general circulation in the county.

11 3. After the expiration of 6 months from the posting
12 or first publication, the clerk shall deposit the funds with
13 the State Treasurer after deducting his or her fees and the
14 costs of publication.

15 (b) Upon receipt of the funds, the State Treasurer
16 shall deposit them to the credit of public guardianship. All
17 interest and all income that may accrue from the money while
18 so deposited shall belong to the fund. The funds so deposited
19 shall constitute and be a permanent appropriation for payments
20 by the State Treasurer in obedience to court orders entered as
21 provided by paragraph (c).

22 (c) Within 10 years from the date of deposit with the
23 State Treasurer, on written petition to the court that
24 directed the deposit of the funds and informal notice to the
25 Department of Legal Affairs, and after proof of his or her
26 right to them, any person entitled to the funds, before or
27 after payment to the State Treasurer and deposit as provided
28 for in paragraph (a), may obtain a court order directing the
29 payment of the funds to him or her. All funds deposited with
30 the State Treasurer and not claimed within 10 years from the
31

1 date of deposit shall escheat to the state for the benefit of
2 public guardianship.

3 (d) Upon depositing the funds with the clerk, the
4 guardian of the property may proceed with the filing of his or
5 her final return and application for discharge under s.
6 744.527.

7 (e) The guardian depositing assets with the clerk is
8 permitted to retain from the funds in his or her possession a
9 sufficient amount to pay the final costs of administration,
10 including guardian and attorney's fees accruing between the
11 deposit of the funds with the clerk of the court and the order
12 of discharge. Any surplus funds so retained must be deposited
13 with the clerk prior to discharge of the guardian of the
14 property.

15 Section 2. This act shall take effect July 1, 2000.

16

17 *****

18

SENATE SUMMARY

19 Provides that when unclaimed guardianship funds deposited
20 with the court are \$500 or less, the clerk may provide
21 notice of their disposal by notice for 30 days at the
22 courthouse door. When such funds are in excess of \$500,
23 notice must be published in a newspaper of general
24 circulation in the county for 2 consecutive months.

23

24

25

26

27

28

29

30

31