

Bill No. CS for CS for CS for SB 832

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Saunders moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 35, between lines 11 and 12,		
15			
16	insert:		
17	Section 34. Section 744.534, Florida Statutes, is		
18	amended to read:		
19	744.534 Disposition of unclaimed funds held by		
20	guardian.--		
21	(1) In all cases in which it is appropriate for the		
22	guardianship to terminate due to the ward's death and in which		
23	property in the hands of the guardian cannot be distributed		
24	because no estate proceeding has been instituted, the guardian		
25	of the property shall be considered an interested person		
26	pursuant to s. 733.202 and may, after a reasonable time,		
27	institute such a proceeding. In the alternative, the guardian		
28	may follow the procedures set forth in subsection (2).		
29	(2)(a) In those cases in which it is appropriate for		
30	the guardianship to terminate pursuant to s. 744.521 and in		
31	which property in the hands of a guardian cannot be		

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1 distributed to the ward or the ward's estate solely because
 2 the guardian is unable to locate the ward through diligent
 3 search, the court shall order the guardian of the property to
 4 sell the property of the ward and deposit the proceeds and
 5 cash already on hand after retaining those amounts provided
 6 for in paragraph (e) with the clerk of the court exercising
 7 jurisdiction over the guardianship and receive a receipt. The
 8 clerk shall deposit the funds in the registry of the court, to
 9 be disposed of as follows:

10 1. If the value of the funds is ~~\$500~~^{\$50} or less, the
 11 clerk shall post a notice for 30 days at the courthouse door
 12 giving the amount involved, the name of the ward, and other
 13 pertinent information that will put interested persons on
 14 notice.

15 2. If the value of the funds is over ~~\$500~~^{\$50}, the
 16 clerk shall publish the notice once a month for 2 consecutive
 17 months in a newspaper of general circulation in the county.

18 3. After the expiration of 6 months from the posting
 19 or first publication, the clerk shall deposit the funds with
 20 the State Treasurer after deducting his or her fees and the
 21 costs of publication.

22 (b) Upon receipt of the funds, the State Treasurer
 23 shall deposit them to the credit of public guardianship. All
 24 interest and all income that may accrue from the money while
 25 so deposited shall belong to the fund. The funds so deposited
 26 shall constitute and be a permanent appropriation for payments
 27 by the State Treasurer in obedience to court orders entered as
 28 provided by paragraph (c).

29 (c) Within 10 years from the date of deposit with the
 30 State Treasurer, on written petition to the court that
 31 directed the deposit of the funds and informal notice to the

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1 Department of Legal Affairs, and after proof of his or her
 2 right to them, any person entitled to the funds, before or
 3 after payment to the State Treasurer and deposit as provided
 4 for in paragraph (a), may obtain a court order directing the
 5 payment of the funds to him or her. All funds deposited with
 6 the State Treasurer and not claimed within 10 years from the
 7 date of deposit shall escheat to the state to be deposited in
 8 the Department of Elderly Affairs Administrative Trust Fund
 9 for the benefit of the Statewide Public Guardianship Office
 10 ~~public guardianship.~~

11 (d) Upon depositing the funds with the clerk, the
 12 guardian of the property may proceed with the filing of his or
 13 her final return and application for discharge under s.
 14 744.527.

15 (e) The guardian depositing assets with the clerk is
 16 permitted to retain from the funds in his or her possession a
 17 sufficient amount to pay the final costs of administration,
 18 including guardian and attorney's fees accruing between the
 19 deposit of the funds with the clerk of the court and the order
 20 of discharge. Any surplus funds so retained must be deposited
 21 with the clerk prior to discharge of the guardian of the
 22 property.

23
 24 (Redesignate subsequent sections.)

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 26
 27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 3, line 6, after the semicolon

30
 31 insert:

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amending s. 744.534, F.S.; increasing the
threshold value of such funds for which
publication of a notice of disposition is
required; providing for the disposition of
funds that escheat to the state;