

Amendment No. 01 (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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The Committee on Banking offered the following:

Amendment (with title amendment)

On page 17, line 21, through page 18, line 18,
remove from the bill: all of said lines,

and insert:

Section 3. Section 655.936, Florida Statutes, is
amended to read:

655.936 Delivery of safe-deposit box contents or
property held in safekeeping to personal representative.--

(1) Subject to the provisions of subsection (3), the
lessor shall immediately deliver to a resident personal
representative, upon presentation of a certified copy of his
or her letters of authority, all property deposited with it by
the decedent for safekeeping, and shall grant the resident
personal representative access to any safe-deposit box in the
decedent's name and permit him or her to remove from such box
any part or all of the contents thereof.

(2) If a foreign personal representative of a deceased
lessee has been appointed by a court of any other state, a

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1 lessor may, at its discretion, after 3 months from the
2 issuance to such foreign personal representative of his or her
3 letters of authority, deliver to such foreign personal
4 representative all properties deposited with it for
5 safekeeping and the contents of any safe-deposit box in the
6 name of the decedent if at such time the lessor has not
7 received written notice of the appointment of a personal
8 representative in this state, and such delivery is a valid
9 discharge of the lessor for all property or contents so
10 delivered. Such foreign personal representative shall furnish
11 the lessor with an affidavit setting forth facts showing the
12 domicile of the deceased lessee to be other than this state
13 and stating that there are no unpaid creditors of the deceased
14 lessee in this state, together with a certified copy of his or
15 her letters of authority. A lessor making delivery pursuant
16 to this subsection shall maintain in its files a receipt
17 executed by such foreign personal representative which
18 itemizes in detail all property so delivered.

19 (3) Notwithstanding the provisions of subsection (1),
20 after the death of a lessee of a safe-deposit box, the lessor
21 shall permit the initial opening of the safe-deposit box and
22 the removal of the contents of the safe-deposit box and the
23 removal of the contents of the safe-deposit box in accordance
24 with s. 733.6065.

25 (4)(3) A lessor is not liable for damages or penalty
26 by reason of any delivery made pursuant to this section.

27 ~~(4) Notwithstanding other provisions of this section,~~
28 ~~the initial opening of any safe-deposit box of the decedent~~
29 ~~must be conducted in the presence of an employee of the~~
30 ~~institution where the box is located and the personal~~
31 ~~representative. The inventory of the contents of the box also~~

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1 ~~must be conducted in the presence of the employee and the~~
2 ~~personal representative, each of whom must verify the contents~~
3 ~~of the box by signing a copy of the inventory. The personal~~
4 ~~representative shall file the safe-deposit box inventory with~~
5 ~~the court within 10 days after the box is opened.~~
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