

Bill No. CS for CS for SB 304

Barcode 384822

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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The Committee on Criminal Justice (King) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 84, between lines 21 and 22,

insert:

Section 54. Section 655.935, Florida Statutes, is amended to read:

655.935 Search procedure on death of lessee.--If satisfactory proof of the death of the lessee is presented, a lessor shall permit the person named in a court order for the purpose, or if no order has been served upon the lessor, the spouse, a parent, an adult descendant, or a person named as a personal representative in a copy of a purported will produced by such person, to open and examine the contents of a safe-deposit box leased or co-leased by a decedent, or any documents delivered by a decedent for safekeeping, in the presence of an officer of the lessor; and the lessor, if so requested by such person, shall deliver:

(1) Any writing purporting to be a will of the

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1 decedent, to the court having probate jurisdiction in the  
2 county in which the financial institution is located;

3 (2) Any writing purporting to be a deed to a burial  
4 plot or to give burial instructions, to the person making the  
5 request for a search; and

6 (3) Any document purporting to be an insurance policy  
7 on the life of the decedent, to the beneficiary named therein.

8  
9 No other contents may be removed pursuant to this section and  
10 access granted pursuant to this section shall not be  
11 considered the initial opening of the safe-deposit box  
12 pursuant to s. 733.6065 by a personal representative appointed  
13 by a court in this state.

14 Section 55. Section 655.936, Florida Statutes, is  
15 amended to read:

16 655.936 Delivery of safe-deposit box contents or  
17 property held in safekeeping to personal representative.--

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

27 (2) If a ~~foreign~~ personal representative of a deceased  
28 lessee has been appointed by a court of any other state, a  
29 lessor may, at its discretion, after 3 months from the  
30 issuance to such ~~foreign~~ personal representative of his or her  
31 letters of authority, deliver to such ~~foreign~~ personal

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

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

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

24 Section 56. Section 655.937, Florida Statutes, is  
 25 amended to read:

26 655.937 Access to safe-deposit boxes leased in two or  
 27 more names.--

28 (1) Unless ~~when~~ specifically provided in the lease or  
 29 rental agreement to the contrary, when covering a safe-deposit  
 30 box is heretofore or hereafter rented or leased in the names  
 31 of two or more lessees, ~~that~~ access to the safe-deposit box

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1 will be granted to ~~either lessee, or to either or the~~  
2 ~~survivor, access to the safe-deposit box shall be granted to:~~

3 (a) Either or any of such lessees, regardless of  
4 whether or not the other lessee or lessees or any of them are  
5 living or competent. ~~;~~ ~~or~~

6 (b) Subject to s. 655.933, those persons named in s.  
7 655.933.

8 (c) Subject to s. 655.935, those persons named in s.  
9 655.935.

10 (d)(b) Subject to s. 733.6065, the personal  
11 representative of the estate of either or any of such lessees  
12 who is deceased, or the guardian of the property of either or  
13 any of such lessees who is incapacitated.

14 (2) In all cases described in subsection (1), ~~and, in~~  
15 ~~either such case, the provisions of s. 655.933 apply, and the~~  
16 ~~signature on the safe-deposit entry or access record (or the~~  
17 ~~receipt or acquittance, in the case of property or documents~~  
18 ~~otherwise held for safekeeping) is a valid and sufficient~~  
19 ~~release and discharge to the lessor for granting access to~~  
20 ~~such safe-deposit box or for the delivery of such property or~~  
21 ~~documents otherwise held for safekeeping.~~

22 (3)(2) A lessor may not be held liable for damages or  
23 penalty by reason of any access granted or delivery made  
24 pursuant to this section.

25 (4) The right of access by a co-lessee is separate  
26 from the rights and responsibilities of other persons who may  
27 be granted access to a safe-deposit box after the death or  
28 incapacity of another co-lessee and such right of access is  
29 not subject to the provisions of s. 655.935 or s. 733.6065 or  
30 other requirements imposed upon personal representatives,  
31 guardians, or other fiduciaries.

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1       (5) After the death of a co-lessee, the surviving  
2 co-lessee or any other person who is granted access to the  
3 safe-deposit box pursuant to this section may make a written  
4 inventory of the box which shall be conducted by the person  
5 making the request in the presence of one other person as  
6 specified in this subsection. Each person present shall verify  
7 the contents of the box by signing a copy of the inventory  
8 under penalty of perjury.

9       (a) If the person making the written inventory is the  
10 surviving co-lessee, the other person may be any other person  
11 granted access pursuant to this section, an employee of the  
12 institution where the box is located, or an attorney licensed  
13 in this state.

14       (b) If the person making the written inventory is not  
15 a surviving co-lessee, the other person may be a surviving  
16 co-lessee, an employee of the institution where the box is  
17 located, or an attorney licensed in this state.

18       Section 57. Section 733.6065, Florida Statutes, is  
19 amended to read:

20       733.6065 Opening safe-deposit box.--

21       (1) Subject to the provisions of s. 655.936(2), the  
22 initial opening of a ~~the decedent's~~ safe-deposit box leased or  
23 co-leased by the decedent shall be conducted in the presence  
24 of any two of the following persons: an employee of the  
25 institution where the box is located, the personal  
26 representative, or the personal representative's attorney of  
27 record. Each person who is present must verify the contents of  
28 the box by signing a copy of the inventory under penalties of  
29 perjury. The personal representative shall file the  
30 safe-deposit box inventory, together with a copy of the box  
31 entry record from a date which is 6 months prior to the date

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1 of death to the date of inventory, with the court within 10  
 2 days after the box is opened. Unless otherwise ordered by the  
 3 court, this inventory and the attached box entry record is  
 4 subject to inspection only by persons entitled to inspect an  
 5 inventory under s. 733.604(1). The personal representative may  
 6 remove the contents of the box.

7 (2) The right to open and examine the contents of a  
 8 safe-deposit box leased by a decedent, or any documents  
 9 delivered by a decedent for safekeeping, and to receive items  
 10 as provided for in s. 655.935 are separate from ~~in addition to~~  
 11 the rights provided for in subsection (1).

12  
13 (Redesignate subsequent sections.)

14  
15  
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 9, line 22, following the semicolon

19  
20 insert:

21 amending s. 655.935, F.S.; authorizing the  
 22 search of a safe-deposit box co-leased by a  
 23 decedent; providing limitations; amending s.  
 24 655.936, F.S.; providing for the delivery of a  
 25 safe-deposit box to a court-appointed personal  
 26 representative; amending s. 655.937, F.S.;  
 27 revising provisions for access to safe-deposit  
 28 boxes; amending s. 733.6065, F.S.; revising  
 29 provisions related to the initial opening of a  
 30 safe-deposit box leased or co-leased by a  
 31 decedent;