

By Senator Lynn

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1 A bill to be entitled

2 An act relating to claims to escheated property; amending
3 s. 717.12405, F.S.; entitling certain Holocaust victims or
4 related victims as lineal descendants of certain persons
5 to make claims to certain escheated property; requiring
6 the Department of Financial Services to allow such
7 descendants to meet certain standards of proof
8 substantiating lineage and valid claims for escheated
9 property; prohibiting dismissal of certain actions for
10 failure to comply with statutes of limitation or laches;
11 providing an effective date.

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

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15 Section 1. Section 717.12405, Florida Statutes, is amended
16 to read:

17 717.12405 Claims by estates.--

18 (1) An estate or any person representing an estate or
19 acting on behalf of an estate may claim unclaimed property only
20 after the heir or legatee of the decedent entitled to the
21 property has been located. Any estate, or any person representing
22 an estate or acting on behalf of an estate, that receives
23 unclaimed property before the heir or legatee of the decedent
24 entitled to the property has been located, is personally liable
25 for the unclaimed property and must immediately return the full
26 amount of the unclaimed property or the value thereof to the
27 department in accordance with s. 717.1341.

28 (2) (a) For the purpose of escheated property, if any lineal
29 descendant of a decedent's great-grandparents was a Holocaust

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30 victim as defined in s. 626.9543(3)(a), including such victims in
31 countries cooperating with the discriminatory policies of Nazi
32 Germany, such lineal descendant is entitled to make a claim for
33 any escheated property in which the lineal descendant may have a
34 legitimate interest. The department shall allow any such
35 descendant to meet a reasonable and not unduly restrictive
36 standard of proof to substantiate his or her lineage and a valid
37 claim for the escheated property.

38 (b) Notwithstanding any law or agreement among any parties
39 to a claim for escheated property, any action brought by a
40 Holocaust victim, or by a beneficiary, heir, or descendant of a
41 Holocaust victim, seeking any escheated property or the proceeds
42 from escheated property may not be dismissed for failure to
43 comply with any applicable statute of limitations or laches.

44 Section 2. This act shall take effect July 1, 2008.