

HB 941

2008

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
22 representing an estate or acting on behalf of an estate, that
23 receives unclaimed property before the heir or legatee of the
24 decedent entitled to the property has been located, is
25 personally liable for the unclaimed property and must
26 immediately return the full amount of the unclaimed property or
27 the value thereof to the department in accordance with s.
28 717.1341.

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

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

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