

HB 851

2012

1 A bill to be entitled
 2 An act relating to natural guardians; amending s.
 3 744.301, F.S.; revising terminology relating to
 4 natural guardians; providing an effective date.

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

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 8 Section 1. Subsections (1) and (2) of section 744.301,
 9 Florida Statutes, are amended to read:

10 744.301 Natural guardians.—

11 (1) The parents ~~mother and father~~ jointly are natural
 12 guardians of their own children and of their adopted children,
 13 during minority. If one parent dies, the surviving parent
 14 remains the sole natural guardian even if he or she remarries.
 15 If the marriage between the parents is dissolved, the natural
 16 guardianship belongs to the parent to whom sole parental
 17 responsibility has been granted or, if the parents have been
 18 granted shared parental responsibility ~~custody of the child is~~
 19 ~~awarded. If the parents are given joint custody, then both~~
 20 continue as natural guardians. If the marriage is dissolved and
 21 neither parent ~~the father nor the mother~~ is given parental
 22 responsibility for ~~custody of~~ the child, neither may ~~shall~~ act
 23 as natural guardian of the child. The mother of a child born out
 24 of wedlock is the natural guardian of the child and is entitled
 25 to primary residential care and custody of the child unless a
 26 court of competent jurisdiction enters an order stating
 27 otherwise.

28 (2) Except as otherwise provided in this chapter, natural

29 guardians are authorized, on behalf of any of their minor
 30 children, without appointment, authority, or bond, when the
 31 amounts received, in the aggregate, do not exceed \$15,000, to:

32 (a) Settle and consummate a settlement of any claim or
 33 cause of action accruing to the child ~~any of their minor~~
 34 ~~children~~ for damages to the person or property of the child ~~any~~
 35 ~~of said minor children;~~

36 (b) Collect, receive, manage, and dispose of the proceeds
 37 of any such settlement;

38 (c) Collect, receive, manage, and dispose of any real or
 39 personal property distributed from an estate or trust;

40 (d) Collect, receive, manage, and dispose of and make
 41 elections regarding the proceeds from a life insurance policy or
 42 annuity contract payable to, or otherwise accruing to the
 43 benefit of, the child; and

44 (e) Collect, receive, manage, dispose of, and make
 45 elections regarding the proceeds of any benefit plan as defined
 46 by s. 710.102, of which the child ~~minor~~ is a beneficiary,
 47 participant, or owner;

48

49 ~~without appointment, authority, or bond, when the amounts~~
 50 ~~received, in the aggregate, do not exceed \$15,000.~~

51 Section 2. This act shall take effect October 1, 2012.