

By Senator Joyner

18-00714-12

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1 A bill to be entitled  
 2 An act relating to natural guardians; amending s.  
 3 744.301, F.S.; revising provisions relating to the  
 4 authority of natural guardians to act on behalf of  
 5 their children; providing an effective date.

6  
 7 Be It Enacted by the Legislature of the State of Florida:  
 8

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

11 744.301 Natural guardians.—

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

29 (2) Except as otherwise provided in this chapter natural

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30 ~~guardians are authorized, on behalf of any of their minor~~  
31 ~~children, and without appointment, authority, or bond if the~~  
32 ~~amounts received in the aggregate do not exceed \$15,000, natural~~  
33 ~~guardians may ~~to~~:~~

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

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

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

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

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

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

52 Section 2. This act shall take effect July 1, 2012.