

2012990er

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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:
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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.