

26 Statutes, is renumbered as subsection (4), and paragraph (d) of
27 subsection (1), paragraph (c) of subsection (3), and present
28 subsection (4) of that section are amended to read:

29 45.032 Disbursement of surplus funds after judicial sale.—

30 (1) For purposes of ss. 45.031-45.035, the term:

31 ~~(d) "Surplus trustee" means a person qualifying as a~~
32 ~~surplus trustee pursuant to s. 45.034.~~

33 (3) During the 60 days after the clerk issues a
34 certificate of disbursements, the clerk shall hold the surplus
35 pending a court order.

36 (c) If the remainder of the surplus has not been paid to
37 the owner of record or any subordinate lienholder, it is subject
38 to s. 717.113 and shall be reported and remitted to the
39 Department of Financial Services in accordance with ss. 717.117
40 and 717.119. For purposes of establishing entitlement to the
41 property, only the owner of record reported by the clerk or the
42 estate or beneficiary, as defined in s. 731.201, of a deceased
43 owner of record reported by the clerk is entitled to the
44 surplus. A surplus of less than \$10 escheats to no claim is
45 ~~filed during the 60-day period, the clerk shall appoint a~~
46 ~~surplus trustee from a list of qualified surplus trustees as~~
47 ~~authorized in s. 45.034. Upon such appointment, the clerk shall~~
48 ~~prepare a notice of appointment of surplus trustee and shall~~
49 ~~furnish a copy to the surplus trustee. The form of the notice~~
50 ~~may be as follows:~~

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~~(Caption of Action)~~

~~NOTICE OF APPOINTMENT
OF SURPLUS TRUSTEE~~

~~The undersigned clerk of the court certifies that he or she
disbursed the proceeds received from the sale of the property as
provided in the order or final judgment to the persons named in
the certificate of disbursements, and that surplus funds of
\$.... remain and are subject to disbursement to the owner of
record. You have been appointed as surplus trustee for the
purpose of finding the owner of record in order for the clerk to
disburse the surplus, after deducting costs, to the owner of
record.~~

~~WITNESS my hand and the seal of the court on, ... (year)....~~

~~... (Clerk)...~~

~~By ... (Deputy Clerk)...~~

~~(4) If the surplus trustee is unable to locate the owner
of record entitled to the surplus within 1 year after
appointment, the appointment shall terminate and the clerk shall
notify the surplus trustee that his or her appointment was
terminated. Thirty days after termination of the appointment of
the surplus trustee, the clerk shall treat the remaining funds~~

76 ~~as unclaimed property to be deposited with the Chief Financial~~
77 ~~Officer pursuant to chapter 717.~~

78 Section 3. Paragraph (d) of subsection (3) of section
79 45.033, Florida Statutes, is amended, and paragraph (e) of that
80 subsection is redesignated as paragraph (d), to read:

81 45.033 Sale or assignment of rights to surplus funds in a
82 property subject to foreclosure.—

83 (3) A voluntary transfer or assignment shall be a transfer
84 or assignment qualified under this subsection, thereby entitling
85 the transferee or assignee to the surplus funds or a portion or
86 percentage of the surplus funds, if:

87 ~~(d) The transferor or assignee is qualified as a surplus~~
88 ~~trustee, or could qualify as a surplus trustee, pursuant to s.~~
89 ~~45.034.~~

90 Section 4. Section 45.034, Florida Statutes, is repealed.

91 Section 5. Paragraphs (b) and (d) of subsection (2) of
92 section 45.035, Florida Statutes, are amended, and paragraph (c)
93 of that subsection is redesignated as paragraph (b), to read:

94 45.035 Clerk's fees.—In addition to other fees or service
95 charges authorized by law, the clerk shall receive service
96 charges related to the judicial sales procedure set forth in ss.
97 45.031-45.034 and this section:

98 (2) If there is a surplus resulting from the sale, the
99 clerk may receive the following service charges, which shall be
100 deducted from the surplus:

101 ~~(b) The clerk is entitled to a service charge of \$15 for~~
 102 ~~notifying a surplus trustee of his or her appointment.~~

103 ~~(d) The clerk is entitled to a service charge of \$15 for~~
 104 ~~appointing a surplus trustee, furnishing the surplus trustee~~
 105 ~~with a copy of the final judgment and the certificate of~~
 106 ~~disbursements, and disbursing to the surplus trustee the~~
 107 ~~trustee's cost advance.~~

108 Section 6. Subsection (8) of section 717.124, Florida
 109 Statutes, is amended to read:

110 717.124 Unclaimed property claims.—

111 (8) This section applies to all unclaimed property
 112 reported and remitted to the Chief Financial Officer, including,
 113 but not limited to, property reported pursuant to ss. ~~43.19,~~
 114 45.032, 732.107, 733.816, and 744.534.

115 Section 7. Section 717.138, Florida Statutes, is amended
 116 to read:

117 717.138 Rulemaking authority.—The department shall
 118 administer and provide for the enforcement of this chapter. The
 119 department has authority to adopt rules pursuant to ss.
 120 120.536(1) and 120.54 to implement the provisions of this
 121 chapter. The department may adopt rules to allow for electronic
 122 filing of fees, forms, and reports required by this chapter. The
 123 authority to adopt rules pursuant to this chapter applies to all
 124 unclaimed property reported and remitted to the Chief Financial
 125 Officer, including, but not limited to, property reported and

126 | remitted pursuant to ss. ~~43.19~~, 45.032, 732.107, 733.816, and
127 | 744.534.

128 | Section 8. Section 717.1401, Florida Statutes, is amended
129 | to read:

130 | 717.1401 Repeal.—This chapter shall not repeal, but shall
131 | be additional and supplemental to the existing provisions of ss.
132 | 43.18, ~~43.19~~, and 402.17 and chapter 716.

133 | Section 9. This act shall take effect July 1, 2017.