

1 A bill to be entitled
 2 An act relating to distribution of residual or
 3 undistributable funds in civil matters; creating s.
 4 45.085, F.S.; authorizing courts to apply the doctrine
 5 of cy pres in certain circumstances; providing for
 6 distribution of funds subject to cy pres distribution;
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 45.085, Florida Statutes, is created to
 12 read:

13 45.085 Distribution of residual or undistributable funds
 14 in civil matters.-

15 (1) In all civil matters in any court applying Florida
 16 law, such court may apply the doctrine of cy pres within its
 17 discretion as deemed appropriate under the circumstances or by
 18 agreement of the parties.

19 (2) The court has discretion to approve the timing and
 20 method of distribution of funds subject to cy pres distribution
 21 and to approve a recipient of such funds, as may be agreed to by
 22 the parties, including one or more nonprofit, tax-exempt
 23 organizations that provide services or support reasonably
 24 related to the subject matter and purposes of the civil matter
 25 involved. Such tax-exempt organizations may include those that

HB 409

2021

26 | provide either civil legal services to the poor or funding or
27 | support for the provision of civil legal services to the poor.

28 | Section 2. This act shall take effect July 1, 2021.