

By Senator Burgess

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1 A bill to be entitled
2 An act relating to curators of estates; amending s.
3 733.501, F.S.; revising the requirements for a court
4 to appoint a curator of certain estates; providing
5 that a curator has specified authority and duties;
6 providing the circumstances in which a curator must
7 take into its custody the estate of specified
8 decedents or persons; requiring a curator to act as
9 trustee when appointed by the court; requiring a
10 curator to post a reasonable bond, determined by the
11 court; providing an exception; providing that a
12 curator is subject to removal and surcharge by the
13 court; requiring a curator to file periodic reports
14 with the court; requiring that certain details be
15 included in such reports; requiring the court to
16 review such reports at regular intervals; authorizing
17 the court to require more frequent reporting or
18 additional documents under certain circumstances;
19 providing construction; making technical changes;
20 reenacting s. 90.5021(1), F.S., relating to fiduciary
21 lawyer-client privilege, to incorporate the amendment
22 made to s. 733.501, F.S., in a reference thereto;
23 providing an effective date.

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

26
27 Section 1. Section 733.501, Florida Statutes, is amended to
28 read:

29 733.501 Curators.—

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(1) APPOINTMENT OF A CURATOR.—

(a) ~~When it is necessary,~~ The court may appoint a curator at any time with notice to interested persons as the court deems appropriate ~~after formal notice to the person apparently entitled to letters of administration.~~ The curator may be authorized to perform any duty or function of a personal representative.

(b) If there is significant ~~great~~ danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and if the appointment of a curator would be delayed by giving notice, the court may appoint a curator without giving notice.

(c) If probate has not been initiated within 2 years after the date of the decedent's death, the court must appoint a curator to represent the estate.

(d) In any other proper case, the court may appoint a curator when deemed necessary to protect the interests of the estate.

(e) The court may appoint a curator in unique circumstances not outlined in this section to ensure that the interests of the estate and its beneficiaries are adequately protected.

(2) AUTHORITY AND DUTIES OF THE CURATOR.—

(a) The curator has the same authority and powers as set forth in this part.

(b) The curator must take into its custody the estate of a decedent or a person in any of the following circumstances:

1. When a decedent dies intestate in the county without heirs.

2. When a decedent dies leaving a will, and the personal

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59 representative named is absent or fails to qualify.

60 3. When an unknown decedent dies or is found dead in the
61 county.

62 4. When money, property, papers, or other portions of the
63 estate are left exposed to injury, waste, theft, loss, or
64 mismanagement and no other person administers such property in
65 the estate.

66 5. When a decedent dies intestate and his or her estate is
67 located in the county, or is left in the county, and such estate
68 is exposed to injury, waste, theft, loss, or mismanagement and
69 the decedent does not leave a known spouse or heir in this
70 state.

71 6. When the estate is that of a minor whose parents are
72 dead, or if living, refuse or neglect to qualify as a
73 conservator, or having been qualified, have been removed, or who
74 have been found incompetent to serve as a conservator, and who
75 have no person appointed by law to take care of and manage the
76 estate.

77 7. When the estate is that of a disabled or incapacitated
78 person in the county who has no legal guardian or conservator
79 and has no person competent to take charge of such estate, or to
80 act as such guardian or conservator, can be found who qualifies.

81 8. For any other cause in which the court finds it
82 necessary to protect the estate from injury, waste, theft, loss,
83 or mismanagement.

84 (c) The curator shall act as trustee when appointed by the
85 court ~~Bond shall be required of the curator as the court deems~~
86 ~~necessary. No bond shall be required of banks and trust~~
87 ~~companies as curators.~~

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88 (3) BOND REQUIREMENTS.—Curators must post a reasonable
89 bond, to be determined by the court. However, bonds are not
90 required for banks and trust companies that serve as curators.

91 (4) COMPENSATION.—Curators are ~~shall be~~ allowed reasonable
92 compensation for their services, and the court may consider ~~the~~
93 ~~provisions of~~ s. 733.617.

94 (5)~~(4)~~ REMOVAL AND SURCHARGE.—Curators are ~~shall be~~ subject
95 to removal and surcharge by the court.

96 (6) PERIODIC COURT REVIEW.—

97 (a) The curator shall file periodic reports with the court.
98 Such reports must detail the actions taken by the curator in
99 managing the estate. The court shall review such reports at
100 regular intervals to ensure that the curator is effectively
101 managing the estate and fulfilling its duties.

102 (b) The court may require more frequent reporting or
103 additional documentation as it deems necessary to protect the
104 interests of the estate.

105 (7) CONSISTENT TERMINOLOGY.—For clarity and to avoid
106 confusion, the term “curator” is used consistently throughout
107 this part to refer to the appointed entity responsible for
108 managing the estate.

109 Section 2. For the purpose of incorporating the amendment
110 made by this act to section 733.501, Florida Statutes, in a
111 reference thereto, subsection (1) of section 90.5021, Florida
112 Statutes, is reenacted to read:

113 90.5021 Fiduciary lawyer-client privilege.—

114 (1) For the purpose of this section, a client acts as a
115 fiduciary when serving as a personal representative or a trustee
116 as defined in ss. 731.201 and 736.0103, an administrator ad

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117 litem as described in s. 733.308, a curator as described in s.
118 733.501, a guardian or guardian ad litem as defined in s.
119 744.102, a conservator as defined in s. 710.102, or an attorney
120 in fact as described in chapter 709.

121 Section 3. This act shall take effect July 1, 2025.