

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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**BILL #:** [CS/HB 1337](#)

**TITLE:** Estates

**SPONSOR(S):** Tuck and Fabricio

**COMPANION BILL:** [CS/SB 1500](#) (Bradley)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 110 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

CS/HB 1337 amends several provisions of Florida law to reduce the necessity for court involvement or formal proceedings in the distribution of certain assets of a decedent and to expressly expand a personal representative's authority. Specifically, the bill:

- Gives a personal representative increased authority with respect to a decedent's safe-deposit box.
- Expressly authorizes a personal representative to institute a proceeding or otherwise invoke the court's jurisdiction to enforce his or her authority as personal representative; to authorize an attorney fee award to a prevailing personal representative in such a proceeding; and to include involvement in any such proceeding in the list of services for which a personal representative's attorney may receive compensation.
- Increases the amounts of what Florida law considers "small estates," such that procedures other than formal probate proceedings may be instituted to dispose of the subject property under certain conditions.

### Fiscal or Economic Impact:

The bill may have an economic impact on the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

#### [Safe-Deposit Boxes](#)

CS/HB 1337 amends [s. 655.933, F.S.](#), to require that, if a safe-deposit box is made available by a lessor (that is, the financial institution providing the safe-deposit box) to one or more persons acting as fiduciaries, the lessor, except as otherwise expressly provided in the lease or the writings pursuant to which such fiduciaries are acting, must allow access to the safe-deposit box by any one or more of the persons acting as personal representatives who present the lessor with a copy of the letters of administration (instead of making such access discretionary as it is in current law). However, the bill retains provisions leaving to the lessor's discretion the decision of whether or not to allow access in such circumstances to:

- Any of the persons otherwise acting as fiduciaries if authorized in writing, which writing is signed by all other persons so acting; or
- Any agent authorized in writing, which writing is signed by all persons acting as fiduciaries. (Section [1](#))

The bill also amends [s. 655.936, F.S.](#), to require that a lessor must, in addition to providing a Florida-appointed personal representative access to a safe-deposit box in the decedent's name and delivering all property deposited with it by a decedent to such personal representative as already required under this section, allow a Florida-appointed personal representative or such personal representative's attorney to pay any accumulated charges and terminate the safe-deposit box lease. (Section [2](#))

**STORAGE NAME:** h1337z

**DATE:** 3/19/2026

## Personal Representatives

The bill amends ss. [733.603](#) and [733.612, F.S.](#), to expressly authorize a personal representative to, among those powers and duties already reserved to a personal representative in law, institute a proceeding or otherwise invoke the jurisdiction of the court to enforce his or her authority as personal representative as conferred by the Florida Probate Code. (Sections [3](#) and [4](#)) The bill also creates s. [733.6125, F.S.](#), to provide that, in any such enforcement proceeding, the court must award to a prevailing personal representative taxable costs and fees as in chancery actions, including attorney fees. Under the bill, when awarding such taxable costs and attorney fees, the court may direct payment from any person whose action or inaction necessitated the enforcement proceeding or from any person having an interest in the estate and may enter a judgment that may be satisfied from other property. (Section [5](#)) Finally, the bill amends s. [733.6171, F.S.](#), to provide that, in addition to fees for ordinary services, a personal representative's attorney must be allowed further reasonable compensation for involvement in any proceeding to enforce the personal representative's authority as conferred by the Florida Probate Code. (Section [6](#))

## Small Estates

The bill amends several provisions to increase the amounts of what Florida law considers "small estates," such that procedures other than formal probate proceedings may be instituted to dispose of the subject property.

Specifically, the bill amends:

- Section [735.201, F.S.](#), to increase the value of estates for which summary administration may be had from estates not exceeding \$75,000 (when totaling the value of the entire estate less the value of property exempted from creditor claims) to estates not exceeding \$150,000 (using the same calculation). (Section [7](#))
- Section [735.302, F.S.](#), to increase from \$2,500 to \$5,000 the amount of a decedent's federal income tax overpayment that may be refunded directly to the decedent's surviving spouse or children under specified conditions. (Section [8](#))
- Section [735.303, F.S.](#), to increase the total amount of combined funds in a decedent's qualified accounts which a financial institution may automatically pay to a decedent's family member in certain circumstances from funds not exceeding an aggregate total of \$1,000 to funds not exceeding an aggregate total of \$2,000. (Section [9](#))
- Section [735.304, F.S.](#), to increase the total value of nonexempt personal property which may be in an estate of a decedent who has died intestate, such that administration of the estate is not required and formal probate proceedings may not be instituted, from \$10,000 to \$20,000. (Section [10](#))

## Miscellaneous Provisions

The bill reenacts certain provisions of law for purposes of incorporating the amendments made by the bill. (Sections [11](#), [12](#), and [13](#))

Subject to the Governor's veto powers, the effective date of the bill is July 1, 2026.

## **FISCAL OR ECONOMIC IMPACT:**

### PRIVATE SECTOR:

The bill may have an economic impact on the private sector to the extent that it reduces the necessity for court involvement or formal proceedings in the distribution of certain assets of a decedent, which may reduce the costs associated with such asset distribution.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Personal Representatives](#)

The Florida Probate Code<sup>1</sup> (“Probate Code”) outlines Florida’s probate process, also known as “estate<sup>2</sup> administration” – that is, the court-supervised process<sup>3</sup> for identifying and gathering a decedent’s<sup>4</sup> assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.<sup>5</sup> Where the decedent dies leaving a valid will,<sup>6</sup> estate administration generally proceeds in accordance with the will’s terms, with estate assets distributed to the named beneficiaries;<sup>7</sup> however, where a decedent dies intestate – that is, where the decedent leaves no valid will – asset distribution generally occurs by operation of Florida’s intestate succession laws.<sup>8</sup>

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative<sup>9</sup> to oversee the estate’s administration and grants to such person letters of administration.<sup>10</sup> The personal representative’s primary purpose is to ensure that the administration of the decedent’s estate proceeds in accordance with the decedent’s wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on a personal representative.

#### *Qualifications*

In determining who may serve as a personal representative for a particular estate, Florida law establishes an order of preference that generally must be observed, as follows:

- In a testate estate (that is, where there is a will):
  - The personal representative named in the will.
  - The person selected by a majority in interest of the persons entitled to the estate.
  - A devisee under the will (or the most qualified of such devisees, as chosen by the court, if there is more than one).<sup>11</sup>
- In an intestate estate (that is, where there is no will):
  - The surviving spouse.
  - The person selected by a majority in interest of the heirs.
  - The heir nearest in degree (or the most qualified of such heirs, as chosen by the court, if there is more than one).<sup>12</sup>

<sup>1</sup> The Probate Code is codified in the following chapters of Florida law: [ch. 731, F.S.](#); [ch. 732, F.S.](#); [ch. 733, F.S.](#); [ch. 734, F.S.](#); and [ch. 735, F.S.](#)

<sup>2</sup> “Estate” means the property of a decedent that is the subject of administration. S. [731.201\(14\), F.S.](#)

<sup>3</sup> In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, Trial Courts-Circuit, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Mar. 19, 2026).

<sup>4</sup> “Decedent,” as the term is used in laws governing estates, refers to the person who has died. Legal Information Institute, *Decedent*, <https://www.law.cornell.edu/wex/decedent> (last visited Mar. 19, 2026).

<sup>5</sup> “Beneficiary” means an heir at law in an intestate estate and a devisee in a testate estate. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent’s assets may be held jointly with a surviving person, requiring no asset ownership transfer and, thus, no court intervention. S. [731.201, F.S.](#)

<sup>6</sup> A “will” means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person’s property on or after his or her death. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator’s property. Ss. [731.201\(4\)](#) and [733.103, F.S.](#)

<sup>7</sup> See Parts V, VI, and IX of [ch. 732, F.S.](#), governing wills, rules of will construction, and will production, respectively.

<sup>8</sup> See [Part I of ch. 732, F.S.](#), governing intestate succession.

<sup>9</sup> “Personal representative” means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. S. [731.201\(28\), F.S.](#)

<sup>10</sup> Letters of administration convey the legal authority to manage a decedent’s estate. Legal Information Institute, *Letters of Administration*, [https://www.law.cornell.edu/wex/letters\\_of\\_administration](https://www.law.cornell.edu/wex/letters_of_administration) (last visited Mar. 19, 2026).

<sup>11</sup> S. [733.301\(1\)\(a\), F.S.](#)

<sup>12</sup> S. [733.301\(1\)\(b\), F.S.](#)

However, to qualify as a personal representative, a person must have full legal capacity to act on his or her own behalf and be a Florida resident at the time of the relevant decedent's death or, if not a Florida resident:

- The decedent's legally adopted child or adoptive parent;
- Related by lineal consanguinity to the decedent;
- The decedent's sibling, uncle, aunt, nephew, or niece, or someone related by lineal consanguinity to any such person; or
- The spouse of any such person.<sup>13</sup>

Likewise, Florida law provides that a person is not qualified to act as a personal representative if he or she:

- Is a convicted felon;
- Has been convicted of abuse, neglect, or exploitation of an elderly person or a disabled adult;
- Is mentally or physically unable to perform the duties of a personal representative; or
- Is a minor.<sup>14</sup>

### *Duties and Powers*

Generally speaking, a personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts<sup>15</sup> and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.<sup>16</sup> Such duty generally begins upon appointment<sup>17</sup> and includes a duty to:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.<sup>18</sup>
- Expeditiously proceed with the settlement and distribution of the decedent's estate.<sup>19</sup>
- Act in the best interests of interested persons, including creditors.<sup>20</sup>
- File a verified inventory of estate property, subject to statutory requirements.<sup>21</sup>
- Take all steps reasonably necessary for the estate's management, protection, and preservation.<sup>22</sup>

To assist in the exercise of such duties, the personal representative also has statutorily-enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:<sup>23</sup>

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets, including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration. *Fiduciary Bonds*

Unless the bond requirement has been waived by the will or by the court, every personal representative (other than a bank or a trust acting as a personal representative) must execute and file a bond with surety, payable to the Governor and the Governor's successors in office, conditioned on the performance of all personal representative

<sup>13</sup> Ss. [733.302](#) and [733.304, F.S.](#)

<sup>14</sup> S. [733.303, F.S.](#)

<sup>15</sup> An "express trust" is a trust created with the settlor's express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318 (Fla. 1921).

<sup>16</sup> S. [733.609, F.S.](#)

<sup>17</sup> S. [733.601, F.S.](#)

<sup>18</sup> S. [733.602, F.S.](#)

<sup>19</sup> S. [733.603, F.S.](#)

<sup>20</sup> S. [733.602, F.S.](#)

<sup>21</sup> S. [733.604, F.S.](#)

<sup>22</sup> S. [733.607, F.S.](#)

<sup>23</sup> S. [733.612, F.S.](#)

duties.<sup>24</sup> All such bonds must be in an amount that the court deems sufficient after considering the estate's gross value, the relationship of the personal representative to the beneficiaries, exempt property and any family allowance, the type and nature of assets, known creditors, and any liens or other encumbrances on the assets.<sup>25</sup>

### *Court Directives*

A personal representative must proceed expeditiously with the settlement and distribution of a decedent's estate and, except as otherwise specified by the Florida Probate Code or ordered by the court, must do so without adjudication, order, or direction of the court.<sup>26</sup> However, a personal representative may invoke the court's jurisdiction to resolve questions concerning the estate or its administration.<sup>27</sup>

## Small Estates

### *Summary Administration*

Under Florida law, summary administration may be had in the administration of either a resident or nonresident decedent's estate when it appears:

- In a testate estate, that the decedent's will does not direct administration under the Florida Probate Code.
- That the value of the entire estate subject to administration in Florida, less the value of property exempt from creditor claims, does not exceed \$75,000 or that the decedent has been dead for more than two years.<sup>28</sup>

A petition for summary administration may be filed by any beneficiary or person nominated as a personal representative in the will offered for probate.<sup>29</sup> Such petition must be signed and verified by the surviving spouse, if any, and any beneficiaries, except that the joinder in a petition for summary administration is not required of a beneficiary who will receive a full distributive share under the proposed distribution; however, formal notice of the petition must still be served on a beneficiary not joining in the petition.<sup>30</sup>

Upon the filing of such a petition, the will, if any, must be proved as specified in law and admitted to probate.<sup>31</sup> Further, before the court enters the summary administration order, the petitioner must first make a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors, serve a copy of the petition on those creditors, and make provisions for paying such creditors to the extent that assets are available.<sup>32</sup> A court may then enter a summary administration order allowing immediate distribution of the assets to the persons entitled to them.<sup>33</sup>

### *Income Tax Refunds*

Section 735.302, F.S., provides that, in any case when the United States Treasury Department determines that someone overpaid his or her federal income taxes and the person who overpaid is dead at the time the overpayment is to be refunded, the overpayment amount, if not in excess of \$2,500, may be refunded as follows:

- Directly to the surviving spouse on his or her verified application; or
- If there is no surviving spouse, to one of the decedent's children who is designated in a verified application purporting to be executed by all of the decedent's children over the age of 14 years.

<sup>24</sup> S. 733.402, F.S.

<sup>25</sup> S. 733.403, F.S.

<sup>26</sup> S. 733.603, F.S.

<sup>27</sup> *Id.*

<sup>28</sup> S. 735.201, F.S.

<sup>29</sup> S. 735.203, F.S.

<sup>30</sup> *Id.*

<sup>31</sup> S. 735.206, F.S.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

In either event, the application must show that the decedent was not indebted, that provision has been made for the payment of the decedent's debts, or that the entire estate is exempt from the creditor claims under the constitution and statutes of Florida, and that no administration of the estate, including summary administration, has been initiated and that none is planned, to the applicant's knowledge.<sup>34</sup> Further, if a refund is made pursuant to the application, the refund operates as a complete discharge to the United States from liability from any action, claim, or demand by any beneficiary of the decedent or other person.<sup>35</sup>

### *Payment to Successors*

Section 735.303, F.S., authorizes a financial institution to pay to a decedent's family member, without any court proceeding, order, or judgment, the funds on deposit in all qualified accounts<sup>36</sup> of the decedent at the financial institution if the total amount of the combined funds in the qualified accounts at the financial institution do not exceed an aggregate total of \$1,000. However, in order to receive the funds, the family member must provide to the financial institution a certified copy of the decedent's death certificate and a sworn affidavit that includes a statement:

- Attesting that the affiant is the decedent's surviving spouse, adult child,<sup>37</sup> adult descendant,<sup>38</sup> or parent;<sup>39</sup>
- Specifying the decedent's date of death and the address of the decedent's last residence;
- Attesting that the total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$1,000;
- Acknowledging that a personal representative has not been appointed to administer the decedent's estate and attesting that no probate proceeding or summary administration procedure has been commenced with respect to the estate;
- Acknowledging that the affiant has no knowledge of the existence of any last will and testament or other document or agreement relating to the distribution of the decedent's estate;
- Acknowledging that the payment of the funds constitutes a full release and discharge of the financial institution's obligation regarding the amount paid;
- Acknowledging that the affiant understands that he or she is personally liable to the creditors of the decedent and other persons rightfully entitled to the funds under the Florida Probate Code, to the extent the amount paid exceeds the amount properly attributable to the affiant's share; and
- Acknowledging that the affiant understands that making a false statement in the affidavit may be punishable as a criminal offense.<sup>40</sup>

The financial institution is not required to determine whether the affidavit's contents are truthful.<sup>41</sup> Further, there is no right or cause of action against the financial institution for taking an action, or for failing to take an action, in connection with the affidavit or the payment.<sup>42</sup> However, the financial institution must maintain a copy or an image of the affidavit in accordance with its customary retention policies, and, if the decedent's surviving spouse or descendant requests a copy of the affidavit during such time, the financial institution may provide him or her with such copy.<sup>43</sup>

<sup>34</sup> [S. 735.302, F.S.](#)

<sup>35</sup> [Id.](#)

<sup>36</sup> "Qualified account" means a depository account or certificate of deposit held by a financial institution in the sole name of the decedent without a pay-on-death or any other survivor designation. [Id.](#)

<sup>37</sup> If the affiant is the decedent's adult child, the affidavit must attest that the decedent left no surviving spouse. [S. 753.303, F.S.](#)

<sup>38</sup> If the affiant is the decedent's adult descendant, the affidavit must attest that the decedent left no surviving spouse or surviving adult child. [Id.](#)

<sup>39</sup> If the affiant is a parent of the decedent, the affidavit must attest that the decedent left no surviving spouse, no surviving adult child, and no surviving adult descendant. [Id.](#)

<sup>40</sup> A person who knowingly makes a false statement in a sworn affidavit given to a financial institution to receive a decedent's funds under this section commits theft, punishable as provided in s. [812.014, F.S.](#) [Id.](#)

<sup>41</sup> [Id.](#)

<sup>42</sup> [Id.](#)

<sup>43</sup> [Id.](#)

### *Disposition Without Administration*

Section [735.304, F.S.](#), specifies that administration is not required for the estate of a decedent who has died without a will if the following conditions are met:

- The estate consists only of:
  - Personal property exempt from creditor claims;<sup>44</sup> and
  - Nonexempt personal property the value of which does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the decedent's last illness.<sup>45</sup>
- The decedent has been deceased for more than one year and no administration of the decedent's estate is pending in Florida.<sup>46</sup>

Any of the decedent's heirs entitled to a share of the intestate estate<sup>47</sup> may by affidavit request asset distribution without administration under this section.<sup>48</sup> The affidavit must be signed and verified by the surviving spouse, if any, and any of the decedent's heirs, except that joinder in the affidavit is not required of an heir who will receive a full intestate share under the proposed distribution of the personal property.<sup>49</sup> Before the filing of the affidavit, the affiant must make a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors, and the proposed distribution must generally make provision for payment of those creditors to the extent that assets are available.<sup>50</sup> The affidavit must be served in the manner of formal notice upon all heirs who have not joined in the affidavit; upon all known or reasonably ascertainable creditors of the decedent; and, if the decedent was over age 55 at the time of death, upon the Agency for Health Care Administration.<sup>51</sup> Then, if the court is satisfied that all requirements are met, the court may authorize the payment, transfer, disposition, delivery, or assignment of the tangible or intangible personal property to those persons entitled thereto.<sup>52</sup>

### Safe-Deposit Boxes

Chapter 655, F.S., regulates financial institutions operating in Florida, including banks and credit unions.<sup>53</sup> Currently, under this chapter, a financial institution may maintain and lease safe-deposit boxes<sup>54</sup> and may accept property or documents for safekeeping if, except in the case of property or documents accepted through night depositories, it issues a receipt therefor.<sup>55</sup> Additional provisions govern, among other things, access to safe-deposit boxes by fiduciaries, search procedures on a lessee's<sup>56</sup> death, delivery of safe-deposit box contents to a lessee's personal representative, and a lessor's<sup>57</sup> remedies for non-payment of rent.

#### *Access to Safe-Deposit Boxes by Fiduciaries*

Under Ch. 655, F.S., if a safe-deposit box is made available by a lessor to one or more persons acting as fiduciaries, the lessor may, except as otherwise expressly provided in the lease or the writings pursuant to which such fiduciaries are acting, allow access to such safe-deposit box as follows:

- By any one or more of the persons acting as personal representatives.

<sup>44</sup> Personal property may be exempt from creditor claims under [s. 732.402, F.S.](#), and the State Constitution.

<sup>45</sup> [S. 735.304, F.S.](#)

<sup>46</sup> *Id.*

<sup>47</sup> Ss. [732.102](#) and [732.103](#), F.S., determine entitlement to a share of an intestate estate.

<sup>48</sup> [S. 735.304, F.S.](#)

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Ss. [655.001](#) and [655.005, F.S.](#)

<sup>54</sup> "Safe-deposit box" means a safe-deposit box, vault, or other safe-deposit receptacle maintained by a lessor, and the rules relating thereto apply to property or documents kept in safekeeping in the financial institution's vault. [S. 655.93, F.S.](#)

<sup>55</sup> [S. 655.931, F.S.](#)

<sup>56</sup> "Lessee" means a person who contracts with a lessor for the use of a safe-deposit box. [S. 655.93, F.S.](#)

<sup>57</sup> "Lessor" means a financial institution that rents safe-deposit facilities. *Id.*

- By any one or more of the persons otherwise acting as fiduciaries if authorized in writing, which writing is signed by all other persons so acting.
- By any agent authorized in writing, which writing is signed by all persons acting as fiduciaries.<sup>58</sup>

#### *Search Procedures on Death of Lessee*

If satisfactory proof of a lessee's death is presented, a lessor must allow the person named in a court order for that purpose, or if no order has been served upon the lessor, the spouse, a parent, an adult descendant, or a person named as a personal representative in a copy of a purported will produced by such person, to open and examine the contents of a safe-deposit box leased by a decedent, or any documents delivered by a decedent for safekeeping, in the presence of one of the lessor's officers.<sup>59</sup> Further, if requested by such person, the lessor must remove and deliver only:

- Any writing purporting to be the decedent's will, to the court having probate jurisdiction in the county in which the financial institution is located;
- Any writing purporting to be a deed to a burial plot or to give burial instructions, to the person making the request for a search; or
- Any document purporting to be the decedent's life insurance policy, to the beneficiary named therein.<sup>60</sup>

The lessor's officer must then make a complete copy of any document so removed and delivered as specified above and place that copy, together with a memorandum of delivery identifying the officer's name, the person to whom the document was delivered, the purported relationship of the person to whom the document was delivered, and the date of delivery, in the safe-deposit box leased by the decedent.<sup>61</sup>

#### *Delivery of Safe-Deposit Box Contents to Personal Representative*

Chapter 655, F.S., provides that, subject to the provisions regarding search procedures on the lessee's death, where a deceased lessee's personal representative was appointed by a Florida court, a lessor must immediately deliver to the person appointed, upon presentation of a certified copy of his or her letters of authority, all property deposited with it by the decedent for safekeeping, and grant the personal representative access to any safe-deposit box in the decedent's name and allow him or her to remove from such box any part or all of the contents thereof.<sup>62</sup> However, if a deceased lessee's personal representative was appointed by a court of any other state, a lessor may, at its discretion, after three months from the issuance to such personal representative of his or her letters of authority, deliver to such personal representative all properties deposited with it for safekeeping and the contents of any safe-deposit box in the name of the decedent if at such time the lessor has not received written notice of the appointment of a personal representative in Florida, and such delivery is a valid discharge of the lessor for all property or contents so delivered.<sup>63</sup>

#### *Special Remedies for Nonpayment of Rent*

If the rent due on a safe-deposit box has not been paid for three months, the lessor may send a notice by certified mail to the lessee's last known address stating that the safe-deposit box will be opened and its contents stored at the lessee's expense unless rent payment is made within 30 days.<sup>64</sup> If the rent is not paid within 30 days from the notice's mailing, the box may be opened in the presence of one of the lessor's officers and of a notary public.<sup>65</sup> The notary public must then seal the contents in a package and write on the outside of such package the lessee's name

<sup>58</sup> [S. 655.933, F.S.](#)

<sup>59</sup> [S. 655.935, F.S.](#)

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> [S. 655.936, F.S.](#)

<sup>63</sup> *Id.*

<sup>64</sup> [S. 655.94, F.S.](#)

<sup>65</sup> *Id.*

and the date of the safe-deposit box's opening.<sup>66</sup> The notary public must also execute a certificate reciting the lessee's name, the date of the safe-deposit box's opening, and a list of its contents, which certificate must be included in the package, and a copy of which must be sent by certified mail to the lessee's last known address.<sup>67</sup> The package must then be placed in the lessor's general vaults at a rent not exceeding the rent previously charged for the safe-deposit box, and the lessor has a lien on the package and its contents to the extent of any rent due and owing plus the actual, reasonable costs of removing the contents from the safe-deposit box.<sup>68</sup>

However, if the safe-deposit box's contents have not been claimed within one year after the certificate's mailing, the lessor may send a further notice to the lessee's last known address stating that, unless the accumulated charges are paid within 30 days, the box's contents will be sold at public auction at a specified time and place or, in the case of securities listed on a stock exchange, will be sold upon the exchange on or after a specified date, and unsalable items will be destroyed.<sup>69</sup> The time, place, and manner of sale must also be posted conspicuously on the lessor's premises and advertised once in a newspaper of general circulation in the community.<sup>70</sup> If the articles are not claimed, they may then be sold in accordance with the notice, and the balance of the proceeds, after deducting accumulated charges, including the expenses of advertising and conducting the sale, must be:

- Deposited to the lessee's credit in any account maintained by the lessee; or,
- If none, deemed a deposit account with the financial institution operating the safe-deposit facility and identified on the financial institution's books as arising from the sale of a safe-deposit box's contents.<sup>71</sup>

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<sup>66</sup> [Id.](#)

<sup>67</sup> [Id.](#)

<sup>68</sup> [Id.](#)

<sup>69</sup> [Id.](#)

<sup>70</sup> [Id.](#)

<sup>71</sup> [Id.](#)