

By Senator Burgess

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A bill to be entitled
An act relating to curators of estates; amending s.
733.501, F.S.; revising the requirements for a court
to appoint a curator of estates; providing authority
and duties of a curator; requiring a curator to post a
reasonable bond, determined by the court; providing an
exception; providing that a curator is subject to
removal and surcharge by the court; requiring a
curator to file periodic reports with the court;
requiring that certain details be included in such
reports; requiring the court to review such reports;
authorizing the court to require more frequent
reporting or additional documents under certain
circumstances; reenacting s. 90.5021(1), F.S.,
relating to fiduciary lawyer-client privilege, to
incorporate the amendment made to s. 733.501, F.S., in
a reference thereto; providing an effective date.

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

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

733.501 Curators.—

(1) APPOINTMENT OF A CURATOR.—When it is necessary, the
court may appoint a curator after formal notice to the person
apparently entitled to letters of administration as follows:

(a) The court may appoint a curator at any time with notice
to other interested persons as the court deems appropriate. The
curator may be authorized to perform any duty or function of a

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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 to other interested persons.

(c) In any other proper case, the court may appoint a curator when deemed necessary to protect the interests of the estate or a decedent's heirs.

(2) AUTHORITY AND DUTIES OF THE CURATOR.—

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

(b) Within a reasonable time after the curator's appointment by the court, the curator must take possession and control of the estate of the decedent 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 representative named is absent or fails to qualify.

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

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

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

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~~companies as curators.~~

(3) BOND REQUIREMENTS.—Unless waived by the court, curators must post a reasonable bond in an amount to be determined by the court. However, bonds are not required for banks and trust companies that serve as curators.

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

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

(6) PERIODIC COURT REVIEW.—

(a) The curator shall file reports with the court. Such reports must detail the actions taken by the curator in managing the estate. The court shall review such reports to ensure that the curator is effectively managing the estate and fulfilling its duties.

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

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

90.5021 Fiduciary lawyer-client privilege.—

(1) For the purpose of this section, a client acts as a fiduciary when serving as a personal representative or a trustee as defined in ss. 731.201 and 736.0103, an administrator ad litem as described in s. 733.308, a curator as described in s. 733.501, a guardian or guardian ad litem as defined in s.

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88 744.102, a conservator as defined in s. 710.102, or an attorney
89 in fact as described in chapter 709.

90 Section 3. This act shall take effect July 1, 2026.