

By Senator Rossin

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A bill to be entitled

An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; providing an effective date.

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

Section 1. Section 744.387, Florida Statutes, is amended to read:

744.387 Settlement of claims.--

(1) When a settlement of any claim by or against the guardian, whether arising as a result of personal injury or otherwise, and whether arising before or after appointment of a guardian, is proposed, but before an action to enforce it is begun, on petition by the guardian of the property stating the facts of the claim, question, or dispute and the proposed settlement, and on any evidence that is introduced, the court may enter an order authorizing the settlement if satisfied that the settlement will be for the best interest of the ward. The order shall relieve the guardian from any further responsibility in connection with the claim or dispute when the settlement has been made in accordance with the order. The order authorizing the settlement may also determine whether an additional bond is required and, if so, shall fix the amount of it.

(2) In the same manner as provided in subsection (1) or as authorized by s. 744.301, the natural guardians or guardian of a minor may settle any claim by or on behalf of a minor that does not exceed \$15,000~~\$5,000~~ without bond. A

1 legal guardianship shall be required when the amount of the
2 net settlement to the ward exceeds \$15,000~~\$5,000~~.

3 (3)(a) No settlement after an action has been
4 commenced by or on behalf of a ward shall be effective unless
5 approved by the court having jurisdiction of the action.

6 (b) In the event of settlement or judgment in favor of
7 the ward or minor, the court may authorize the natural
8 guardians or guardian, or a guardian of the property appointed
9 by a court of competent jurisdiction, to collect the amount of
10 the settlement or judgment and to execute a release or
11 satisfaction. When the amount of net settlement to the ward
12 or judgment exceeds \$15,000~~\$5,000~~ and no guardian has been
13 appointed, the court shall require the appointment of a
14 guardian for the property.

15 (4) In making a settlement under court order as
16 provided in this section, the guardian is authorized to
17 execute any instrument that may be necessary to effect the
18 settlement. When executed, the instrument shall be a complete
19 release of the person making the settlement.

20 Section 2. This act shall take effect July 1, 2001.

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23 SENATE SUMMARY

24 Increases from \$5,000 to \$15,000 the maximum amount of a
25 claim that a natural guardian of a minor may settle
26 without the appointment of a legal guardian.
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