

By Senator Jones

35-01474-21

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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.

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

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

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

15 (1) In all civil matters in any court applying Florida law,
16 the court may apply the doctrine of cy pres as deemed
17 appropriate under the circumstances or by agreement of the
18 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 which may be agreed to
22 by 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
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.