

By the Committee on Judiciary; and Senator Burgess

590-02591-25

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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.

24
25 Be It Enacted by the Legislature of the State of Florida:

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

29 733.501 Curators.—

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30 (1) APPOINTMENT OF A CURATOR.—

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

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

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

45 (2) AUTHORITY AND DUTIES OF THE CURATOR.—

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

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

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

52 2. When a decedent dies leaving a will, and the personal
53 representative named is absent or fails to qualify.

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

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

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

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

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

69 (5) ~~(4)~~ REMOVAL AND SURCHARGE.—Curators are ~~shall be~~ subject
70 to removal and surcharge by the court.

71 (6) PERIODIC COURT REVIEW.—

72 (a) The curator shall file periodic reports with the court.
73 Such reports must detail the actions taken by the curator in
74 managing the estate. The court shall review such reports at
75 regular intervals to ensure that the curator is effectively
76 managing the estate and fulfilling its duties.

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

80 (7) CONSISTENT TERMINOLOGY.—For clarity and to avoid
81 confusion, the term "curator" is used consistently throughout
82 this part to refer to the appointed entity responsible for
83 managing the estate.

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

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88 90.5021 Fiduciary lawyer-client privilege.—

89 (1) For the purpose of this section, a client acts as a
90 fiduciary when serving as a personal representative or a trustee
91 as defined in ss. 731.201 and 736.0103, an administrator ad
92 litem as described in s. 733.308, a curator as described in s.
93 733.501, a guardian or guardian ad litem as defined in s.
94 744.102, a conservator as defined in s. 710.102, or an attorney
95 in fact as described in chapter 709.

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