

By the Committee on Judiciary; and Senator Burgess

590-02446-26

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A bill to be entitled

An act relating to curators of estates; amending s. 733.501, F.S.; revising the authorization for a court to appoint a curator of estates; revising bond requirements for a curator of estates; clarifying who may subject a curator of estates to removal and surcharge; requiring a curator to file reports with the court in specified circumstances; 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 personal representative.

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30 (b) If there is significant ~~great~~ danger that any of the
31 decedent's property is likely to be wasted, destroyed, or
32 removed beyond the jurisdiction of the court and if the
33 appointment of a curator would be delayed by giving notice, the
34 court may appoint a curator without giving notice to other
35 interested persons.

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

39 (2) BOND REQUIREMENTS.—Unless waived by the court, curators
40 must post a reasonable bond in an amount to be determined by the
41 court. However, bonds are not required for banks and trust
42 companies that serve as curators ~~Bond shall be required of the~~
43 ~~curator as the court deems necessary. No bond shall be required~~
44 ~~of banks and trust companies as curators.~~

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

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

50 (5) COURT REVIEW.—

51 (a) The curator shall file reports with the court when the
52 court deems it necessary. Such reports must detail the actions
53 taken by the curator in managing the estate. The court shall
54 review such reports to ensure that the curator is effectively
55 managing the estate and fulfilling its duties.

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

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

63 90.5021 Fiduciary lawyer-client privilege.—

64 (1) For the purpose of this section, a client acts as a
65 fiduciary when serving as a personal representative or a trustee
66 as defined in ss. 731.201 and 736.0103, an administrator ad
67 litem as described in s. 733.308, a curator as described in s.
68 733.501, a guardian or guardian ad litem as defined in s.
69 744.102, a conservator as defined in s. 710.102, or an attorney
70 in fact as described in chapter 709.

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