

CHAPTER 2012-48

Senate Bill No. 990

An act relating to natural guardians; amending s. 744.301, F.S.; revising provisions relating to the authority of natural guardians to act on behalf of their children; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 744.301, Florida Statutes, are amended to read:

744.301 Natural guardians.—

(1) ~~The parents mother and father jointly are the natural guardians of their own children and of their adopted children, during minority. If one parent dies, the surviving parent remains the sole natural guardian even if he or she remarries. If the marriage between the parents is dissolved, the natural guardianship belongs to the parent to whom sole parental responsibility has been granted, or if the parents have been granted shared parental responsibility, custody of the child is awarded. If the parents are given joint custody, then both continue as natural guardians. If the marriage is dissolved and neither parent the father nor the mother is given parental responsibility for custody of the child, neither may shall act as natural guardian of the child. The mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child unless the a court of competent jurisdiction enters an order stating otherwise.~~

(2) ~~Except as otherwise provided in this chapter natural guardians are authorized, on behalf of any of their minor children, and without appointment, authority, or bond if the amounts received in the aggregate do not exceed \$15,000, natural guardians may to:~~

(a) Settle and consummate a settlement of any claim or cause of action accruing to any of their minor children for damages to the person or property of any of said minor children;

(b) Collect, receive, manage, and dispose of the proceeds of any such settlement;

(c) Collect, receive, manage, and dispose of any real or personal property distributed from an estate or trust;

(d) Collect, receive, manage, and dispose of and make elections regarding the proceeds from a life insurance policy or annuity contract payable to, or otherwise accruing to the benefit of, the child; and

(e) Collect, receive, manage, dispose of, and make elections regarding the proceeds of any benefit plan as defined in ~~by~~ s. 710.102, of which the minor is a beneficiary, participant, or owner;

~~without appointment, authority, or bond, when the amounts received, in the aggregate, do not exceed \$15,000.~~

Section 2. This act shall take effect July 1, 2012.

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.