



THE HONORABLE
GWEN MARSHALL

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

CLERK OF COURTS • COUNTY COMPTROLLER • AUDITOR • TREASURER • RECORDER

COURTS DEPARTMENT

Rev. 8/8/17

Unclaimed Money in the Clerk's Office

How to avoid having monies considered unclaimed or abandoned:

1. Make sure that your address is up-to-date with the United States Postal Service and the Clerk's office.
2. If money has been deposited in a case in which you are involved, make sure that you obtain an order disbursing those funds before the case is closed or dismissed, or include the disbursement order in your final judgment.
3. Follow up on any motions filed asking for money to be disbursed to see if a hearing needs to be set, or if all procedures were properly followed.
4. If you hold a monetary judgment against another party in a civil case, you can re-record that judgment along with an affidavit of current address if you change your address. If the judgment is satisfied through the Clerk's office, we can then contact you to let you know we have your funds.
5. In mortgage foreclosure cases, if there are surplus monies remaining after the sale and all lienholders who have filed a timely claim have been paid, the person who was the owner of the foreclosed property as of the date of filing of the Lis Pendens (usually the same as the case filing date) is entitled to those monies.
6. You can monitor your case online through the Clerk's website. The docket for your case will list any pleadings filed, as well as deposits made and checks issued. You may not receive a notice when money is deposited, so check your case docket online to see if funds have been deposited.

Types of Unclaimed Funds

1. **FS 43.19:** Unclaimed monies deposited by court order or by statute into court registry and money has remained on deposit for 5 years or more unclaimed by the person, firm or corporation entitled to the money.
 - If a civil case has been closed and funds are left in the court registry for that case for more than five years, Florida Statute 43.19 directs the Clerk to consider them unclaimed and to deposit them with the Chief Financial Officer to the credit of the State School Fund.
 - This is done on or before December 1st of each year through a single court order with an attached list detailing each case and the amount being submitted (which must be docketed in the case in which the money was originally deposited).
 - Once sent to the State, these funds can still be claimed from the State, through its Division of Unclaimed Property, www.fltreasurehunt.org.
 - These unclaimed monies can include: declaratory judgments; replevin bonds; possessory liens; monies under FS 733.816 and 744.534; and cash bonds. Cash bonds held in the court registry are held until a court order directs the Clerk to release them. If no order is received, the Clerk can file a motion with the Court to send the money to the State under FS 43.19 after the case has been closed and there has been no activity for 5 years.

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2. **FS 116.21:** Unclaimed money collected or deposited by the Clerk in the course of the Clerk's court related activities prior to January 1 of preceding year, which includes appeal bonds (not ordered into court registry); cash bonds (not ordered into court registry); returned child support money; overpayment of fines and court fees; and restitution.
 - The Clerk is authorized on or before September 25 of each and every year to pay into the fine and forfeiture fund created under FS 142.01 all unclaimed moneys deposited or collected by them in their official capacity, which unclaimed moneys came into their hands prior to January 1 of the preceding year and for which moneys claim has not been made.
 - During July each year, the Clerk may compile a list of all unclaimed moneys, noting the name of the defendants and the respective amounts of such unclaimed moneys. This list will be published one time during the month of July in a newspaper of general circulation, and the notice will specify that unless such moneys are claimed on or before September 1, the moneys are forfeited. Persons claiming any interest in these funds shall file their signed, written claims with the Clerk within the time specified by the notice and will provide sufficient proof to the Clerk of their ownership.
 - Child support money can be claimed through the Clerk's Office. Child support checks issued by the State Disbursement Unit that have been returned by the post office, or have never been cashed by the recipient, are considered unclaimed and are deposited in the fine and forfeiture fund.

3. **FS 717:** Florida Disposition of Unclaimed Property Act, primarily intangible property that has been inactive on the books of an entity for a period of time (dormancy period), and for which there has been no owner-generated activity; the liability does not become unclaimed property until it reaches the end of the required dormancy period as provided by law.
 - The Clerk notifies owners of such property annually, who must make any claim of ownership by April 1st. Claims must be made in writing, signed, and contain sufficient identifying information to match the name or business name on the property.
 - Mortgage Foreclosure Cases
 - Per FS 28.24(8), the Clerk may assess and deduct from your check a \$4.00 processing fee.
 - FS 45.032 is covered by FS 717 and includes mortgage foreclosure surplus monies not disbursed by surplus trustee.
 - If surplus funds remain in the court registry after a sale and no claim for these funds has been received within 60 days from the Certificate of Disbursement date, the Clerk follows specific steps outlined in FS 45.032 to appoint a Surplus Trustee to locate the owner(s) of these funds. The Surplus Trustee is selected and approved by the State. The Trustee is entitled to receive a fixed percentage of the surplus funds if he successfully locates the owner, and obtains a court order disbursing the surplus funds to that owner. If the Trustee is unable to locate the owner after a year, the Clerk terminates the Trustee and turns the funds over to the State as unclaimed under FS 717.117. Once sent to the State, these funds can be claimed from the State.

- Each year, the Clerk prepares a list of mortgage foreclosure surplus cases in which the surplus trustee was terminated during the preceding calendar year and surplus funds remain in the case. The FS 717.117 report must be filed with the State by May 1st. The funds are reported by case number and by homeowner name. Once the funds have been sent to the State, they can be located by searching Florida's Unclaimed Property database at their website, www.fltreasurehunt.org.
- Refund checks: Returned by the post office or stale-dated (checks that were sent but never cashed) can be claimed by submitting a written request to the Clerk to reissue the check.