



THE
15TH JUDICIAL CIRCUIT
OF FLORIDA

Safe Deposit Box

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File completed forms with Probate Division

Probate Resources

All instructions and forms distributed by the Fifteenth Judicial Circuit Law Library are provided as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. Any person using these instructions and/or forms does so at their own risk and the Law Library shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

For questions about these forms, contact the **Probate Division at 561-355-2986** or ProbateGAClerkWeb@mypalmbeachclerk.com.

Resources:

For Death Certificates: <http://palmbeach.floridahealth.gov/certificates/death/index.html>

Florida Probate Code: <https://www.flsenate.gov/Laws/Statutes/2021/Title42/#Title42>

Florida Probate Rules: <https://www.floridabar.org/rules/ctproc/>

For unclaimed property: <https://www.fltreasurehunt.gov/>

Florida Statutes: <https://www.flsenate.gov/Laws/Statutes>

Additional Legal Resources:

Florida Rural Legal
Services
www.frls.org
561-820-8902

Legal Aid Society of Palm
Beach County
www.legalaidpbc.org
561-655-8944

Lawyer Referral Service
<https://www.palmbeachbar.org/lawyer-referral-service/>
561-687-3266 (to hire a lawyer to represent you in court or give you legal advice)

File completed forms with Probate Division:

In-person:
Judge Daniel T.K.
Hurley Courthouse
205 N. Dixie Highway
Room 3.23
West Palm Beach, FL
33401

By mail:
Probate Division
P.O. Box 4667
West Palm Beach,
FL 33402

Online:
<https://www.myflcourtaccess.com/authority/>
Please note that the original death certificate and original will (if any) must be mailed or hand-delivered to the Probate Division and cannot be e-filed.

Florida Statutes

Below is a selection of statutes related to opening a safe deposit box on death of lessee. The first set of numbers is the chapter number (ex. 655), the next set of numbers is the section (ex. 935). For complete statutes, go to <https://www.flsenate.gov/Laws/Statutes/>

655.935 Search procedure on death of lessee.—If satisfactory proof of the death of the lessee is presented, a lessor shall permit the person named in a court order for that purpose, or if no order has been served upon the lessor, the spouse, a parent, an adult descendant, or a person named as a personal representative in a copy of a purported will produced by such person, to open and examine the contents of a safe-deposit box leased or co-leased by a decedent, or any documents delivered by a decedent for safekeeping, in the presence of an officer of the lessor.

- (1) If requested by such person, the lessor shall remove and deliver only:
 - (a) Any writing purporting to be a will of the decedent, to the court having probate jurisdiction in the county in which the financial institution is located.
 - (b) Any writing purporting to be a deed to a burial plot or to give burial instructions, to the person making the request for a search.
 - (c) Any document purporting to be an insurance policy on the life of the decedent, to the beneficiary named therein.

(2) The officer of the lessor shall make a complete copy of any document removed and delivered pursuant to this section and place that copy, together with a memorandum of delivery identifying the name of the officer, the person to whom the document was delivered, the purported relationship of the person to whom the document was delivered, and the date of delivery, in the safe-deposit box leased or co-leased by the decedent.

(3) The lessor may charge reasonable fees to cover costs incurred pursuant to this section.

(4) Access granted pursuant to this section is not considered the initial opening of the safe-deposit box pursuant to s. 733.6065.

History.—s. 65, ch. 92-303; s. 1, ch. 2006-134; s. 67, ch. 2006-213; s. 2, ch. 2010-132.

655.936 Delivery of safe-deposit box contents or property held in safekeeping to personal representative.—

(1) Subject to the provisions of subsection (3), the lessor shall immediately deliver to a personal representative appointed by a court in this state, upon presentation of a certified copy of

his or her letters of authority, all property deposited with it by the decedent for safekeeping, and shall grant the personal representative access to any safe-deposit box in the decedent's name and permit him or her to remove from such box any part or all of the contents thereof.

(2) If a personal representative of a deceased lessee has been appointed by a court of any other state, a lessor may, at its discretion, after 3 months from the issuance to such personal representative of his or her letters of authority, deliver to such personal representative all properties deposited with it for safekeeping and the contents of any safe-deposit box in the name of the decedent if at such time the lessor has not received written notice of the appointment of a personal representative in this state, and such delivery is a valid discharge of the lessor for all property or contents so delivered. A personal representative appointed by a court of any other state shall furnish the lessor with an affidavit setting forth facts showing the domicile of the deceased lessee to be other than this state and stating that there are no unpaid creditors of the deceased lessee in this state, together with a certified copy of his or her letters of authority. A lessor making delivery pursuant to this subsection shall maintain in its files a receipt executed by such personal representative which itemizes in detail all property so delivered.

(3) Notwithstanding the provisions of subsection (1), after the death of a lessee of a safe-deposit box, the lessor shall permit the initial opening of the safe-deposit box and the removal of the contents of the safe-deposit box in accordance with s. 733.6065.

(4) A lessor is not liable for damages or penalty by reason of any delivery made pursuant to this section.

History.—s. 66, ch. 92-303; s. 531, ch. 97-102; s. 12, ch. 97-240; s. 3, ch. 2001-226; s. 2, ch. 2006-134; s. 68, ch. 2006-213.

733.6065 Opening safe-deposit box.—

(1) Subject to the provisions of s. 655.936(2), the initial opening of a safe-deposit box that is leased or co-leased by the decedent shall be conducted in the presence of any two of the following persons: an employee of the institution where the box is located, the personal representative, or the personal representative's attorney of record. Each person who is present must verify the contents of the box by signing a copy of the inventory under penalties of perjury. The personal representative shall file the safe-deposit box inventory, together with a copy of the box entry record from a date which is 6 months prior to the date of death to the date of inventory, with the court within 10 days after the box is opened. Unless otherwise ordered by the court, this inventory and the attached box entry record is subject to inspection only by persons entitled to

inspect an inventory under s. 733.604(1). The personal representative may remove the contents of the box.

(2) The right to open and examine the contents of a safe-deposit box leased by a decedent, or any documents delivered by a decedent for safekeeping, and to receive items as provided for in s. 655.935 is separate from the rights provided for in subsection (1).

History.—s. 129, ch. 2001-226; s. 7, ch. 2006-134; s. 71, ch. 2006-213.

Rev. 052622

Florida Probate Rules

Below are the Probate Rules related to safe deposit boxes. To access the complete Florida Probate Rules, go to <https://www.floridabar.org/rules/ctproc/> and click on Florida Probate Rules.

RULE 5.342. INVENTORY OF SAFE DEPOSIT BOX

(a) **Filing.** The personal representative shall file an inventory of the contents of the decedent's safe deposit box within 10 days of the initial opening of the box by the personal representative or the personal representative's attorney of record. The inventory shall include a copy of the financial institution's entry record for the box from a date that is six months prior to the decedent's date of death to the date of the initial opening by the personal representative or the personal representative's attorney of record.

(b) **Verification.** Each person who was present at the initial opening must verify the contents of the box by signing a copy of the inventory under penalties of perjury.

(c) **Service.** The personal representative shall serve a copy of the inventory on the surviving spouse, each heir at law in an intestate estate, each residuary beneficiary in a testate estate, and any other interested person who may request it in writing.

Committee Notes

Inventories and entry records, once filed, shall be afforded the same confidentiality as probate inventories.

If a safe deposit box is opened pursuant to section 655.935 of the Florida Statutes, no written inventory of the box need be prepared or filed.

Rule History

2003 Revision: New rule.

2012 Revision: The last sentence of subdivision (c) is deleted to remove duplicative requirement of filing a proof of service for a document which includes a certificate of service as provided in Fla. R. Gen. Prac. & Jud. Admin. 2.516. In service of the inventory is by service in the manner provided for service of formal notice, then proof of service should be filed as provided in rule 5.040(a)(5). Committee notes revised.

Statutory References

§ 655.935, Fla. Stat. Search procedure on death of lessee.

§ 655.936, Fla. Stat. Delivery of safe-deposit box contents or property held in safekeeping to personal representative.

§ 733.6065, Fla. Stat. Opening safe-deposit box.

Rule References

Fla. Prob. R. 5.041 Service of pleadings and documents.

Fla. Prob. R. 5.340 Inventory.

Fla. R. Gen. Prac. & Jud. Admin. 2.516 Service of pleadings and documents.

RULE 5.3425. SEARCH OF SAFE DEPOSIT BOX

(a) Petition for Order Authorizing Search. The petition for an order authorizing the search of a safe deposit box leased or co-leased by a decedent must be verified and must contain:

- (1) The petitioner's name, address, and interest, if any, in the estate;
- (2) The decedent's name, address, date and place of death, and state and county of domicile;
- (3) A description of the safe deposit box leased by the decedent and, if known, the name of any co-lessee;
- (4) The name and address of the institution where the safe deposit box is located; and
- (5) A statement that the petitioner believes that the decedent may have left in the safe deposit box one or more of the following:
 - (A) A will or codicil of the decedent, or a writing described in section 732.515 of the Code;
 - (B) A deed to a burial plot;
 - (C) A writing giving burial instructions; or
 - (D) Insurance policies on the life of the decedent.

(b) Order. If the Court determines that the petitioner is entitled to an order authorizing a search of the decedent's safe deposit box, it must enter an order

- (1) authorizing the petitioner to open the safe deposit box in the presence of an officer of the lessor and, if requested by the petitioner, to remove and deliver
 - (A) to the court having probate jurisdiction in the county where the lessor is located any writing purporting to be a will or codicil of the decedent and any writing purporting to identify devises of tangible property;
 - (B) to the petitioner, any writing purporting to be a deed to a burial plot to give burial instructions; and
 - (C) to the beneficiary named therein, any document purporting to be an insurance policy on the life of the decedent.
- (2) directing the officer of the lessor to make a complete copy of any document removed and delivered pursuant to the court order, together with a memorandum of delivery identifying the name of the officer, the person to whom the

document was delivered, and the date of delivery, to be placed in the safe deposit box leased or co-leased by the decedent.

Committee Notes

The search of the safe deposit box is not considered an initial opening and is not subject to the inventory requirements of rule 5.342.

Rule History

2010 Revision: New rule.

Statutory References

§ 655.935, Fla. Stat. Search procedure on death of lessee

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. _____
DIVISION _____

IN RE: ESTATE OF

(Deceased)

Petition to Search Safe Deposit Box

Petitioner, _____, alleges under penalty of perjury:

1. I have an interest in the above estate as _____. My address is _____ and the name and address of my attorney, if applicable, are set forth at the end of this Petition.
2. The decedent, _____, whose last known address was _____, and, if known, whose age was _____, at the time of death, and who died on _____, _____, at _____. On the date of death, the decedent was domiciled in _____ County, Florida.
3. The decedent was the lessee of a safe deposit box leased to the decedent by _____, _____, as the lessor. The safe deposit box number is _____.
4. I am informed and believe the decedent may have left in the safe deposit box:
 - a) A will or codicil, or any writing purporting to be a will of the decedent;
 - b) A burial plot deed;
 - c) Written burial instructions; and/or
 - d) Insurance policies on the life of the decedent.

Petitioner requests that an order be entered authorizing the Petitioner, in the presence of an officer of _____, the lessor, to open and examine the contents of the safe deposit box leased by the decedent and directing the lessor to deliver:

- a) Any writing purporting to be a will or codicil of the decedent, to the court having probate jurisdiction in the county where the financial institution is located.
- b) Any writing purporting to be a deed to a burial plot or to give burial instructions, to the Petitioner.
- c) Any document purporting to be an insurance policy on the life of the decedent, to the beneficiary named therein.

Petitioner further requests an order directing the lessor to make a complete copy of any document removed and delivered as instructed and to place that copy, together with a memorandum of delivery, in the safe deposit box leased or co-leased by the decedent.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on _____, _____.

Signature of Petitioner

Printed Name of Petitioner

State of _____

County of _____

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____.

Notary Public or Deputy Clerk

- Personally known
 - Produced identification
- Type of identification: _____

Print, type, or stamp commissioned
Name of Notary Public/ Deputy Clerk

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. _____
DIVISION _____

IN RE: ESTATE OF

(Deceased)

Order to Search Safe Deposit Box

On the Petition of _____, for an Order to Search Safe
Deposit Box No. _____, leased to _____,
deceased, by _____, as lessor, the Court finding that
satisfactory proof of the death of the decedent has been presented, and that petitioner is entitled
to open and examine the contents of the aforementioned safe deposit box, pursuant to Fla. Stat.
§655.935, it is hereby:

ADJUDGED that _____, the lessor, is directed to permit
the Petitioner to open and examine the contents of the safe deposit box leased to the decedent by
the lessor, in the presence of an officer of the lessor, and the lessor is directed to deliver:

- 1) Any writing purporting to be a will or codicil of the decedent, to the court having probate
jurisdiction in the county where the financial institution is located.
- 2) Any writing purporting to be a deed to a burial plot or to give burial instructions, to the
Petitioner.
- 3) Any document purporting to be an insurance policy on the life of the decedent, to the
beneficiary named therein.

ADJUDGED FURTHER that no other contents shall be removed pursuant to this Order and
access granted pursuant to this Order and Fla. Stat. §655.935 shall not be considered the initial
opening of the safe deposit box pursuant to Fla. Stat. §733.6065.

ADJUDGED FURTHER that the lessor is hereby directed to make a complete copy of any

document removed and delivered as instructed in this Order and to place that copy, together with a memorandum of delivery, in the safe deposit box leased or co-leased by the decedent. The lessor may charge a reasonable fee to cover costs incurred in complying with this Order.

DONE and ORDERED in _____ County, Florida on this _____ day of _____, _____.

Circuit Judge

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. _____
DIVISION _____

IN RE: ESTATE OF

(Deceased)

Inventory of Safe Deposit Box

I, _____, as Personal Representative of the estate of _____, deceased, hereby declares this inventory of the contents of safe deposit box No. _____, located at _____, which address is _____, which was conducted on _____, _____, and was witnessed by _____, as an officer of or representative of _____.

(a) CONTENTS:

(b) Attached is the true copy of the financial institution's entry record.

The above described safe deposit box contained no other items of any kind.

Under penalties of perjury, I declare that I have read and examined this Inventory of Safe Deposit Box No. _____, and the facts are true, correct and complete to the best of my knowledge and belief.

Signed on _____, _____.

Signature of Personal Representative

Printed Name of Personal Representative

Verification

I, _____, verify as an officer of _____, was present during the opening of safe deposit box and witnessed the inventory of its contents and verify that the above inventory is accurate and complete.

Signature of Witness

Printed Name of Witness

We, the undersigned, verify that we were present during the opening of the above described safe deposit box and witnessed the inventory of its contents and verify that the above inventory is accurate and complete.

Signature of Witness

Signature of Witness

Printed Name of Witness

Printed Name of Witness

Signature of Witness

Signature of Witness

Printed Name of Witness

Printed Name of Witness

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. _____
DIVISION _____

IN RE: ESTATE OF

(Deceased)

Petition to Remove Contents of Safe Deposit Box

Petitioner alleges:

1. Petitioner has an interest in the above estate as the _____ of the decedent. Petitioner, _____, currently resides at _____.
2. Decedent, whose last known address was _____ and whose age was _____ and whose social security number is _____, died on _____, _____ and on the date of death, decedent was domiciled in Palm Beach County, Florida.
3. The decedent was the lessee of a safe deposit box leased to the decedent by _____.
4. Petitioner requests that an order be entered authorizing Petitioner at this time having filed all necessary required pleadings pursuant to Florida Statute 733.6065, to remove any/and all contents of the safe deposit box leased by the decedent.

Under penalties of perjury, I declare that I have read the foregoing, and the contents are true, to the best of my knowledge and belief.

Signed on _____, _____.

Signature of Petitioner

Printed Name of Petitioner

State of _____
County of _____

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____.

Notary Public or Deputy Clerk

Personally known
 Produced identification
Type of identification: _____

Print, type, or stamp commissioned
Name of Notary Public/ Deputy Clerk

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. _____
DIVISION _____

IN RE: ESTATE OF

(Deceased)

Order to Remove Contents of Safe Deposit Box

On the petition of _____, for an Order to Remove the contents of the Safe Deposit Box No. _____, leased to _____, deceased, by _____, located at _____, as lessor, the court finding that satisfactory proof of the death of the decedent has been presented, and that petitioner is entitled to the benefits of Florida Statutes Section 655.935, it is:

ADJUGED that _____ located at _____, the lessor, is directed to allow petitioner pursuant to Florida Statute 733.6065, to remove the contents of the safe deposit box, leased to the decedent by the lessor, in the presence of an officer of the lessor and to close the safe deposit box.

DONE AND ORDERED at _____, Palm Beach County, Florida on this _____ day of _____, _____.

Circuit Judge