

By Senator King

8-1564-00

1 A bill to be entitled
2 An act relating to pets; providing for trusts
3 for the care of a pet animal; providing for
4 termination of such trusts; providing for
5 distribution of trust property upon
6 termination; providing for enforcement; waiving
7 fees, reports, accountings, or registration
8 unless ordered by the court or required by the
9 trust instrument; providing for court
10 appointment of trustee and transfer of property
11 when a designated trustee cannot serve;
12 providing an effective date.

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

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16 Section 1. Trusts for pets.--

17 (1) A trust for the care of a designated pet animal is
18 valid. The trust terminates when no living animal is covered
19 by the trust. A governing instrument must be liberally
20 construed to presume against the merely precatory or honorary
21 nature of the disposition and to carry out the general intent
22 of the transferor. Extrinsic evidence is admissible in
23 determining the transferor's intent.

24 (2) A trust created under this section is subject to
25 the following:

26 (a) Except as expressly provided otherwise in the
27 trust instrument, no portion of the principal or income may be
28 converted to the use of the trustee or to any use other than
29 for the trust's purposes or for the benefit of a covered pet.

30 (b) On termination, the trustee shall transfer the
31 unexpended trust property in the following order:

1 1. As directed in the trust instrument;
2 2. If the trust was created in a nonresiduary clause
3 in the transferor's will or in a codicil to the transferor's
4 will, under the residuary clause in the transferor's will; or
5 3. To the transferor's heirs.
6 (3) The intended use of the principal or income may be
7 enforced by a person who is designated for that purpose in the
8 trust instrument or, if none, by a person appointed by a court
9 on application to it by any person.
10 (4) Except as ordered by the court or required by the
11 trust instrument, no filing, report, registration, periodic
12 accounting, separate maintenance of funds, appointment, or fee
13 is required by reason of the existence of the fiduciary
14 relationship of the trustee.
15 (5) A court may reduce the amount of the property
16 transferred if it finds that that amount substantially exceeds
17 the amount required for the intended use. The amount of the
18 reduction, if any, passes as unexpended trust property under
19 paragraph (2)(b).
20 (6) If no trustee is designated or no designated
21 trustee is willing or able to serve, a court shall name the
22 trustee. A court may order the transfer of the property to
23 another trustee if necessary to assure that the intended use
24 is carried out and if no successor trustee is designated in
25 the trust instrument or if no designated successor trustee
26 agrees to serve or is able to serve. A court may also make
27 orders that it considers advisable to carry out the intent of
28 the transferor and this section.
29 Section 2. This act shall take effect July 1, 2000.
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SENATE SUMMARY

Provides for trusts for the care of pet animals. Provides for the termination of such trusts and for the distribution of trust property upon termination. Provides for enforcement of trust provisions. Provides for the waiver of reports, accountings, fees, and registration unless the court orders or the trust instrument requires. Authorizes the court to appoint a trustee and transfer trust property when a designated trustee cannot serve.