

Bill No. CS/HB 599

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Laurent moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 2, between lines 12 and 13,		
15			
16	insert:		
17	Section 2. Section 737.206, Florida Statutes, is		
18	amended to read:		
19	737.206 Effect of fraud, duress, mistake, and undue		
20	influence.--A trust is void if the execution is procured by		
21	fraud, duress, mistake, or undue influence. Any part of the		
22	trust is void if so procured, but the remainder of the trust		
23	not so procured is valid if it is not invalid for other		
24	reasons. <del>An action to contest the validity of all or part of</del>		
25	<del>a trust may not be commenced until the trust becomes</del>		
26	<del>irrevocable.</del>		
27	Section 3. Section 737.2065, Florida Statutes, is		
28	created to read:		
29	<u>737.2065 Trust contests.--An action to contest the</u>		
30	<u>validity of all or part of a trust may not be commenced until</u>		
31	<u>the trust becomes irrevocable.</u>		

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1           Section 4. Section 737.303, Florida Statutes, is  
2 amended to read:

3           737.303 Duty to inform and account to  
4 beneficiaries.--The trustee shall keep the beneficiaries of  
5 the trust reasonably informed of the trust and its  
6 administration. The trustee's duty to inform and account  
7 includes, but is not limited to, the following:

8           (1) Within 30 days after acceptance of the trust, the  
9 trustee shall inform the beneficiaries in writing of the  
10 acceptance of the trust and the full name and address of the  
11 trustee.

12           (2) Upon reasonable request, the trustee shall provide  
13 a beneficiary with a complete copy of the trust instrument,  
14 including amendments.

15           (3) Upon reasonable request, the trustee shall provide  
16 a beneficiary with relevant information about the assets of  
17 the trust and the particulars relating to administration.

18           (4)(a) A beneficiary is entitled to a statement of the  
19 accounts of the trust annually and upon termination of the  
20 trust or upon change of the trustee except as provided under  
21 paragraph (c).

22           (b) For purposes of this section, the term  
23 "beneficiary" means:

24           1. All current income or principal beneficiaries,  
25 whether discretionary or mandatory; and

26           2. All reasonably ascertainable remainder  
27 beneficiaries who would take if all income interests  
28 immediately terminated.

29           (c) In the case of a trust described in s. 733.707(3),  
30 during the grantor's lifetime, the trustee's duties under this  
31 section paragraph (a) extend only to the grantor or the legal

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1 representative of the grantor ~~during the grantor's lifetime.~~

2 (d) A beneficiary or the beneficiary's representative,  
3 as defined in s. 731.303, may waive, in writing, the trustee's  
4 duty to account under paragraph (a).

5 (e) All rights provided a beneficiary under this  
6 section may be asserted by a legal representative or natural  
7 guardian of the beneficiary. Notice under subsection (1) and a  
8 statement of accounts under paragraph (a) provided to a  
9 representative of the beneficiary as defined in s. 731.303  
10 shall bind the beneficiary, and the trustee shall not be  
11 required to provide such notice or statement of accounts to  
12 any beneficiary who would be bound by an order binding on a  
13 representative of the beneficiary under s. 731.303, if such  
14 notice or statement of accounts, respectively, is provided to  
15 that representative.

16 Section 5. Section 737.625, Florida Statutes, is  
17 amended to read:

18 737.625 Killer not entitled to receive property or  
19 other benefits by reason of victim's death.--

20 (1)A beneficiary of a trust who unlawfully and  
21 intentionally kills or unlawfully and intentionally  
22 participates in procuring the death of the grantor or another  
23 person upon whose death such beneficiary's interest depends,  
24 shall not be entitled to any trust interest, including  
25 homestead, dependent upon the victim's death, and such  
26 interest shall devolve as though the killer had predeceased  
27 the victim.

28 (2) A final judgment of conviction of murder in any  
29 degree is conclusive for the purposes of this section. In the  
30 absence of a murder conviction in any degree, the court may  
31 determine by the greater weight of the evidence whether the

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1 killing was unlawful and intentional for purposes of this  
2 section.

3 Section 6. Section 737.626, Florida Statutes, is  
4 created to read:

5 737.626 Evidence as to death or status.--In  
6 proceedings concerning trusts, this section relating to  
7 determination of death and status is applicable:

8 (1) An authenticated copy of a death certificate  
9 issued by an official or agency of the place where the death  
10 purportedly occurred is prima facie evidence of the fact,  
11 place, date, and time of death and the identity of the  
12 decedent.

13 (2) A copy of any record or report of a governmental  
14 agency, domestic or foreign, that a person is alive, missing,  
15 detained, or, from the facts related, presumed dead is prima  
16 facie evidence of the status and of the dates, circumstances  
17 and places disclosed by the record or report.

18 (3) A person who is absent from the place of his or  
19 her last known domicile for a continuous period of five years  
20 and whose absence is not satisfactorily explained after  
21 diligent search and inquiry is presumed to be dead. The  
22 person's death is presumed to have occurred at the end of the  
23 period unless there is evidence establishing that death  
24 occurred earlier.

25 (4) This section does not preclude the establishment  
26 of death by direct or circumstantial evidence prior to  
27 expiration of the five year time period set forth in  
28 subsection (3).

29  
30 (Redesignate subsequent sections.)

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3            On page 1, lines 1 - 7, delete those lines

4

5 and insert:

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                  A bill to be entitled

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          An act relating to trusts; amending s. 689.225,

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          F.S.; revising certain criteria for application

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          of the rule against perpetuities to certain

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          trusts; specifying exclusivity of application

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          of the rule; excluding common-law expressions

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          of the rule; amending s. 737.206, F.S.;

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          removing provision governing timing for

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          contesting validity of a trust; creating s.

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          737.2065, F.S.; providing timing for contesting

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          validity of a trust; amending s. 737.303, F.S.;

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          revising duty of trustee to inform or account

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          to beneficiaries of a trust; amending s.

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          737.625, F.S.; revising prohibition against a

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          killer's entitlement to benefits from a trust;

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          creating s. 737.626, F.S.; creating a provision

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          to govern evidence as to death or status in

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          trust proceedings;

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