

26 | personal representative in writing before it expires.

27 | (a) For good cause, the court may extend the time for
28 | filing an action or proceeding after objection is filed. No
29 | action or proceeding on the claim may be brought against the
30 | personal representative after the time limited above, and the
31 | claim is barred without court order.

32 | (b) If an action or proceeding by the claimant is pending
33 | against the decedent at the time of the decedent's death, the
34 | requirement to bring an independent action is satisfied if,
35 | within 30 days after the filing of an objection to the claim:

36 | 1. A motion complying with all applicable rules of
37 | procedure is filed, or a similar procedure is initiated, to
38 | substitute the proper party; or

39 | 2. An order substituting the proper party is entered.

40 | (c) If the decedent entered into a binding arbitration
41 | agreement relating to the claim during his or her lifetime, or
42 | if arbitration is required under s. 731.401, the requirement to
43 | bring an independent action is satisfied if, within 30 days
44 | after the filing of an objection to the claim, a motion to
45 | compel arbitration against the proper party is initiated, as
46 | provided for in s. 682.03.

47 | (d) If arbitration was commenced before the decedent's
48 | death, the requirement to bring an independent action is
49 | satisfied if, within 30 days after the filing of an objection to
50 | the claim, notice is given to the proper party. If the

51 arbitration was commenced by order of the court, the notice must
 52 take the form of a timely filed motion, complying with all
 53 applicable rules of procedure, to substitute the proper party.

54 (e) If an objection is filed to the claim of any claimant
 55 ~~creditor~~ and the claimant ~~creditor~~ brings an action to establish
 56 the claim, a judgment establishing the claim shall give it no
 57 priority over claims of the same class to which it belongs.

58 Section 2. Subsection (1) of section 736.0705, Florida
 59 Statutes, is amended to read:

60 736.0705 Resignation of trustee.—

61 (1) A trustee may resign in accordance with the procedure
 62 set forth in the trust instrument and upon notice to the
 63 cotrustees or, if none, to the successor trustee who has
 64 accepted the appointment, or, if none, to the person or persons
 65 who have the authority to appoint a successor trustee.

66 Notwithstanding any provision of the terms of the trust, a
 67 trustee may also resign:

68 (a) Upon at least 30 days' notice to the qualified
 69 beneficiaries, the settlor, if living, and all cotrustees; or

70 (b) With the approval of the court.

71 Section 3. This act shall take effect July 1, 2022.