

26 service of an objection and that may or may not become due in
27 the future, unless an extension of this time is agreed to by the
28 personal representative in writing before it expires.

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

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

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

41 2. An order substituting the proper party is entered.

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

49 (d) If arbitration was commenced before the decedent's
50 death, the requirement to bring an independent action is

51 satisfied if, within 30 days after the filing of an objection to
 52 the claim, notice is given to the proper party. If the
 53 arbitration was commenced by order of the court, the notice must
 54 take the form of a timely filed motion, complying with all
 55 applicable rules of procedure, to substitute the proper party.

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

60 Section 2. Subsection (3) of section 736.0505, Florida
 61 Statutes, is amended to read:

62 736.0505 Creditors' claims against settlor.—

63 (3) Subject to the provisions of s. 726.105, for purposes
 64 of this section, the assets in:

65 (a) 1. A trust described in s. 2523(e) of the Internal
 66 Revenue Code of 1986, as amended; ~~or~~

67 2. A trust for which the election described in s. 2523(f)
 68 of the Internal Revenue Code of 1986, as amended, has been made;
 69 or

70 3. An irrevocable trust in which:

71 a. The settlor's spouse is a qualified beneficiary as
 72 defined in s. 736.0103(19)(a) for the lifetime of the settlor's
 73 spouse;

74 b. The settlor has never been a qualified beneficiary as
 75 defined in s. 736.0103(19)(a) during the lifetime of the

76 | settlor's spouse; and

77 | c. Transfers to the trust by the settlor are completed
 78 | gifts under s. 2511 of the Internal Revenue Code of 1986, as
 79 | amended; and

80 | (b) Another trust, to the extent that the assets in the
 81 | other trust are attributable to a trust described in paragraph
 82 | (a),

83 |
 84 | shall, after the death of the settlor's spouse, be deemed to
 85 | have been contributed by the settlor's spouse and not by the
 86 | settlor.

87 | Section 3. Subsection (1) of section 736.0705, Florida
 88 | Statutes, is amended to read:

89 | 736.0705 Resignation of trustee.—

90 | (1) A trustee may resign in accordance with the procedure
 91 | set forth in the trust instrument and upon notice to the
 92 | cotrustees or, if none, to the successor trustee who has
 93 | accepted the appointment, or, if none, to the person or persons
 94 | who have the authority to appoint a successor trustee.

95 | Notwithstanding any provision of the terms of the trust, a
 96 | trustee may also resign:

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

99 | (b) With the approval of the court.

100 | Section 4. This act shall take effect July 1, 2022.