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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2025	.	
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	.	

The Committee on Judiciary (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 146 - 222

and insert:

(12) APPLICATION.—This section applies to all trusts that are governed by the laws of this state or that have a principal place of administration within this state.

Section 2. Subsection (3) of section 736.08125, Florida Statutes, is amended to read:

736.08125 Protection of successor trustees.—

(3) Except as provided in s. 736.10085, ~~nothing in this~~



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12 section does not affect ~~affects~~ any liability of the prior
13 trustee or the right of the successor trustee or any beneficiary
14 to pursue an action or claim against the prior trustee.

15 Section 3. Section 736.10085, Florida Statutes, is created
16 to read:

17 736.10085 Claims against former trustees.—An action or
18 claim by a successor trustee or other person acting on behalf of
19 the trust against a prior trustee is barred to the same extent
20 that the action or claim would be barred if brought by the
21 beneficiary whose interests are represented by the successor
22 trustee or other person acting on behalf of the trust.

23 Section 4. Section 736.1110, Florida Statutes, is created
24 to read:

25 736.1110 Ademption by satisfaction.—

26 (1) Property devised to or from a revocable trust which a
27 settlor gave to a donee during the settlor's lifetime or which
28 is distributed from a revocable trust to a donee during the
29 settlor's lifetime is to be treated as a satisfaction of a
30 devise to that donee, in whole or in part, upon the settlor's
31 death, if any of the following circumstances applies:

32 (a) The trust instrument provides for the deduction of the
33 lifetime gift or distribution.

34 (b) The settlor or the trustee of the revocable trust
35 declares in a contemporaneous writing that the gift or
36 distribution is to be deducted from the devise or is in
37 satisfaction of the devise.

38 (c) The devisee acknowledges in writing that the gift or
39 distribution is in satisfaction of the devise.

40 (2) For purposes of part satisfaction, property distributed



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41 or given during the settlor's lifetime is valued at the time the
42 devisee came into possession or enjoyment of the property or at
43 the time of the death of the settlor, whichever occurs first.

44 (3) This section applies to revocable trusts that become
45 irrevocable on or after July 1, 2025.

46 Section 5. Subsections (1) and (2) of section 736.1502,
47 Florida Statutes, are amended to read:

48 736.1502 Definitions.—Unless the context otherwise
49 requires, as used in this part:

50 (1) "Community property" means the property and the
51 appreciation of and income from the property owned by a
52 qualified trustee of a community property trust during the
53 marriage of the settlor spouses. The property owned by a
54 community property trust pursuant to this part and the
55 appreciation of and income from such property are ~~shall be~~
56 ~~deemed to be~~ community property for purposes of general law.

57 (2) "Community property trust" means an express trust that
58 complies with s. 736.1503 and is created, amended, restated, or
59 modified on or after July 1, 2021.

60 Section 6. Subsection (3) is added to section 736.151,
61 Florida Statutes, to read:

62 736.151 Homestead property.—

63 (3) A transfer of homestead property by one or both of the
64 settlor spouses to a community property will not be treated as a
65 change of ownership for purposes of reassessing the property and
66 instead qualifies as a change or transfer of legal or equitable
67 title between spouses as described in s. 193.155(3)(a)2.

68 Section 7. The amendments made by this act to ss.
69 736.04117, 736.1502, and 736.151, Florida Statutes, are remedial



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70 and apply to trusts created before, on, or after the effective
71 date of this act.

72

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

74 And the title is amended as follows:

75 Delete lines 37 - 38

76 and insert:

77 construction and retroactive application; providing