

1                   A bill to be entitled  
2     An act relating to estates; amending ss. 655.933 and  
3     655.936, F.S.; revising the responsibilities a lessor  
4     of a safe-deposit box has to certain persons; amending  
5     s. 733.603, F.S.; revising the issues a court may  
6     resolve for a personal representative; amending s.  
7     733.612, F.S.; revising the list of transactions a  
8     personal representative may make if acting reasonably  
9     for the benefit of certain persons; creating s.  
10    733.6125, F.S.; requiring the court to award taxable  
11    costs and attorney fees in certain proceedings;  
12    authorizing the court to direct such payment from  
13    certain persons; providing that such payment may be  
14    satisfied from certain property; amending s. 733.6171,  
15    F.S.; revising what constitutes an extraordinary  
16    service of an attorney; making technical changes;  
17    amending s. 735.201, F.S.; revising when summary  
18    administration proceedings may commence for either a  
19    resident or nonresident decedent's estate; amending s.  
20    735.302, F.S.; revising the sum at which an  
21    overpayment of taxes by a decedent may be refunded by  
22    the United States Treasury Department; amending s.  
23    735.303, F.S.; revising the sum for funds certain  
24    financial institutions may make payable to a  
25    decedent's family member; conforming provisions to

changes made by the act; amending s. 735.304, F.S.;  
revising the prohibition against certain proceedings  
for a decedent when he or she dies intestate and  
leaves only certain personal property worth a  
specified sum; reenacting s. 655.937(1)(b), F.S.,  
relating to access to safe-deposit boxes leased in two  
or more names, to incorporate the amendment made to s.  
655.933, F.S., in a reference thereto; reenacting s.  
734.101(4), F.S., relating to foreign personal  
representatives, to incorporate the amendment made to  
s. 655.936, F.S., in a reference thereto; reenacting  
s. 733.106(4), F.S., relating to costs and attorney  
fees, to incorporate the amendment made to s.  
733.6171, F.S., in a reference thereto; providing an  
effective date.

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

**Section 1. Section 655.933, Florida Statutes, is amended  
to read:**

655.933 Access by fiduciaries.—If a safe-deposit box is  
made available by a lessor to one or more persons acting as  
fiduciaries, the lessor ~~may~~, except as otherwise expressly  
provided in the lease or the writings pursuant to which such  
fiduciaries are acting, ~~allow access thereto as follows:~~

51           (1) Must allow access to the safe-deposit box by any ~~one~~  
52 ~~or more~~ of the persons acting as personal representatives; and—

53           (2) May allow access to the safe-deposit box by:

54           (a) Any ~~one or more~~ of the persons otherwise acting as  
55 fiduciaries if authorized in writing, which writing is signed by  
56 all other persons so acting; or—

57           (b) ~~(3)~~ By Any agent authorized in writing, which writing  
58 is signed by all persons acting as fiduciaries.

59           **Section 2. Subsection (1) of section 655.936, Florida**  
60 **Statutes, is amended to read:**

61           655.936 Delivery of safe-deposit box contents or property  
62 held in safekeeping to personal representative.—

63           (1) Subject to ~~the provisions of~~ subsection (3), the  
64 lessor shall:

65           (a) Immediately deliver to a personal representative  
66 appointed by a court in this state, upon presentation of a  
67 certified copy of his or her letters of authority, all property  
68 deposited with it by the decedent for safekeeping; and ~~shall~~

69           (b) Grant the personal representative access to any safe-  
70 deposit box in the decedent's name and allow ~~permit~~ him or her  
71 to remove from such box any part or all of the contents thereof; and  
72 and

73           (c) Allow the personal representative or the personal  
74 representative's attorney to pay the accumulated charges and  
75 terminate the lease.

76       **Section 3. Section 733.603, Florida Statutes, is amended**  
77 **to read:**

78       733.603 Personal representative to proceed without court  
79 order.—A personal representative shall proceed expeditiously  
80 with the settlement and distribution of a decedent's estate and,  
81 except as otherwise specified by this code or ordered by the  
82 court, shall do so without adjudication, order, or direction of  
83 the court. A personal representative may invoke the jurisdiction  
84 of the court to resolve questions concerning the estate or its  
85 administration or to enforce the authority of a personal  
86 representative conferred by this code.

87       **Section 4. Subsection (28) is added to section 733.612,**  
88 **Florida Statutes, to read:**

89       733.612 Transactions authorized for the personal  
90 representative; exceptions.—Except as otherwise provided by the  
91 will or court order, and subject to the priorities stated in s.  
92 733.805, without court order, a personal representative, acting  
93 reasonably for the benefit of the interested persons, may  
94 properly:

95       (28) Institute a proceeding to enforce his or her  
96 authority as personal representative as conferred by this code.

97       **Section 5. Section 733.6125, Florida Statutes, is created**  
98 **to read:**

99       733.6125 Proceedings to enforce authority.—In any  
100 proceeding to enforce the authority of a personal representative

101 as conferred by this code, the court shall award to a prevailing  
102 personal representative taxable costs as in chancery actions,  
103 including attorney fees. When awarding taxable costs and  
104 attorney fees under this section, the court may direct payment  
105 from any person whose action or inaction necessitated the  
106 enforcement proceeding or from any person having an interest in  
107 the estate and may enter a judgment that may be satisfied from  
108 other property.

109       **Section 6. Paragraph (b) of subsection (2) and subsection**  
110 **(6) of section 733.6171, Florida Statutes, are amended, and**  
111 **paragraph (1) is added to subsection (4) of that section, to**  
112 **read:**

113       733.6171 Compensation of attorney for the personal  
114 representative.—

115       (2)

116       (b) An attorney representing a personal representative in  
117 an estate administration who intends to charge a fee based upon  
118 the schedule set forth in subsection (3) shall make the  
119 following disclosures in writing to the personal representative:

120       1. There is not a mandatory statutory attorney fee for  
121 estate administration.

122       2. The attorney fee is not required to be based on the  
123 size of the estate, and the presumed reasonable fee provided in  
124 subsection (3) may not be appropriate in all estate  
125 administrations.

126           3. The fee is subject to negotiation between the personal  
127 representative and the attorney.

128           4. The selection of the attorney is made at the discretion  
129 of the personal representative, who is not required to select  
130 the attorney who prepared the will.

131           5. The personal representative is ~~shall be~~ entitled to a  
132 summary of ordinary and extraordinary services rendered for the  
133 fees agreed upon at the conclusion of the representation. The  
134 summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist  
135 of the total hours devoted to the representation or a detailed  
136 summary of the services performed during the representation.

137           (4) Subject to subsection (2), in addition to fees for  
138 ordinary services, the attorney for the personal representative  
139 shall be allowed further reasonable compensation for any  
140 extraordinary service. What is an extraordinary service may vary  
141 depending on many factors, including the size and complexity of  
142 the estate. Extraordinary services may include, but are not  
143 limited to:

144           (1) Involvement in any proceeding to enforce the authority  
145 of a personal representative as conferred by this code.

146           (6) If a separate written agreement regarding compensation  
147 exists between the attorney and the decedent, the attorney must  
148 ~~shall~~ furnish a copy to the personal representative before ~~prior~~  
149 ~~to~~ commencement of employment, and, if employed, must ~~shall~~  
150 promptly file and serve a copy on all interested persons. A

151 separate agreement or a provision in the will suggesting or  
152 directing that the personal representative retain a specific  
153 attorney does not obligate the personal representative to employ  
154 the attorney or obligate the attorney to accept the  
155 representation, but if the attorney who is a party to the  
156 agreement or who drafted the will is employed, the compensation  
157 paid may ~~shall~~ not exceed the compensation provided in the  
158 agreement or in the will.

159 **Section 7. Subsection (2) of section 735.201, Florida**  
160 **Statutes, is amended to read:**

161 735.201 Summary administration; nature of proceedings.—  
162 Summary administration may be had in the administration of  
163 either a resident or nonresident decedent's estate, when it  
164 appears:

165 (2) That the value of the entire estate subject to  
166 administration in this state, less the value of property exempt  
167 from the claims of creditors, does not exceed \$150,000 ~~\$75,000~~  
168 or that the decedent has been dead for more than 2 years.

169 **Section 8. Subsection (1) of section 735.302, Florida**  
170 **Statutes, is amended to read:**

171 735.302 Income tax refunds in certain cases.—

172 (1) In any case when the United States Treasury Department  
173 determines that an overpayment of federal income tax exists and  
174 the person in whose favor the overpayment is determined is dead  
175 at the time the overpayment of tax is to be refunded, and

176 notwithstanding ~~irrespective of~~ whether the decedent had filed a  
177 joint and several or separate income tax return, the amount of  
178 the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be  
179 refunded as follows:

180 (a) Directly to the surviving spouse on his or her  
181 verified application; or

182 (b) If there is no surviving spouse, to one of the  
183 decedent's children who is designated in a verified application  
184 purporting to be executed by all of the decedent's children over  
185 the age of 14 years.

186  
187 In either event, the application must show that the decedent was  
188 not indebted, that provision has been made for the payment of  
189 the decedent's debts, or that the entire estate is exempt from  
190 the claims of creditors under the constitution and statutes of  
191 the state, and that no administration of the estate, including  
192 summary administration, has been initiated and that none is  
193 planned, to the knowledge of the applicant.

194 **Section 9. Subsection (2), paragraph (c) of subsection**  
195 **(3), and subsection (4) of section 735.303, Florida Statutes,**  
196 **are amended to read:**

197 735.303 Payment to successor without court proceedings.—

198 (2) A financial institution in this state may pay to the  
199 family member of a decedent, without any court proceeding,  
200 order, or judgment, the funds on deposit in all qualified



accounts of the decedent at the financial institution if the total amount of the combined funds in the qualified accounts at the financial institution do not exceed an aggregate total of \$2,000 ~~\$1,000~~. The financial institution may not make such payment earlier than 6 months after the date of the decedent's death.

(3) In order to receive the funds described in subsection (2), the family member must provide to the financial institution a certified copy of the decedent's death certificate and a sworn affidavit that includes all of the following:

(c) A statement attesting that the total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~.

(4) The family member may use an affidavit in substantially the following form to fulfill the requirements of subsection (3):

AFFIDAVIT UNDER  
SECTION 735.303, FLORIDA STATUTES,  
TO OBTAIN BANK PROPERTY OF DECEASED  
ACCOUNT HOLDER: ...(Name of decedent)...

State of .....

County of .....

226 Before the undersigned authority personally appeared ...(name of  
227 affiant)...., of ...(residential address of affiant)...., who has  
228 been sworn and says the following statements are true:

229 (a) The affiant is (initial one of the following  
230 responses):

231 .... The surviving spouse of the decedent.

232 .... A surviving adult child of the decedent, and the  
233 decedent left no surviving spouse.

234 .... A surviving adult descendant of the decedent, and the  
235 decedent left no surviving spouse and no surviving adult child.

236 .... A surviving parent of the decedent, and the decedent  
237 left no surviving spouse, no surviving adult child, and no  
238 surviving adult descendant.

239 (b) As shown in the certified death certificate, the date  
240 of death of the decedent was ...(date of death)...., and the  
241 address of the decedent's last residence was ...(address of last  
242 residence)....

243 (c) The affiant is entitled to payment of the funds in the  
244 decedent's depository accounts and certificates of deposit held  
245 by the financial institution ...(name of financial  
246 institution).... The total amount in all qualified accounts held  
247 by the decedent in all financial institutions known to the  
248 affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~. The  
249 affiant requests full payment from the financial institution.

250 (d) A personal representative has not been appointed to

administer the decedent's estate, and no probate proceeding or summary administration procedure has been commenced with respect to the estate.

(e) The affiant has no knowledge of any last will and testament or other document or agreement relating to the distribution of the decedent's estate.

(f) The payment of the funds constitutes a full release and discharge of the financial institution regarding the amount paid.

(g) The affiant understands that he or she is personally liable to the creditors of the decedent and other persons rightfully entitled to the funds under the Florida Probate Code, to the extent the amount paid exceeds the amount properly attributable to the affiant's share.

(h) The affiant understands that making a false statement in this affidavit may be punishable as a criminal offense.

By ...(signature of affiant)...

Sworn to and subscribed before me this .... day of  
.... by ...(name of affiant)..., who is personally  
known to me or produced .... as identification, and  
did take an oath.

...(Signature of Notary Public - State of Florida)...

276       ...(Print, Type, or Stamp Commissioned Name of Notary  
277 Public)...

278       My commission expires: ...(date of expiration of  
279 commission)...

280  
281       **Section 10. Subsection (1) of section 735.304, Florida**  
282 **Statutes, is amended to read:**

283       735.304 Disposition without administration of intestate  
284 property in small estates.—

285       (1) ~~No Administration is not shall be required and or~~  
286 formal proceedings may not be instituted upon the estate of a  
287 decedent who has died intestate leaving only personal property  
288 exempt under ~~the provisions of~~ s. 732.402, personal property  
289 exempt from the claims of creditors under the State  
290 Constitution, and nonexempt personal property the value of which  
291 does not exceed the sum of \$20,000 ~~\$10,000~~ and the amount of  
292 preferred funeral expenses and reasonable and necessary medical  
293 and hospital expenses of the last 60 days of the last illness,  
294 provided the decedent has been deceased for more than 1 year and  
295 no administration of the decedent's estate is pending in this  
296 state.

297       **Section 11. For the purpose of incorporating the amendment**  
298 **made by this act to section 655.933, Florida Statutes, in a**  
299 **reference thereto, paragraph (b) of subsection (1) of section**  
300 **655.937, Florida Statutes, is reenacted to read:**

655.937 Access to safe-deposit boxes leased in two or more names.—

(1) Unless specifically provided in the lease or rental agreement to the contrary, if a safe-deposit box is rented or leased in the names of two or more lessees, access to the safe-deposit box will be granted to:

(b) Subject to s. 655.933, those persons named in s. 655.933.

**Section 12. For the purpose of incorporating the amendment made by this act to section 655.936, Florida Statutes, in a reference thereto, subsection (4) of section 734.101, Florida Statutes, is reenacted to read:**

734.101 Foreign personal representative.—

(4) Except as provided in s. 655.936, all persons indebted to the estate of a decedent, or having possession of personal property belonging to the estate, who have received no written demand from a personal representative or curator appointed in this state for payment of the debt or the delivery of the property are authorized to pay the debt or to deliver the personal property to the foreign personal representative after the expiration of 90 days from the date of appointment of the foreign personal representative.

**Section 13. For the purpose of incorporating the amendment made by this act to section 733.6171, Florida Statutes, in a reference thereto, subsection (4) of section 733.106, Florida**

**Statutes, is reenacted to read:**

733.106 Costs and attorney fees.—

(4) If costs and attorney fees are to be paid from the estate under this section, s. 733.6171(4), s. 736.1005, or s. 736.1006, the court, in its discretion, may direct from what part of the estate they shall be paid.

(a) If the court directs an assessment against a person's part of the estate and such part is insufficient to fully pay the assessment, the court may direct payment from the person's part of a trust, if any, if a pour-over will is involved and the matter is interrelated with the trust.

(b) All or any part of the costs and attorney fees to be paid from the estate may be assessed against one or more persons' part of the estate in such proportions as the court finds to be just and proper.

(c) In the exercise of its discretion, the court may consider the following factors:

1. The relative impact of an assessment on the estimated value of each person's part of the estate.

2. The amount of costs and attorney fees to be assessed against a person's part of the estate.

3. The extent to which a person whose part of the estate is to be assessed, individually or through counsel, actively participated in the proceeding.

4. The potential benefit or detriment to a person's part

351 of the estate expected from the outcome of the proceeding.

352       5. The relative strength or weakness of the merits of the  
353 claims, defenses, or objections, if any, asserted by a person  
354 whose part of the estate is to be assessed.

355       6. Whether a person whose part of the estate is to be  
356 assessed was a prevailing party with respect to one or more  
357 claims, defenses, or objections.

358       7. Whether a person whose part of the estate is to be  
359 assessed unjustly caused an increase in the amount of costs and  
360 attorney fees incurred by the personal representative or another  
361 interested person in connection with the proceeding.

362       8. Any other relevant fact, circumstance, or equity.

363       (d) The court may assess a person's part of the estate  
364 without finding that the person engaged in bad faith,  
365 wrongdoing, or frivolousness.

366       **Section 14.** This act shall take effect July 1, 2026.