A bill to be entitled

An act relating to trustee settlement and discharge; creating s. 736.10081, F.S.; authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; requiring that certain information be included in the trust disclosure document; requiring that the trust disclosure document and any objections be sent with a certain notice; providing applicability; providing that an objection need not state the grounds for the objection; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document; providing that a waiver of the right to object is treated as an expiration of the timeframe to object; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 736.10081, Florida Statutes, is created

to read:

736.10081 Settlement and discharge of a trustee; disclosure; objections.—

(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs after 6 months after the trustee's acceptance:

(a) The trust terminates.

(b) A trustee resigns or is removed from the trust.

(2) A trustee seeking settlement and discharge pursuant to this section must send to the trust's qualified beneficiaries and any cotrustee, and the immediate successor trustee if the trust is not terminating, a trust disclosure document as defined in s. 736.1008(4) which contains all of the following:

(a) The name, mailing address, telephone number, and e-mail address of the trustee seeking discharge.

(b) A plan of distribution which includes all of the following:

1. A schedule of the assets reasonably anticipated to be disbursed or distributed by the trustee.

2. The amount of any debts, expenses, and taxes to be paid by the trustee.

3. Any reasonable reserve to be held by the trustee.

(c) If the trustee's duty to account has not been waived,

a trust accounting as defined in s. 736.1008(4) for the period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.

(d) A statement that the trust has terminated or that the trustee has resigned or has been removed.

(e) A notice with substantially the following language in at least 12-point type:

"NOTICE: Any claim or cause of action you might have against the trustee arising from any matter disclosed in a trust disclosure document may be barred unless a written statement objecting is received by the trustee from you within 60 days after your receipt of this trust disclosure document and notice. If you have questions, please consult your attorney."

(3) The trustee shall also send the trust disclosure document described in subsection (2) to any other person who the trustee reasonably believes would be affected by the trust disclosure document. The trust disclosure document and any objections must be sent with the notice requirements of s. 736.0109, except that s. 736.0109(3) does not apply.

(4) This section does not apply if the trustee receives a written objection within 60 days after sending the trust disclosure document. An objection does not need to state the

grounds for the objection or be in any particular form.

(5) If the trustee does not receive a timely written objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution and is discharged from all liability and claims arising from any matter adequately disclosed in the trust disclosure document, including any claim that the trustee failed to inform and account pursuant to s. 736.0813, with the same effect as if the court had entered a final order approving that act or omission.

(6) A waiver of the right to object pursuant to this section is treated as the expiration of the 60-day period without objection.

(7) This section is in addition to, and not a replacement of, rights of a trustee to otherwise settle the trustee's accounts.

Section 2. This act applies to all trusts that are irrevocable or become irrevocable on or after the effective date of this act.

Section 3. This act shall take effect upon becoming a law.

By Senator Berman

26-00154B-26 2026786__

A bill to be entitled

An act relating to trusts; creating s. 736.10081, F.S.; authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; requiring that certain information be included in the trust disclosure document; requiring that the trust disclosure document and any objections be sent with a certain notice; providing applicability; providing that an objection need not state the grounds for the objection; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document; providing that a waiver of the right to object is treated as an expiration of the timeframe to object; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 736.10081, Florida Statutes, is created to read:

<u>736.10081 Settlement and discharge of a trustee; disclosure; objections.—</u>

<u>(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a</u>

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs after 6 months after the trustee's acceptance:

(a) The trust terminates.

(b) A trustee resigns or is removed from the trust.

(2) A trustee seeking settlement and discharge pursuant to this section must send to the trust's qualified beneficiaries and any cotrustee, and the immediate successor trustee if the trust is not terminating, a trust disclosure document as defined in s. 736.1008(4) which contains all of the following:

(a) The name, mailing address, telephone number, and e-mail address of the trustee seeking discharge.

(b) A plan of distribution which includes all of the following:

1. A schedule of the assets reasonably anticipated to be disbursed or distributed by the trustee.

2. The amount of any debts, expenses, and taxes to be paid by the trustee.

3. Any reasonable reserve to be held by the trustee.

(c) If the trustee's duty to account has not been waived, a trust accounting as defined in s. 736.1008(4) for the period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.

(d) A statement that the trust has terminated or that the trustee has resigned or has been removed.

(e) A notice with substantially the following language in at least 12-point type:

"NOTICE: Any claim or cause of action you might have

against the trustee arising from any matter disclosed in a trust disclosure document may be barred unless a written statement objecting is received by the trustee from you within 60 days after your receipt of this trust disclosure document and notice. If you have questions, please consult your attorney."

(3) The trustee shall also send the trust disclosure document described in subsection (2) to any other person who the trustee reasonably believes would be affected by the trust disclosure document. The trust disclosure document and any objections must be sent with the notice requirements of s. 736.0109, except that s. 736.0109(3) does not apply.

(4) This section does not apply if the trustee receives a written objection within 60 days after sending the trust disclosure document. An objection does not need to state the grounds for the objection or be in any particular form.

(5) If the trustee does not receive a timely written objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution and is discharged from all liability and claims arising from any matter adequately disclosed in the trust disclosure document, including any claim that the trustee failed to inform and account pursuant to s. 736.0813, with the same effect as if the court had entered a final order approving that act or omission.

(6) A waiver of the right to object pursuant to this section is treated as the expiration of the 60-day period without objection.

(7) This section is in addition to, and not a replacement of, rights of a trustee to otherwise settle the trustee's accounts.

Section 2. This act applies to all trusts that are irrevocable or become irrevocable on or after the effective date of this act.

Section 3. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

A bill to be entitled

An act relating to eligibility of leasehold interests for homestead exemptions; amending s. 196.041, F.S.; revising the circumstances under which a person may be deemed to have legal or beneficial and equitable title to certain property for homestead exemption purposes; providing construction; providing an effective date.

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

Section 1. Subsection (1) of section 196.041, Florida Statutes, is amended to read:

196.041 Extent of homestead exemptions.—

(1) Vendees in possession of real estate under bona fide contracts to purchase when such instruments, under which they claim title, are recorded in the office of the clerk of the circuit court where said properties lie, and who reside thereon in good faith and make the same their permanent residence; persons residing on real estate by virtue of dower or other estates therein limited in time by deed, will, jointure, or settlement; and lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a residential parcel or in a condominium parcel as defined in chapter 718, even if such leasehold interest terminates upon the death of the lessees, or persons holding leases of 50 years or

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more, existing prior to June 19, 1973, for the purpose of homestead exemptions from ad valorem taxes and no other purpose, shall be deemed to have legal or beneficial and equitable title to said property. In addition, a tenant-stockholder or member of a cooperative apartment corporation who is entitled solely by reason of ownership of stock or membership in the corporation to occupy for dwelling purposes an apartment in a building owned by the corporation, for the purpose of homestead exemption from ad valorem taxes and for no other purpose, is deemed to have beneficial title in equity to said apartment and a proportionate share of the land on which the building is situated.

Section 2. The amendment made by this act to s. 196.041, Florida Statutes, is remedial and clarifying in nature.

Section 3. This act shall take effect upon becoming a law.

By the Committee on Finance and Tax; and Senators Arrington and Gaetz

593-02299-26 2026110c1

A bill to be entitled

An act relating to homestead exemptions; amending s. 196.041, F.S.; revising the circumstances under which a person may be deemed to have legal or beneficial and equitable title to certain property for homestead exemption purposes; providing construction; providing an effective date.

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

Section 1. Subsection (1) of section 196.041, Florida Statutes, is amended to read:

196.041 Extent of homestead exemptions.—

(1) Vendees in possession of real estate under bona fide contracts to purchase when such instruments, under which they claim title, are recorded in the office of the clerk of the circuit court where said properties lie, and who reside thereon in good faith and make the same their permanent residence; persons residing on real estate by virtue of dower or other estates therein limited in time by deed, will, jointure, or settlement; and lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a residential parcel or in a condominium parcel as defined in chapter 718, <u>even if such lease contains a provision terminating the leasehold interest upon the death of the lessees,</u> or persons holding leases of 50 years or more, existing prior to June 19, 1973, for the purpose of homestead exemptions from ad valorem taxes and no other purpose, shall be deemed to have legal or beneficial and equitable title to said property. In addition, a

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tenant-stockholder or member of a cooperative apartment corporation who is entitled solely by reason of ownership of stock or membership in the corporation to occupy for dwelling purposes an apartment in a building owned by the corporation, for the purpose of homestead exemption from ad valorem taxes and for no other purpose, is deemed to have beneficial title in equity to said apartment and a proportionate share of the land on which the building is situated.

Section 2. The amendment made by this act to s. 196.041, Florida Statutes, is remedial and clarifying in nature.

Section 3. This act shall take effect upon becoming a law.

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A bill to be entitled

An act relating to charitable giving; creating s. 496.432, F.S.; providing legislative findings; defining terms; prohibiting a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction from violating the terms of that restriction without potential penalty; authorizing a donor, or a donor's legal representative, to file a complaint within a specified timeframe if a charitable organization violates a donor-imposed restriction contained in an endowment agreement; specifying the venue where the complaint may be filed; providing that the complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement; prohibiting a donor or donor representative from seeking a judgment awarding damages; requiring a charitable organization to notify a donor, or a donor's legal representative, if it cannot fulfill a term in the endowment agreement and offer the donor, or the donor's legal representative, an alternative solution that closely matches the initial term in such endowment agreement; authorizing a charitable organization to obtain a judicial declaration of the rights and duties expressed in an endowment agreement;

requiring the charitable organization to seek a judicial declaration in any suit brought under the act or by filing a complaint; authorizing a court to order one or more remedies consistent with the charitable purposes expressed in the endowment agreement if the court determines that a charitable organization violated a donor-imposed restriction in the endowment agreement; prohibiting the court from ordering the return of the donated funds to the donor or the donor's legal representative; providing construction; providing severability; creating s. 496.433, F.S.; providing legislative findings; prohibiting a state agency or a state official from imposing any annual filing or reporting requirements on certain organizations regulated or exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by state law; providing applicability and construction; providing an effective date.

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

Section 1. Section 496.432, Florida Statutes, is created to read:

496.432 Safeguarding Endowment Gifts Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to provide legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Charitable organization" means an organization organized and operated exclusively for religious, charitable, scientific, literary, educational, testing for public safety or other specified purpose and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.

(b) "Donor" means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution.

(c) "Donor-imposed restriction" means a written statement within an endowment agreement which specifies requirements for the management or use of endowment funds.

(d) "Endowment agreement" means a written agreement between a charitable organization and a donor or between a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the

charitable trust, which agreement may include donor-imposed restrictions or other conditions governing the use of the contribution.

(e) "Endowment fund" means an institutional fund or part thereof which, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.

(f) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(g) "Legal representative" means the administrator or executor of a person's estate; a surviving spouse if a court judgment has settled the accounts of the estate; or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.

(h) "Property" means real property, personal property, or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

(3) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

(b) If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor's legal representative, 90 days after notifying the charitable organization of the breach, may file a complaint within 6 years after discovery for breach of such agreement. The complaint may be filed in a court of general jurisdiction in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement, and it may not seek a judgment awarding damages to the donor or donor representative.

(c) If a charitable organization is unable to fulfill a term in the endowment agreement, the charitable organization must notify the donor, or the donor's legal representative, within 30 days after discovering it is unable to fulfill the terms and offer an alternative solution that closely matches the initial term in the endowment agreement.

(d) A charitable organization may obtain a judicial

declaration of the rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. The charitable organization shall seek a judicial declaration in any suit brought under this section, or by filing a complaint.

(e) If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court may not order the return of donated funds to the donor or the donor's legal representative.

(f) This act does not affect the authority of the Attorney General to enforce any restriction in an endowment agreement; limit the application of the judicial power of cy pres; or alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act created in s. 617.2104.

(4) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid

provision or application, and to this end the provisions of this section are declared severable.

Section 2. Section 496.433, Florida Statutes, is created to read:

496.433 Charity Protection Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

(2) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal law, a state agency or state official may not impose any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under this chapter which are more burdensome than the requirements authorized by Florida law.

(b) This subsection does not apply to state grants or contracts or to fraud investigations.

(c) This subsection does not restrict enforcement actions against specific nonprofit organizations.

Section 3. This act shall take effect July 1, 2026.

By Senator Burton

12-01082A-26 20261338__

A bill to be entitled

An act relating to charitable giving; creating s. 496.432, F.S.; providing legislative findings; defining terms; prohibiting a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction from violating the terms of that restriction without potential penalty; authorizing a donor, or a donor's legal representative, to file a complaint within a specified timeframe if a charitable organization violates a donor-imposed restriction contained in an endowment agreement; specifying the venue where the complaint may be filed; providing that the complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement; prohibiting a donor or donor representative from seeking a judgment awarding damages; requiring a charitable organization to notify a donor, or a donor's legal representative, if it cannot fulfill a term in the endowment agreement and offer the donor, or the donor's legal representative, an alternative solution that closely matches the initial term in such endowment agreement; authorizing a charitable organization to obtain a judicial declaration of the rights and duties expressed in an endowment agreement; requiring the charitable organization to seek a judicial declaration in any suit brought under the act or by filing a complaint; authorizing a court to order one or more remedies consistent with the charitable

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purposes expressed in the endowment agreement if the court determines that a charitable organization violated a donor-imposed restriction in the endowment agreement; prohibiting the court from ordering the return of the donated funds to the donor or the donor's legal representative; providing construction; providing severability; creating s. 496.433, F.S.; providing legislative findings; prohibiting a state agency or a state official from imposing any annual filing or reporting requirements on certain organizations regulated or exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by state law; providing applicability and construction; providing an effective date.

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

Section 1. Section 496.432, Florida Statutes, is created to read:

496.432 Safeguarding Endowment Gifts Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to provide legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Charitable organization" means an organization organized and operated exclusively for religious, charitable,

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scientific, literary, educational, testing for public safety or other specified purpose and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.

(b) "Donor" means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution.

(c) "Donor-imposed restriction" means a written statement within an endowment agreement which specifies requirements for the management or use of endowment funds.

(d) "Endowment agreement" means a written agreement between a charitable organization and a donor or between a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the charitable trust, which agreement may include donor-imposed restrictions or other conditions governing the use of the contribution.

(e) "Endowment fund" means an institutional fund or part thereof which, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.

(f) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(g) "Legal representative" means the administrator or

executor of a person's estate; a surviving spouse if a court judgment has settled the accounts of the estate; or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.

(h) "Property" means real property, personal property, or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

(3) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

(b) If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor's legal representative, 90 days after notifying the charitable organization of the breach, may file a complaint within 6 years after discovery for breach of such agreement. The complaint may be filed in a court of general jurisdiction in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement, and it may not seek a

judgment awarding damages to the donor or donor representative.

(c) If a charitable organization is unable to fulfill a term in the endowment agreement, the charitable organization must notify the donor, or the donor's legal representative, within 30 days after discovering it is unable to fulfill the terms and offer an alternative solution that closely matches the initial term in the endowment agreement.

(d) A charitable organization may obtain a judicial declaration of the rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. The charitable organization shall seek a judicial declaration in any suit brought under this section, or by filing a complaint.

(e) If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court may not order the return of donated funds to the donor or the donor's legal representative.

(f) This act does not affect the authority of the Attorney General to enforce any restriction in an endowment agreement; limit the application of the judicial power of cy pres; or alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act created in s. 617.2104.

(4) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

Section 2. Section 496.433, Florida Statutes, is created to read:

496.433 Charity Protection Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

(2) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal law, a state agency or state official may not impose any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under this chapter which are more burdensome than the requirements authorized by Florida law.

(b) This subsection does not apply to state grants or contracts or to fraud investigations.

(c) This subsection does not restrict enforcement actions against specific nonprofit organizations.

Section 3. This act shall take effect July 1, 2026.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

A bill to be entitled

An act relating to persons disqualified from being appointed as a guardian; amending s. 744.309, F.S.; authorizing a court to appoint a person who has been convicted of a felony to be a guardian of a ward or proposed ward under certain circumstances; amending s. 744.474, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—

(a) The following persons are disqualified from being appointed a guardian under this section:

1. A ~~No~~ person who has been convicted of a felony within the 10 years before the appointment of a guardian.

2. A person ~~or~~ who, from any incapacity or illness, is incapable of discharging the duties of a guardian~~,~~ or who is otherwise unsuitable to perform the duties of a guardian.

3. A~~, shall be appointed to act as guardian. Further, no~~ person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s.

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39.01 or s. 984.03(1), (2), and (24).

4. A person~~, or~~ who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction~~, shall be appointed to act as a guardian~~.

(b) Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship.

(c) A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest.

(d) The court may not appoint a guardian in any ~~other~~ circumstance in which a conflict of interest may occur.

(e) A court may appoint a person who has been convicted of a felony to serve as a guardian if all of the following conditions are met:

1. The person is the parent, child, sibling, spouse,

grandparent, or grandchild of the proposed ward.

2. The person has disclosed his or her felony conviction to the court.

3. The felony conviction occurred more than 10 years before the appointment of the person as a guardian.

4. The person would otherwise be eligible to serve as a guardian under this chapter.

5. After reviewing the person's qualifications, the court determines that, despite the felony conviction, the person is able to carry out in an appropriate manner all of the requirements and responsibilities of a guardian and act in the proposed ward's best interest.

Section 2. Subsection (9) of section 744.474, Florida Statutes, is amended to read:

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(9) Conviction of a felony, unless the court determines that all of the conditions of s. 744.309(3)(e) are met.

Section 3. This act shall take effect July 1, 2026.

CODING: Words stricken are deletions; words underlined are additions.

By Senator Bradley

6-01020B-26 2026960__

A bill to be entitled

An act relating to persons disqualified from being appointed as a guardian; amending s. 744.309, F.S.; authorizing a court to appoint a person who has been convicted of a felony to be a guardian of a ward or proposed ward under certain circumstances; amending s. 744.474, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—

(a) The following persons are disqualified from being appointed a guardian under this section:

1. A ~~No~~ person who has been convicted of a felony within the 10 years before the appointment of a guardian.

2. A person ~~or~~ who, from any incapacity or illness, is incapable of discharging the duties of a guardian~~,~~ or who is otherwise unsuitable to perform the duties of a guardian.

3. A~~, shall be appointed to act as guardian. Further, no~~ person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (24).

4. A person~~, or~~ who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of

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another jurisdiction~~, shall be appointed to act as a guardian~~.

(b) Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship.

(c) A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest.

(d) The court may not appoint a guardian in any ~~other~~ circumstance in which a conflict of interest may occur.

(e) A court may appoint a person who has been convicted of a felony to serve as a guardian if all of the following conditions are met:

1. The person is the parent, child, sibling, spouse, grandparent, or grandchild of the proposed ward.

2. The person has disclosed his or her felony conviction to the court.

3. The felony conviction occurred more than 10 years before the appointment of the person as a guardian.

4. The person would otherwise be eligible to serve as a guardian under this chapter.

5. After reviewing the person's qualifications, the court

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determines that, despite the felony conviction, the person is able to carry out in an appropriate manner all of the requirements and responsibilities of a guardian and act in the proposed ward's best interest.

Section 2. Subsection (9) of section 744.474, Florida Statutes, is amended to read:

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(9) Conviction of a felony, unless the court determines that all of the conditions of s. 744.309(3)(e) are met.

Section 3. This act shall take effect July 1, 2026.

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A bill to be entitled

An act relating to estates; amending ss. 655.933 and 655.936, F.S.; revising the responsibilities a lessor of a safe-deposit box has to certain persons; amending s. 733.603, F.S.; revising the issues a court may resolve for a personal representative; amending s. 733.612, F.S.; revising the list of transactions a personal representative may make if acting reasonably for the benefit of certain persons; creating s. 733.6125, F.S.; requiring the court to award taxable costs and attorney fees in certain proceedings; authorizing the court to direct such payment from certain persons; providing that such payment may be satisfied from certain property; amending s. 733.6171, F.S.; revising what constitutes an extraordinary service of an attorney; making technical changes; amending s. 735.201, F.S.; revising when summary administration proceedings may commence for either a resident or nonresident decedent's estate; amending s. 735.302, F.S.; revising the sum at which an overpayment of taxes by a decedent may be refunded by the United States Treasury Department; amending s. 735.303, F.S.; revising the sum for funds certain financial institutions may make payable to a decedent's family member; conforming provisions to

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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~~:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Paragraph (b) of subsection (2) and subsection (6) of section 733.6171, Florida Statutes, are amended, and paragraph (l) is added to subsection (4) of that section, to read:

733.6171 Compensation of attorney for the personal representative.—

(2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

735.302 Income tax refunds in certain cases.—

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

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

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

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

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

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

735.303 Payment to successor without court proceedings.—

(2) A financial institution in this state may pay to the family member of a decedent, without any court proceeding, 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 .....

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

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

.... The surviving spouse of the decedent.

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

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

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

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

(c) The affiant is entitled to payment of the funds in the decedent's depository accounts and certificates of deposit held by the financial institution ...(name of financial institution).... 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~~. The affiant requests full payment from the financial institution.

(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)...

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

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

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

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

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

Section 11. For the purpose of incorporating the amendment made by this act to section 655.933, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 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

of the estate expected from the outcome of the proceeding.

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

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

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

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

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

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

By Senator Bradley

6-00418A-26 20261500__

A bill to be entitled

An act relating to estates; amending ss. 655.933 and 655.936, F.S.; revising the responsibilities a lessor of a safe-deposit box has to certain persons; amending s. 733.603, F.S.; revising the issues a court may resolve for a personal representative; amending s. 733.612, F.S.; revising the list of transactions a personal representative may make if acting reasonably for the benefit of certain persons; creating s. 733.6125, F.S.; requiring the court to award taxable costs and attorney fees in certain proceedings; authorizing the court to direct such payment from certain persons; providing that such payment may be satisfied from certain property; amending s. 733.6171, F.S.; revising what constitutes an extraordinary service of an attorney; making technical changes; amending s. 735.201, F.S.; revising when summary administration proceedings may commence for either a resident or nonresident decedent's estate; amending s. 735.302, F.S.; revising the sum at which an overpayment of taxes by a decedent may be refunded by the United States Treasury Department; amending s. 735.303, F.S.; revising the sum for funds certain financial institutions may make payable to a 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

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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~~:

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Subsection (28) is added to section 733.612,

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Florida Statutes, to read:

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

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

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

733.6125 Proceedings to enforce authority.—In any proceeding to enforce the authority of a personal representative as conferred by this code, the court shall award to a prevailing personal representative taxable costs as in chancery actions, including attorney fees. When awarding taxable costs and attorney fees under this section, the court may direct payment from any person whose action or inaction necessitated the enforcement proceeding or from any person having an interest in the estate and may enter a judgment that may be satisfied from other property.

Section 6. Paragraph (b) of subsection (2) and subsection (6) of section 733.6171, Florida Statutes, are amended, and paragraph (l) is added to subsection (4) of that section, to read:

733.6171 Compensation of attorney for the personal representative.—

(2)

(b) An attorney representing a personal representative in

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an estate administration who intends to charge a fee based upon the schedule set forth in subsection (3) shall make the following disclosures in writing to the personal representative:

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

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

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

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

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

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

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

(6) If a separate written agreement regarding compensation exists between the attorney and the decedent, the attorney must ~~shall~~ furnish a copy to the personal representative before ~~prior to~~ commencement of employment, and, if employed, must ~~shall~~ promptly file and serve a copy on all interested persons. A separate agreement or a provision in the will suggesting or directing that the personal representative retain a specific attorney does not obligate the personal representative to employ the attorney or obligate the attorney to accept the representation, but if the attorney who is a party to the agreement or who drafted the will is employed, the compensation paid may ~~shall~~ not exceed the compensation provided in the agreement or in the will.

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

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

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

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

735.302 Income tax refunds in certain cases.—

(1) In any case when the United States Treasury Department determines that an overpayment of federal income tax exists and the person in whose favor the overpayment is determined is dead

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

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

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

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

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

735.303 Payment to successor without court proceedings.—

(2) A financial institution in this state may pay to the family member of a decedent, without any court proceeding, 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 .....

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

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

.... The surviving spouse of the decedent.

.... A surviving adult child of the decedent, and the

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decedent left no surviving spouse.

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

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

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

(c) The affiant is entitled to payment of the funds in the decedent's depository accounts and certificates of deposit held by the financial institution ...(name of financial institution).... 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~~. The affiant requests full payment from the financial institution.

(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

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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)...

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

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

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

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

(1) ~~No~~ Administration is not ~~shall be~~ required and ~~or~~ formal proceedings may not be instituted upon the estate of a decedent who has died intestate leaving only personal property exempt under ~~the provisions of~~ s. 732.402, personal property exempt from the claims of creditors under the State Constitution, and nonexempt personal property the value of which

does not exceed the sum of $20,000 ~~$10,000~~ and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in this state.

Section 11. For the purpose of incorporating the amendment made by this act to section 655.933, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 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 of the estate expected from the outcome of the proceeding.

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

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

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

A bill to be entitled

An act relating to serving as personal representative after a felony conviction; amending s. 733.303, F.S.; creating an exception to allow a person convicted of a felony who is not currently incarcerated to serve as a personal representative if they have a specified relationship to the deceased in certain circumstances; requiring a court to consider certain criteria when determining if such person may serve as a personal representative; providing applicability; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 733.303, Florida Statutes, is amended to read:

733.303 Persons not qualified.—

(1) A person is not qualified to act as a personal representative if the person:

(a)1. Has been convicted of a felony, unless the person is a parent, spouse, child, or grandchild of the deceased who is not currently incarcerated and there are no other family members of the same degree of consanguinity to serve.

2. If a family member of a decedent petitions to be appointed as personal representative and has a felony

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conviction, the court shall make the determination to grant the petition pursuant to Article VI, Section 4 of the State Constitution and use the following criteria to evaluate the petitioner's ability to serve as personal representative:

a. If the decedent was the victim of the felony.

b. If the petitioner was convicted for a violation of chapters 812 or 817 or a crime involving dishonesty, theft, or fraud.

c. The nature and circumstances of the offense.

d. The timing of the offense including the petitioner's age at the time of the offense and, if applicable, the length of time since the petitioner was released from incarceration.

e. Any concerns of interested parties.

f. Evidence of rehabilitation.

g. Whether civil rights have been restored.

h. The relationship of the decedent and petitioner at the time of the decedent's death and for at least 2 years prior.

3. The court may use any of the criteria under subparagraph 2. when determining if a petition will be granted.

Section 2. This act shall take effect July 1, 2026.

CODING: Words stricken are deletions; words underlined are additions.

By Senator Jones

34-01329A-26 20261606__

A bill to be entitled

An act relating to serving as personal representative after a felony conviction; amending s. 733.303, F.S.; creating an exception to allow a person convicted of a felony who is not currently incarcerated to serve as a personal representative if they have a specified relationship to the deceased in certain circumstances; requiring a court to consider certain criteria when determining if such person may serve as a personal representative; providing applicability; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 733.303, Florida Statutes, is amended to read:

733.303 Persons not qualified.—

(1) A person is not qualified to act as a personal representative if the person:

(a)1. Has been convicted of a felony, unless the person is a parent, spouse, child, or grandchild of the decedent who is not currently incarcerated and there are no other family members of the same degree of consanguinity to serve.

2. If a family member of a decedent petitions to be appointed as personal representative and has a felony conviction, the court must make the determination to grant the petition pursuant to s. 4, Art. VI of the State Constitution. In making its determination, the court shall consider the following criteria to evaluate the petitioner's ability to serve as

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personal representative:

a. Whether the decedent was the victim of the felony for which the petitioner was convicted.

b. Whether the petitioner was convicted for a violation of chapters 812 or 817 or a crime involving dishonesty, theft, or fraud.

c. The nature and circumstances of the offense committed by the petitioner.

d. The timing of the offense, including the petitioner's age at the time of the offense and, if applicable, the length of time since the petitioner was released from incarceration.

e. Any concerns of interested parties.

f. Evidence of the petitioner's rehabilitation.

g. Whether the petitioner's civil rights have been restored.

h. The relationship of the decedent and petitioner at the time of the decedent's death and for at least 2 years prior.

3. The court may use any of the criteria under subparagraph 2. when determining if a petition will be granted.

Section 2. This act shall take effect July 1, 2026.

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