

1 A bill to be entitled

2 An act relating to trust proceedings; amending s. 736.0201; clarifying that certain  
3 payments by a trustee from trust assets are not taxation of attorney's fees and costs in  
4 subject to the application of Florida Rule of Civil Procedure 1.525; providing for an  
5 effective date.

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

7 Section 1. Subsection (1) of section 736.0201, Florida Statutes, is amended, and  
8 subsection (6) is added to that section to read:

9 (1) Except as provided in subsections (5) and (6) and s. 736.0206, judicial  
10 proceedings concerning trusts shall be commenced by filing a complaint and shall be  
11 governed by the Florida Rules of Civil Procedure.

12 (2) The court may intervene in the administration of a trust to the extent the  
13 court's jurisdiction is invoked by an interested person or as provided by law.

14 (3) A trust is not subject to continuing judicial supervision unless ordered by the  
15 court.

16 (4) A judicial proceeding involving a trust may relate to the validity,  
17 administration, or distribution of a trust, including proceedings to:

18 (a) Determine the validity of all or part of a trust;

19 (b) Appoint or remove a trustee;

20 (c) Review trustees' fees;

21 (d) Review and settle interim or final accounts;

22 (e) Ascertain beneficiaries; determine any question arising in the administration  
23 or distribution of any trust, including questions of construction of trust instruments;  
24 instruct trustees; and determine the existence or nonexistence of any immunity, power,  
25 privilege, duty, or right;

26 (f) Obtain a declaration of rights; or

27 (g) Determine any other matters involving trustees and beneficiaries.

28 (5) A proceeding for the construction of a testamentary trust may be filed in the  
29 probate proceeding for the testator's estate. The proceeding shall be governed by the  
30 Florida Probate Rules.

31 (6) Florida Rule of Civil Procedure, Rule 1.525 shall apply to judicial proceedings  
32 concerning trusts, except that the following do not constitute taxation of costs or  
33 attorneys' fees even if the payment is for services rendered or costs incurred in a judicial  
34 proceeding:

35 (a) a trustee's payment of compensation or reimbursement of costs to persons  
36 employed by the trustee from assets of the trust; or,

37 (b) a determination by the court directing from what part of the trust fees or  
38 costs shall be paid, unless the determination is made under s.736.1004 in an action for  
39 breach of fiduciary duty or challenging the exercise of, or failure to exercise, a trustee's  
40 powers,

41 Section 2. This act shall take effect upon becoming law.