1988

Session Law 88-217

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation
https://ir.law.fsu.edu/staff-analysis/795

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
<table>
<thead>
<tr>
<th>PRIME BILL NUMBER</th>
<th>TYPE OF BILL</th>
<th>SPONSOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>88/S1174</td>
<td>general</td>
<td>Hair</td>
</tr>
</tbody>
</table>

**PRIME BILL TITLE (short title)**

Probate / Power of Appointment

**SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL:** n/a

**DOCUMENTATION REPRODUCED**

<table>
<thead>
<tr>
<th>PRIME SENATE COMMITTEE:</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judiciary-Civil</td>
<td>( )*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINAL SENATE COMMITTEE:</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judiciary-Civil</td>
<td>( )*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIME HOUSE COMMITTEE:</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>( )*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINAL HOUSE COMMITTEE:</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>( )*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBSTITUTED BILL:</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>(n/a)</td>
<td>( )*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER:</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>( )*</td>
</tr>
</tbody>
</table>

**NOTE:** Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.

**ADDITIONAL INFORMATION:**
FLORIDA LEGISLATURE

FINAL
LEGISLATIVE BILL
INFORMATION

1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
### S 1177 GENERAL BILL by Malchon (Similar H 1137, S 76, Compare H 1141, CS/CS/ENG/B 1487, S 842, CS/CS/ENG/S 1192, S 5252
<table>
<thead>
<tr>
<th>Bill Title</th>
<th>Number</th>
<th>Committee</th>
<th>Action Date</th>
<th>Action Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverage Containers/Solid Waste</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension of time granted Committee on Natural Resources and Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension of time granted Committee on Natural Resources and Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension of time granted Committee on Natural Resources and Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension of time granted Committee on Natural Resources and Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension of time granted Committee on Natural Resources and Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>House</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1346 GENERAL BILL by Patchett (Similar S 1073)

Public Swimming/Water Quality: defines "public salt water bathing beach"; modifies exemption for certain pools & water therapy facilities, authorizes H.R.S. Dept. to grant variances, provides authority of public health unit for water quality at public salt water bathing beaches, directs public health unit to post notice of water quality conditions at said beaches; provides for review & repeal, etc. Amends Ch. 314 Effective Date 07/01/88 or upon becoming law, whichever occurs later.

04/07/88 HOUSE Filed

04/13/88 HOUSE Introduced, referred to Health Care, Appropriations -HJ 169

04/22/88 HOUSE Subreferred to Subcommittee on Appropriations, Effective Date 07/01/88 or upon becoming law, whichever occurs later.

05/07/88 HOUSE Died in Committee on Appropriations

H 1351 GENERAL BILL by Patchett (Similar S 1073)

Public Health/Certificate of Need: provides duties of hearing officers re hearings on certain applications under Administrative Procedure Act, provides requirements for issuance of certificate of need under Health Facility & Services Development Act, revises review process for certificates of need Amends Adjunctive 57, 6, 381 709 Effective Date 10/01/88.

04/07/88 HOUSE Filed

04/13/88 HOUSE Introduced, referred to Health Care, Appropriations -HJ 169

04/22/88 HOUSE Subreferred to Subcommittee on Health Regulation

04/19/88 HOUSE On Committee agenda—Health Care, 04/21/88, 8 00 am, 317C—For ratification of subreferral

06/07/88 HOUSE Died in Committee on Health Care

H 1352 GENERAL BILL by Lawson (Identical S 454)

Registration on Election Day: provides for closing of registration books before election, provides procedure for registration on election day Amends 410 402 Effective Date 10/01/88 or upon becoming law, whichever occurs later.

04/07/88 HOUSE Filed

04/13/88 HOUSE Introduced, referred to Ethics & Elections, Appropriations -HJ 169

04/18/88 HOUSE On Committee agenda—Ethics & Elections, 04/26/88, 8 15 am, 212-HOB—For ratification of subreferral

04/20/88 HOUSE Subreferred to Subcommittee on Elections

04/21/88 HOUSE On Subcommittee agenda—Ethics & Elections, 04/25/88, 1 15 pm, 212-HOB

04/25/88 HOUSE Subcommittee Recommendation. Unfavorable

06/07/88 HOUSE Died in Committee on Ethics & Elections

H 1353 GENERAL BILL by Rush (Compare CS/H 1174, S 1377)

ESOPs of Employees: provides that, in proceedings involving said estates or trusts, certain orders, agreements, accounts, or other statements, any of which bind holder of power of appointment, are binding upon person who may take by virtue of exercise or nonexercise of power; specifies when beneficiary is considered to have received final/annual/per1odic acct for purpose of statute of limitations on proceedings against trustees, etc. Amends Ch. 731, 737. Effective Date 10/01/88.

04/07/88 HOUSE Filed

04/13/88 HOUSE Introduced, referred to Judiciary —HJ 169

04/18/88 HOUSE Subreferred to Committee on Court Systems, Probate & Consumer Law, On Committee agenda—Judiciary, 04/20/88, 10 00 am, 214C—For ratification of subreferral

05/02/88 HOUSE On Committee agenda—Judiciary, 05/04/88, 8 00 am, 214C—PENDING withdrawal from subcommittee

05/04/88 HOUSE Preliminary Committee Action on Bill by Judiciary: Favorable with 2 amendments

05/09/88 HOUSE Comm Report Favorable with 2 amendment(s) by Judiciary, placed on Calendar -HJ 383

05/11/88 HOUSE Placed on Special Order Calendar
H 1353 (CONTINUED)
06/01/88 HOUSE Retained on Regular Calendar
06/07/88 HOUSE Died on Calendar. Idem./Sim./Compare Bill passed, refer to CS/SB 1174 (Ch 88-217)

H 1354 GENERAL BILL by Rudd
Cholesterol Screening Service, allows person who meets specified requirements to provide cholesterol screening service for reasonable fee, provides procedures & standards, provides for licensure by H.R.S Dept., requires submission of protocol for departmental approval, requires report for protocol, allows dept. to deny or revoke license as specified, provides for fees. Effective Date: 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Health & Rehabilitative Services, Finance & Taxation, Appropriations—HJ 170
04/18/88 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/20/88, 3:30 pm, 314-HOB—For ratification of subreferral
04/20/88 HOUSE Subreferred to Subcommittee on Health and Medical Services
04/22/88 HOUSE Introduced, referred to Health & Rehabilitative Services, 04/26/88, 3:30 pm, 24-HOB
04/28/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable with 4 amendments. On Committee agenda, pending subcommittee action. Health & Rehabilitative Services, 04/28, 9:00 pm, 24-HOB
05/10/88 HOUSE Preliminary Committee Action by Health & Rehabilitative Services Favorable as a Committee Substitute
Cmpt. Report CS by Health & Rehabilitative Services—HJ 404; CS read first time—HJ 403; Now in Finance & Taxation—HJ 404
05/16/88 HOUSE Withdrawn from Finance & Taxation—HJ 487. Now in Appropriations—HJ 487
06/07/88 HOUSE Died in Committee on Appropriations

H 1355 GENERAL BILL by Mitchell
School Systems/Sick Leave Pool, authorizes use of time from sick leave pool for illness, accident or injury of member of employee's immediate family. Amends 231.40 Effective Date: Upon becoming law.
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Education, K - 12 -HJ 170
04/22/88 HOUSE Subreferred to Subcommittee on Administration and Finance
04/25/88 HOUSE On committee agenda—Education, K - 12, 04/26/88, 11:15 pm, 214C, On Committee agenda—Education, K - 12, 04/26/88, 1:45 pm, 214C—For ratification of subreferral
04/26/88 HOUSE On Committee agenda—Education, K - 12, 04/27/88, 3:30 pm, 214C
04/29/88 HOUSE On Committee agenda—Education, K - 12, 05/03/88, 3:30 pm, 214C
05/06/88 HOUSE Comm. Report Favorable by Education, K - 12, placed on Committee Calendar—HJ 365
05/26/88 HOUSE Placed on Special Order Calendar
05/30/88 HOUSE Read second time, Read third time; Passed, YEAS 114 NAYS 0—HJ 877
06/03/88 SENATE In Messages
06/01/88 SENATE Received, referred to Personnel, Retirement and Collective Bargaining, Education—SJ 614
06/07/88 SENATE Died in Committee on Personnel, Retirement and Collective Bargaining

H 1356 GENERAL BILL by Saunders
Fle Keys Area Protection Act modifies provisions re comprehensive plan & land development regulations for area, provides for continuation of principles for guiding development, specifies procedures re modification of plans & regulations, provides for administrative hearings Amends 360.0552 Effective Date: Upon becoming law
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Natural Resources, Appropriations—HJ 170
06/07/88 HOUSE Died in Committee on Natural Resources

H 1357 GENERAL BILL by Gardner (Compare CS/ENG/H 1674)
College-level Communication Exam provides for subsequent administrations of college-level communication & computation skills examination Amends 240.107. Effective Date 07/01/88 or upon becoming law, whichever occurs later
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Natural Resources, Appropriations—HJ 170
06/07/88 HOUSE Died in Committee on Natural Resources

H 1358 GENERAL BILL by Toibissen (Similar S 1078, Compare ENG/H 79, CS/S 1051)
School Bds/M.V. License Inspector, authorizes H.S.M. Dept. to delegate authority to issue certain uniform traffic citations to personnel employed by district school boards under certain circumstances Amends 320.58 Effective Date 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Transportation—HJ 170
04/15/88 HOUSE Subreferred to Subcommittee on Highway Safety and Motor Vehicles, On Committee agenda—Transportation, 04/19/88, 1:15 pm, 214C—For ratification of subreferral
04/15/88 HOUSE Died in Committee on Transportation, Idem./Sim./ Compare bill passed, refer to HB 79 (Ch 88-253)
06/07/88 HOUSE Died in Committee on Higher Education

H 1359 GENERAL BILL/CS by Health & Rehabilitative Services; Patchett (Similar S 1041)
County Public Health Units/Fees, authorizes H.R.S Dept. to establish fees & fee schedules for all services rendered by county public health units, requires dept. to establish fees & fee schedules for personal health & primary care services & requires such units to collect such fees, provides that failure to pay fees is punish-
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Health & Rehabilitative Services, Finance & Taxation, Appropriations—HJ 170
05/03/88 HOUSE Subreferred to Subcommittee on Business Regulation. On committee agenda—Regulatory Reform, 05/03/88, 4:30 pm, 24-HOB—Not considered; On Committee agenda, pending subcommittee action. Regulatory Reform, 05/03/88, 3:30 pm, 314-HOB—For ratification of subreferral
05/05/88 HOUSE On Committee agenda—Natural Resources, 05/11/88, 4:15 pm, Morr1 Hall
05/11/88 HOUSE Preliminary Committee Action by Natural Resources Favorable as a Committee Substitute
Cmpt. Report CS by Natural Resources, placed on Calendar—HJ 543; CS read first time—HJ 542
06/07/88 HOUSE Died in Calendar

H 1360 GENERAL BILL/CS by Natural Resources; Locke
Submerged Land Sales/State Ownership requires contracts for sale of property to provide notice re state ownership of submerged lands, provides contents of notice; provides for separate written disclosure under certain circumstances, provides that such notice shall not prejudice rights of sellers or buyers to contest state's claim, provides that failure to provide notice shall not constitute breach of seller's warranty of title Creates 689.015. Effective Date 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Natural Resources—HJ 170
04/15/88 HOUSE On Committee agenda—Natural Resources, 04/19/88, 4:30 pm, Morr1 Hall—For ratification of subreferral
04/24/88 HOUSE On Committee agenda—Natural Resources, 05/03/88, 3:30 pm, 24-HOB—Not considered; On Committee agenda, pending subcommittee action—Natural Resources, 05/03/88, 4:30 pm, Morr1 Hall—Not received
05/09/88 HOUSE On Committee agenda—Natural Resources, 05/11/88, 4:15 pm, Morr1 Hall
05/11/88 HOUSE Preliminary Committee Action by Natural Resources Favorable as a Committee Substitute
Cmpt. Report CS by Natural Resources, placed on Calendar—HJ 543; CS read first time—HJ 542
06/07/88 HOUSE Died in Calendar

H 1362 GENERAL BILL by Guber (Identical S 825)
Nurse Practitioner/Licensee defines "nurse registry," provides for licensure of nurse registry, provides for fee & administrative penalties, provides for license renewal & for conditional licenses; requires use of license number in advertising; provides penalty, provides for inspections & investigations by H.R.S Dept. requires employment applications & records, provides for depts. rules, provides for review & repeal, etc Amends 400.462, creates 460.506. Effective Date 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Regulatory Reform, Finance & Taxation, Appropriations—HJ 170
04/22/88 HOUSE Subreferred to Subcommittee on Business Regulation. On committee agenda—Regulatory Reform, 04/25/88, 3:30 pm, 24-HOB—Not considered; On Committee agenda, pending subcommittee action—Regulatory Reform, 04/25/88, 3:30 pm, 24-HOB
04/25/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
05/03/88 HOUSE On Committee agenda—Regulatory Reform, 05/08/88, 1:15 pm, Morr1 Hall
05/05/88 HOUSE Preliminary Committee Action by Regulatory Reform Favorable
05/09/88 HOUSE On Committee agenda—Finance & Taxation, 05/11/88, 1:30 pm, 21-HOB—For sub referral only

(Continued on Next Page)
I. SUMMARY:

A. Present Situation:

Section 731.303, F.S., provides for representation in proceedings involving estates of decedents or trusts. An order of the court binding the sole holder or all coholders of a power of revocation or general power of appointment binds other persons to the extent that their interests, as an object of the power or as a taker in default of the power or otherwise, are subject to the power. S. 731.303(2)(a), F.S. Section 731.303, F.S., does not provide that an agreement, waiver, consent, approval, account or other statement which binds the sole holder or all coholders of a power of appointment binds all persons to the extent that their interests, as persons who may take by virtue of the exercise or nonexercise of the power, are subject to the power.

Section 737.307, F.S., provides a 6 month limitation on an action by any beneficiary against a trustee for breach of trust, unless such action is otherwise barred. The 6 month limitation runs from the time the beneficiary receives a final, annual, or periodic account or other statement fully disclosing the matter. Regardless of the 6 month limitation, all claims against a trustee, who has issued a final account received by the beneficiary and informed the beneficiary that he may examine the records, are barred by the statutes of limitation provided for in ch. 95, F.S.

B. Effect of Proposed Changes:

The bill amends s. 731.303(2)(a), F.S., to clarify what persons under certain circumstances are bound by an order binding the sole holder or all coholders of a power of appointment.

A new subsection is added to s. 731.303, F.S., to provide that any account, statement, agreement, waiver, consent, etc., that fully discloses the matters of which it is the subject and that binds the sole holder or all coholders of a power of appointment binds all persons to the extent that their interests are subject to the power. Thus, a person who is an identifiable object of a power of appointment or who is an identifiable taker in default of the exercise of the power would be bound by an agreement signed by the donee of the power of appointment stating that the donee has received full disclosure of the trust for which he has the power of appointment.

The bill amends s. 737.307, F.S., by deleting language stating that regardless of the 6 month limitation on an action against a trustee for breach trust by a beneficiary who receives full disclosure on the account, all claims against a trustee are barred as provided in the chapter on statutes of limitation, ch. 95, F.S. Section 737.307, F.S., is further amended to
conform its receipt of notice provision to the subsection added by the bill to s. 731.303, F.S.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

With one exception, the provisions of this bill are identical to those in a bill which was passed by the Senate during the 1987 Regular Session. The exception is that last year's bill did not delete the language in s. 737.307, F.S., providing that regardless of the 6 month limitation on an action against a trustee, all claims against a trustee who has taken certain actions are barred by the applicable statutes of limitation in ch. 95, F.S.

Senate bill 1174 is a response to the District Court of Appeal decision in Smith v. Bank of Clearwater, 479 So.2d 755 (Fla. 2d DCA 1985). In that case, the court held that a contingent beneficiary of a testamentary trust, who received one half of the trust assets pursuant to exercise of a power of appointment, was entitled to bring suit against the trustee for alleged mismanagement of the trust resulting in diminution of the assets, even though the alleged acts of mismanagement occurred before exercise of the power. Because the power of appointment was exercised in plaintiff's favor, she was the one who was harmed by any mismanagement of the trust, not the decedent's estate, therefore she was entitled to bring the action. Id. at 756-57.

Plaintiff's claims were not barred by s. 737.307, F.S., or ch. 95, F.S. Even though plaintiff received trust accounting statements, she was not in a position to exercise any of the rights of a trust beneficiary prior to the death of the donee of the power of appointment, therefore she should not be subject to the 6 month limitation in s. 737.307, F.S. Id. at 757. Plaintiff's claims against the trustee for negligence were not barred by the 4 year statute of limitation for such actions, s. 95.11(3)(a), F.S., since some alleged mismanagement actions occurred within that period. Id.

IV. AMENDMENTS:

None.
A bill to be entitled
An act relating to the Probate Code; amending s. 731.303, F.S.; providing for the binding effect of certain agreements, waivers, consents, approvals, accounts, or other statements upon persons who may take by virtue of the exercise or nonexercise of a power of appointment; amending s. 737.307, F.S.; providing limitations on proceedings against trustees; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 731.303, Florida Statutes, is amended and subsection (6) is added to said section to read:

731.303 Representation.--In proceedings involving estates of decedents or trusts, the following apply:

(2) Persons are bound by orders binding others in the following cases:

(a) Orders binding the sole holder or all coholders of a power-of-appointment or a general, special, or limited power of appointment, including one in the form of a power of amendment or revocation to the extent that the power has not become unexercisable in fact, bind all other persons to the extent that their interests as persons who may take by virtue of the exercise or nonexercise of the power (as-objects, takers-in-default or otherwise) are subject to the power.

(6) Agreements, waivers, consents, approvals, accounts, or other statements that fully disclose the matters which are the subject of such accounts or statements and that

CODING: Words stricken are deletions; words underlined are additions.
bind the sole holder or all coholders of a general, special, or limited power of appointment, including a power of amendment or revocation to the extent that the power has not become unexercisable in fact, bind all persons to the extent that their interests, as persons who may take by virtue of the exercise or nonexercise of the power, are subject to the power.

Section 2. Section 737.307, Florida Statutes, is amended to read:

737.307 Limitations on proceedings against trustees after beneficiary receives account.--Unless previously barred by adjudication, consent, or limitations, an action against a trustee for breach of trust is barred for any beneficiary who has received a final, annual, or periodic account or other statement fully disclosing the matter unless a proceeding to assert the claim is commenced within 6 months after receipt of the final, annual, or periodic account or statement. In any event and notwithstanding lack of full disclosure, all claims against a trustee who has issued a final account or statement received by the beneficiary and has informed the beneficiary of the location and availability of records for his examination are barred as provided in chapter 65. A beneficiary has received a final, annual, or periodic account or statement if, being an adult, it is received by the beneficiary him or if, being a minor or disabled person, or person who may take by virtue of the exercise or nonexercise of a power of appointment, it is received by the beneficiary's representative as described in s. 731.303.

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

Revises provisions related to probate proceedings to bind certain persons who may take by virtue of the exercise or nonexercise of a power of appointment. Provides limitations on proceedings against trustees.

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

A. Present Situation:

Section 731.303, F.S., provides for representation in proceedings involving estates of decedents or trusts. An order of the court binding the sole holder or all coholders of a power of revocation or general power of appointment binds other persons to the extent that their interests, as an object of the power or as a taker in default of the power or otherwise, are subject to the power. S. 731.303(2)(a), F.S. Section 731.303, F.S., does not provide that an agreement, waiver, consent, approval, account or other statement which binds the sole holder or all coholders of a power of appointment binds all persons to the extent that their interests, as persons who may take by virtue of the exercise or nonexercise of the power, are subject to the power.

Section 737.307, F.S., provides a 6 month limitation on an action by any beneficiary against a trustee for breach of trust. Unless such action is otherwise barred. The 6 month limitation runs from the time the beneficiary receives a final, annual, or periodic account or other statement fully disclosing the matter. Regardless of the 6 month limitation, all claims against a trustee, who has issued a final account received by the beneficiary and informed the beneficiary that he may examine the records, are barred by the statutes of limitation provided for in ch. 95, F.S.

B. Effect of Proposed Changes:

Committee Substitute for SB 1174 amends s. 731.303(2)(a), F.S., to clarify what persons under certain circumstances are bound by an order binding the sole holder or all coholders of a power of appointment.

A new subsection is added to s. 731.303, F.S., to provide that any account, statement, agreement, waiver, consent, etc. that fully discloses the matters of which it is the subject and that binds the sole holder or all coholders of a power of appointment binds all persons to the extent that their interests are subject to the power. Thus, a person who is an identifiable object of a power of appointment or who is an identifiable taker in default of the exercise of the power would be bound by an agreement signed by the donee of the power of appointment stating that the donee has received full disclosure of the trust for which he has the power of appointment.

Section 737.307, F.S., is amended to provide that for purposes of limitations on proceedings against trustees, a final, annual, or periodic account or statement is received by a person who may take by virtue of the exercise or nonexercise of a power of appointment, if it is received by the beneficiary's
representative pursuant to the representation provisions in s. 731.303, F.S.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
None.

B. Government:
None.

III. COMMENTS:

Committee Substitute for SB 1174 is a response to the District Court of Appeal decision in Smith v. Bank of Clearwater, 479 So.2d 755 (Fla. 2d DCA 1985). In that case, the court held that a contingent beneficiary of a testamentary trust, who received one half of the trust assets pursuant to exercise of a power of appointment, was entitled to bring suit against the trustee for alleged mismanagement of the trust resulting in diminution of the assets, even though the alleged acts of mismanagement occurred before exercise of the power. Because the power of appointment was exercised in plaintiff's favor, she was the one who was harmed by any mismanagement of the trust, not the decedent's estate, therefore she was entitled to bring the action. Id. at 756-57.

Plaintiff's claims were not barred by s. 737.307, F.S., or ch. 95, F.S. Even though plaintiff received trust accounting statements, she was not in a position to exercise any of the rights of a trust beneficiary prior to the death of the donee of the power of appointment, therefore she should not be subject to the 6 month limitation in s. 737.307, F.S. Id. at 757. Plaintiff's claims against the trustee for negligence were not barred by the 4 year statute of limitation for such actions, s. 95.11(3)(a), F.S., since some alleged mismanagement actions occurred within that period. Id.

IV. AMENDMENTS:

None.
A bill to be entitled
An act relating to the Probate Code; amending
s. 731.303, F.S.; providing for the binding
effect of certain agreements, waivers,
consents, approvals, accounts, or other
statements upon persons who may take by virtue
of the exercise or nonexercise of a power of
appointment; amending s. 737.307, F.S.;
providing for receipt of certain accounts or
statements by certain persons for purposes of
limitations on proceedings against trustees;
providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section
731.303, Florida Statutes, is amended and subsection (6) is
added to said section to read:

731.303 Representation.—In proceedings involving
estates of decedents or trusts, the following apply:

(2) Persons are bound by orders binding others in the
following cases:

(a) Orders binding the sole holder or all coholders of
a power of revocation or a general, special, or limited power
of appointment, including one in the form of a power of
amendment or revocation to the extent that the power has not
become unexercisable in fact, bind all other persons to the
extent that their interests as persons who may take by virtue
of the exercise or nonexercise of the power are subject to the power.

CODING: Words stricken are deletions; words underlined are additions.
(6) Agreements, waivers, consents, approvals, accounts, or other statements that fully disclose the matters which are the subject of such accounts or statements and that bind the sole holder or all coholders of a general, special, or limited power of appointment, including a power of amendment or revocation to the extent that the power has not become unexercisable in fact, bind all persons to the extent that their interests, as persons who may take by virtue of the exercise or nonexercise of the power, are subject to the power.

Section 2. Section 737.307, Florida Statutes, is amended to read:

737.307 Limitations on proceedings against trustees after beneficiary receives account.—Unless previously barred by adjudication, consent, or limitations, an action against a trustee for breach of trust is barred for any beneficiary who has received a final, annual, or periodic account or other statement fully disclosing the matter unless a proceeding to assert the claim is commenced within 6 months after receipt of the final, annual, or periodic account or statement. In any event, and notwithstanding lack of full disclosure, all claims against a trustee who has issued a final account or statement received by the beneficiary and has informed the beneficiary of the location and availability of records for his examination are barred as provided in chapter 95. A beneficiary has received a final, annual, or periodic account or statement if, being an adult, it is received by the beneficiary or if, being a minor, or disabled person, or person who may take by virtue of the exercise or nonexercise of a power of appointment, it is received by the beneficiary's representative as described in s. 731.303.

CODING: Words struck are deletions; words underlined are additions.
Section 3. This act shall take effect upon becoming a law.
The committee substitute:

1. Clarifies that orders binding the sole holder or all coholders of a power of revocation bind certain persons.

2. Clarifies that regardless of the 6 month limitation on an action against a trustee for breach of trust by a beneficiary who receives full disclosure on the account, all claims against a trustee are barred as provided in the statutes of limitation, ch. 95, F.S.

Committee on _______ Judiciary-Civil _______

[Signature]

Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)
A bill to be entitled
An act relating to trusts; amending s. 731.303, F.S.; providing that, in proceedings involving estates of decedents or trusts, certain orders that bind the holder of a general, specific, or limited power of appointment are also binding upon a person who may take by virtue of the exercise or nonexercise of the power; providing that certain agreements, waivers, consents, approvals, accounts, or other statements, any of which binds the holder of a general, special, or limited power of appointment, are also binding upon a person who may take by the exercise or nonexercise of the power; amending s. 737.307, F.S.; specifying when a beneficiary is considered to have received a final, annual, or periodic account for the purpose of the statute of limitations on proceedings against trustees; deleting language relating to the barring of claims against certain trustees who have issued a final account or statement; amending s. 737.402, F.S.; revising the maximum value of a small trust which a trustee may terminate in specified circumstances; removing certain restrictions on types of trustees that have the power to terminate such trust; creating s. 737.106, F.S.; providing that a dissolution of marriage or a divorce renders void a revocable trust with respect to the settlor's divorced spouse; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (2) of section 731.303, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

731.303 Representation.—In proceedings involving estates of decedents or trusts, the following apply:

1. Persons are bound by orders binding others in the following cases:
   a) Orders binding the sole holder or all coholders of a power of revocation or a general, special, or limited power of appointment, including one in the form of a power of amendment or revocation to the extent that the power has not become unexercisable in fact, bind all other persons to the extent that their interests as persons who may take by virtue of the exercise or nonexercise of the power objects (takers-in default or otherwise) are subject to the power.

2. An agreement, waiver, consent, approval, account, or other statement, any of which fully discloses the matters that are the subject of such accounts or statements and which binds the sole holder or all coholders of a general, special, or limited power of appointment, including one in the form of a power of amendment or revocation to the extent that the power has not become unexercisable in fact, binds all persons to the extent that their interests (as persons who may take by virtue of the exercise or nonexercise of the power) are subject to the power.

Section 2. Section 737.307, Florida Statutes, is amended to read:

737.307 Limitations on proceedings against trustees after beneficiary receives account.—Unless previously barred
by adjudication, consent, or limitations, an action against a trustee for breach of trust is barred for any beneficiary who has received a final, annual, or periodic account or other statement fully disclosing the matter unless a proceeding to assert the claim is commenced within 6 months after receipt of the final, annual, or periodic account or statement. In any event, and notwithstanding lack of full disclosure, all claims against a trustee who has issued a final account or statement received by the beneficiary and has informed the beneficiary of the location and availability of records for his examination are barred as provided in chapter 95. A beneficiary has received a final, annual, or periodic account or statement if, being an adult, it is received by him or if, being a minor or a disabled person or a person who may take by virtue of the exercise or nonexercise of a power of appointment, it is received by his representative as described in s. 731.505.

Section 3. Subsection (3) of section 737.402, Florida Statutes, is amended to read:

737.402 Powers of trustees conferred by this part.—
(3) The powers created in this subsection apply only if the trustee is a business organization authorized to engage in trust business under chapter 658, chapter 660, or chapter 665. If such a trustee has determined that the market value of a trust is less than $50,000 $25,000 and that, relative in relation to the costs of administering administration of the trust, the continuance of the trust pursuant to its existing terms will defeat or substantially impair the accomplishment of its purposes of the trust, the trustee may, in its sole discretion, terminate the trust and distribute the trust property, including principal and...

CODING: Words stricken are deletions; words underlined are additions.
undistributed income, to the beneficiaries in a manner which
conforms as nearly as possible to the intention of the
settlor. The trustee may enter into agreements or make such
other provisions that it deems necessary or appropriate to
protect the interests of the beneficiaries and the trustee and
to carry out the intent and purpose of the trust. The
existence of a spendthrift or similar protective provision in the trust will not make this subsection
inapplicable unless the trust instrument expressly provides
that the trustee may not terminate the trust pursuant to this
subsection.

Section 4. Section 737.106, Florida Statutes, is
created to read:

737.106 Effect of dissolution of marriage.--Unless the
trust instrument or the judgment for dissolution of marriage
or divorce expressly provides otherwise, a revocable trust
executed by a husband or a wife as settlor prior to entry of a
judgment for dissolution of marriage or divorce of settlor
from settlor's spouse will become void by means of the
dissolution of marriage or divorce as the trust affects the
settlor's divorced spouse, and any such trust must be
administered and construed as if the settlor's divorced spouse
had died upon entry of the judgment for dissolution of
marriage or divorce.

Section 5. This act shall take effect October 1, 1981.
In proceedings involving estates of decedents or trusts, provides that certain orders, agreements, waivers, consents, approvals, accounts, or other statements, any of which binds the holder of a power of appointment, are also binding upon a person who may take by the exercise or nonexercise of the power.

For the purpose of the statute of limitations on proceedings against trustees after a beneficiary receives account, defines when the beneficiary is considered to have received a final, annual, or periodic account.

Revises from $25,000 to $50,000 the maximum value of a small trust that a trustee may terminate in specified circumstances and allows trustees other than corporate fiduciaries to terminate such trusts.

Provides that a dissolution of marriage or a divorce voids a revocable trust with respect to the settlor's divorced spouse.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

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

A. PRESENT SITUATION:

A trustee has a fiduciary responsibility to all beneficiaries including contingent beneficiaries. However, a contingent beneficiary does not become a "beneficiary" for the purpose of right to receipt of accountings until the contingency has occurred. Smith v. Bank of Clearwater, 479 So.2d 755 (Fla. 2d DCA 1985). Accordingly, the six-month statute of limitations for instituting a suit against the trustee who has provided an accounting does not apply to the contingent beneficiary. Rather, in relation to the contingent beneficiary's interests, the applicable statute of limitations governing the actions of a trustee would be the four-year general negligence limitation found in section 95.11, Florida Statutes, even where the contingent beneficiary was provided with a copy of the accounting. Id.

Under Section 731.303, Florida Statutes, an order binding the holder of a general power of appointment or revocation under a trust agreement also binds those whose interest are contingent upon the nonexercise of the power of appointment or revocation. The order would not be binding upon those who might be appointed as beneficiaries, nor is it binding where the power of appointment is limited to specific persons, as they could more easily be identified and joined as parties where appropriate.

Pursuant to section 737.402, Florida Statutes, an institutional trustee may, at his discretion, terminate a trust and distribute the proceeds when the market value of the remaining trust assets is less than $25,000, and he determines that the costs of administration use so much of the income as to defeat the purpose for which the trust was established. This right to terminate applies to all trusts, including spendthrift trusts, unless the trust document specifically prohibits the termination.
The right of a spouse to receive the benefits of a trust established by the other spouse is not affected by a divorce, unless provided in the trust document.

B. EFFECT OF PROPOSED CHANGES:

This legislation would effectively place the rights of a contingent beneficiary under the control of the person holding the power to appoint or remove the person as a beneficiary. Accordingly, where the person holding the power receives an accounting and does not institute an action within six months, the contingent beneficiary would be prohibited from bringing his own action within the four-year statute of limitations. In giving this authority to the holder of the power of appointment or revocation, the bill would appear to establish a new fiduciary relationship between the holder and the contingent beneficiary, creating liability for the holder of the power and his estate, when an action was not commenced, but should have been.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 of the bill amends section 731.303, Florida Statutes, to expand the scope of its provisions. As amended, orders binding on a holder of any power of appointment or revocation (rather than just a general power) would be binding upon any person whose interest may be affected by the exercise or nonexercise (rather than just nonexercise) of the power.

A new subsection (6) is also added to section 731.303, Florida Statutes, to provide that any "agreement, waiver, consent, approval, account, or other statement" which binds the holder of a power of appointment or revocation, also binds potential beneficiaries of the trust whose rights are subject to the exercise or nonexercise of the power. As such, the failure of the holder to object to an accounting, which constitutes a waiver of rights by the holder, would also constitute a waiver by the beneficiaries. Likewise, a consent by the holder to an illegal distribution (potentially to the holder) of trust assets would constitute a consent by the contingent beneficiary.

Section 2 amends section 737.307, Florida Statutes, to provide that providing a final, annual, or periodic accounting to a holder of a power of appointment or revocation, constitutes the giving of such an accounting to the contingent beneficiaries as well. Similar provisions relating to the provision of giving a final accounting to a minor or disabled person through his legal guardian, are expanded to include the giving of a periodic or annual accounting.

Section 3 of the legislation amends section 737.402, Florida Statutes, amends section 737.402, Florida Statutes, to raise the threshold level of trust assets, under which a trust may be terminated at the sole discretion of the trustee, from $25,000 to $500,000. The right to terminate would no longer be limited to institutional trustees, but could be exercised by an individual.
person appointed as trustee, which would include in some instances the settlor of an irrevocable trust.

Section 4 creates section 737.106, Florida Statutes, to provide that the rights of a spouse under a revocable trust established by the other spouse, terminate upon dissolution of the marriage as if the spouse beneficiary had died on the date of dissolution. This provision is limited to revocable trusts and may be avoided where the trust instrument specifically provides to the contrary.

Section 5 provides an effective date of October 1, 1988. As the legislation does not specifically provide for retroactive effect, it would appear to be limited to trust agreements executed on or after October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None

2. Recurring or Annualized Continuation Effects:
   None

3. Long Run Effects Other Than Normal Growth:
   None

4. Appropriations Consequences:
   None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None

2. Recurring or Annualized Continuation Effects:
   None

3. Long Run Effects Other Than Normal Growth:
   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   This legislation would limit the right of certain persons to bring a cause of action against a trustee, but would appear to create a concurrent right of action against the holder of
a power of appointment or revocation. Whether the holder would be able to respond in damages to the same extent as trustee would depend upon the economic circumstances in each case, although in most cases the trustee is bonded or has substantial assets.

2. Direct Private Sector Benefits:

This legislation would help to insulate financial institutions and other institutional trustees from suits brought by contingent beneficiaries, minors, or disabled persons.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

None

IV. COMMENTS:

This legislation is supported by the Florida Bankers Association and has been approved by the Real Property, Probate, and Trust section of The Florida Bar.

V. AMENDMENTS:

Amendments 1 and 2 reinsert present statutory language which was inadvertently deleted.

VI. SIGNATURES:

COMMITTEE ON JUDICIARY:
Prepared by:

Thomas R. Tedcastle

Staff Director:

Richard Hixson

FINANCE & TAXATION:
Prepared by:

APPROPRIATIONS:
Prepared by:
| Sess. Law # | Sec. # | LOF cite |
| Prime Bill # | Comp./Sim. Bills |
| JLMC Hist. Cites | Senate Comms. of Senate |
| House Ref. House |

### COMMITTEE RECORDS

<table>
<thead>
<tr>
<th>H/S Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
</tr>
</thead>
</table>

- continued on reverse

### Senate/House Journals

<table>
<thead>
<tr>
<th>Page #</th>
<th>?</th>
<th>Date</th>
<th>Page #</th>
<th>?</th>
<th>Date</th>
</tr>
</thead>
</table>

### Committee/Floor Tapes

<table>
<thead>
<tr>
<th>H/S</th>
<th>c/f</th>
<th>Committee/subcommittee name</th>
<th>Date</th>
<th></th>
<th>Location Cite</th>
</tr>
</thead>
</table>

### Other Documentation

<p>| Record Series Title, folder title, etc. | Location Cite |</p>
<table>
<thead>
<tr>
<th>H/S</th>
<th>Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES
I. SUMMARY:

A. Present Situation:

Section 731.303, F.S., provides for representation in proceedings involving estates of decedents or trusts. An order of the court binding the sole holder or all coholders of a power of revocation or general power of appointment binds other persons to the extent that their interests, as an object of the power or as a taker in default of the power or otherwise, are subject to the power. s. 731.303(2)(a), F.S. Section 731.303, F.S., does not provide that an agreement, waiver, consent, approval, account or other statement which binds the sole holder or all coholders of a power of appointment binds all persons to the extent that their interests, as persons who may take by virtue of the exercise or nonexercise of the power, are subject to the power.

Section 737.307, F.S., provides a 6 month limitation on an action by any beneficiary against a trustee for breach of trust, unless such action is otherwise barred. The 6 month limitation runs from the time the beneficiary receives a final, noncontested statement fully disclosing
A bill to be entitled
An act relating to the Probate Code; amending
s. 731.303, F.S.; providing for the binding
effect of certain agreements, waivers,
consents, approvals, accounts, or other
statements upon persons who may take by virtue
of the exercise or nonexercise of a power of
appointment; amending s. 737.307, F.S.;
providing for receipt of certain accounts or
statements by certain persons for purposes of
limitations on proceedings against trustees;
providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section
731.303, Florida Statutes, is amended and subsection (6) is
added to said section to read:

731.303 Representation.—In proceedings involving
estates of decedents or trusts, the following apply:

(2) Persons are bound by orders binding others in the
following cases:

(a) Orders binding the sole holder or all coholders of
a power of revocation or a general, special, or limited power
of appointment, including one in the form of a power of
amendment or revocation to the extent that the power has not
become unexercisable in fact, bind all other persons to the
extent that their interests as persons who may take by virtue
of the exercise or nonexercise of the power (as objects,
takers-in-default—or otherwise) are subject to the power.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to trusts; amending s. 731.303, F.S.; providing that, in proceedings involving estates of decedents or trusts, certain orders that bind the holder of a general, specific, or limited power of appointment are also binding upon a person who may take by virtue of the exercise or nonexercise of the power; providing that certain agreements, waivers, consents, approvals, accounts, or other statements, any of which binds the holder of a general, special, or limited power of appointment, are also binding upon a person who may take by the exercise or nonexercise of the power; amending s. 737.307, F.S.; specifying when a beneficiary is considered to have received a final, annual, or periodic account for the purpose of the statute of limitations on proceedings against trustees; deleting language relating to the barring of claims against certain trustees who have issued a final account or statement; amending s. 737.402, F.S.; revising the maximum value of a small trust which a trustee may terminate in specified circumstances; removing certain restrictions on types of trustees that have the power to terminate such trust; creating s. 737.106, F.S.; providing that a dissolution of marriage or a divorce renders void a revocable trust with respect to the settlor's divorced spouse; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to the Probate Code; amending
s. 731.303, F.S.; providing for the binding
effect of certain agreements, waivers,
consents, approvals, accounts, or other
statements upon persons who may take by virtue
of the exercise or nonexercise of a power of
appointment; amending s. 737.307, F.S.;
providing limitations on proceedings against
trustees; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section
731.303, Florida Statutes, is amended and subsection (6) is
added to said section to read:

731.303 Representation.—In proceedings involving
estates of decedents or trusts, the following apply:

(2) Persons are bound by orders binding others in the
following cases:

(a) Orders binding the sole holder or all coholders of
a power of revocation of a general, special, or limited power
of appointment, including one in the form of a power of
amendment or revocation to the extent that the power has not
become unexercisable in fact, bind all other persons to the
extent that their interests as persons who may take by virtue
of the exercise or nonexercise of the power (as objects,
takers-in-default, or otherwise) are subject to the power.

(6) Agreements, waivers, consents, approvals,
accounts, or other statements that fully disclose the matters
which are the subject of such accounts or statements and that