

## CHAPTER 2025-18

### Committee Substitute for Committee Substitute for House Bill No. 1173

An act relating to the Florida Trust Code; amending s. 736.0110, F.S.; specifying circumstances in which the Attorney General has exclusive authority to represent certain interests relating to a charitable trust having its principal place of administration in this state; prohibiting certain public officers of another state from asserting such rights; amending s. 736.0106, F.S.; conforming provisions to changes made by the act; amending s. 736.0405, F.S.; providing construction; reenacting s. 738.303(2)(b) and (d), F.S., relating to authority of a fiduciary, to incorporate the amendment made to s. 736.0110, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (3) of section 736.0110, Florida Statutes, is amended to read:

736.0110 Others treated as qualified beneficiaries.—

(3)(a) The Attorney General may assert the rights of a qualified beneficiary with respect to a charitable trust having its principal place of administration in this state. The Attorney General has standing to assert such rights in any judicial proceedings.

(b) Where the Attorney General asserts the rights of a qualified beneficiary as provided in paragraph (a), the Attorney General has the exclusive authority to represent the general public, unnamed charitable beneficiaries, and any person other than a named charitable beneficiary having a special interest in a charitable trust, in any judicial proceedings within this state or elsewhere, with respect to all matters relating to the administration of the charitable trust, including and without limitation, contract and trust law claims relating to charitable distributions and the exercise of trustee powers. The Attorney General of another state or any other public officer of another state does not have standing to assert such rights or interests.

Section 2. Section 736.0106, Florida Statutes, is amended to read:

736.0106 Common law of trusts; principles of equity.—The common law of trusts and principles of equity supplement this code, except to the extent modified by this code or another law of this state, including, but not limited to, s. 736.0110(3).

Section 3. Subsection (3) of section 736.0405, Florida Statutes, is amended to read:

736.0405 Charitable purposes; enforcement.—

(3) The settlor of a charitable trust, among others, has standing to enforce the trust. This subsection may not be construed to afford standing to the Attorney General of any other state, or another public officer of another state, with respect to any charitable trust having its principal place of administration in this state.

Section 4. For the purpose of incorporating the amendment made by this act to section 736.0110, Florida Statutes, in references thereto, paragraphs (b) and (d) of subsection (2) of section 738.303, Florida Statutes, are reenacted to read:

738.303 Authority of fiduciary.—

(2) A fiduciary may take an action under subsection (1) if all of the following apply:

(b) The fiduciary sends a notice in a record to the qualified beneficiaries determined under ss. 736.0103 and 736.0110 in the manner required by s. 738.304, describing and proposing to take the action.

(d) At least one member of each class of the qualified beneficiaries determined under ss. 736.0103 and 736.0110, other than the Attorney General, receiving the notice under paragraph (b) is:

- 1. If an individual, legally competent;
- 2. If not an individual, in existence; or
- 3. Represented in the manner provided in s. 738.304(2).

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor April 29, 2025.

Filed in Office Secretary of State April 29, 2025.