

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 229 — Land Trusts

by Judiciary Committee; Civil Justice Subcommittee; and Rep Rodriguez (CS/SB 1172 by Judiciary Committee and Senator Simmons)

The bill revises the laws relating to land trusts. In general, a land trust is a written instrument in which title to real property is vested in a trustee who has the authority to manage or dispose of the property.

More specifically, the bill:

- Clarifies the distinction between a land trust governed by s. 689.071, F.S., and other trusts governed by the Florida Trust Code.
- Defines a land trust based on the functional scope of the land trustee's duties, although the power to manage or dispose of property remains an essential element of a Florida land trust.
- Relocates provisions of s. 689.071, F.S., to a newly-created section, s. 689.073, F.S. These provisions generally state that purchasers and others can rely on a land trustee's authority over property as described in a recorded instrument. These provisions will remain equally applicable to any recorded instrument, created before or after the effective date of the bill, which conveys title to property and the power to manage or dispose of the property.
- Codifies a number of land trust practices and principles commonly used in Florida and Illinois which are derived from judicial precedents or treatises on land trusts.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 34-0; House 114-1