



HB 283, Engrossed 1

2015

1 A bill to be entitled  
2 An act relating to transfers to minors; amending s.  
3 710.102, F.S.; defining the term "general power of  
4 appointment"; amending s. 710.105, F.S.; specifying  
5 that certain transfers from a trust are considered as  
6 having been made directly by the grantor of the trust;  
7 amending s. 710.123, F.S.; authorizing custodianships  
8 established by irrevocable gift and by irrevocable  
9 exercise of power of appointment to terminate when a  
10 minor attains the age of 25, subject to the minor's  
11 right in such custodianships to compel distribution of  
12 the property upon attaining the age of 21; limiting  
13 liability of financial institutions for certain  
14 distributions of custodial property; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsections (9) through (18) of section  
20 710.102, Florida Statutes, are renumbered as subsections (10)  
21 through (19), respectively, and a new subsection (9) is added to  
22 that section to read:

23 710.102 Definitions.—As used in this act, the term:  
24 (9) "General power of appointment" means a power of  
25 appointment as defined in s. 732.2025(3).

26 Section 2. Section 710.105, Florida Statutes, is amended



HB 283, Engrossed 1

2015

27 to read:

28           710.105 Transfer by gift or exercise of power of  
29 appointment.—A person may make a transfer by irrevocable gift  
30 to, or the irrevocable exercise of a power of appointment in  
31 favor of, a custodian for the benefit of a minor pursuant to s.  
32 710.111. Notwithstanding s. 710.106, a transfer by irrevocable  
33 gift from a trust over which the grantor has at the time of  
34 transfer a right of revocation, as defined in s. 733.707(3)(e),  
35 shall be treated for all purposes under this act as a transfer  
36 made directly by the grantor of the trust.

37           Section 3. Section 710.123, Florida Statutes, is amended  
38 to read:

39           710.123 Termination of custodianship.—

40           (1) The custodian shall transfer in an appropriate manner  
41 the custodial property to the minor or to the minor's estate  
42 upon the earlier of:

43           (a)(1) The minor's attainment of 21 years of age with  
44 respect to custodial property transferred under s. 710.105 or s.  
45 710.106. However, a transferor can, with respect to such  
46 custodial property, create the custodianship so that it  
47 terminates when the minor attains 25 years of age;

48           (b)(2) The minor's attainment of ~~age~~ 18 years of age with  
49 respect to custodial property transferred under s. 710.107 or s.  
50 710.108; or

51           (c)(3) The minor's death.

52           (2) If the transferor of a custodianship under paragraph



53 (1) (a) creates the custodianship to terminate when the minor  
54 attains 25 years of age, in the case of a custodianship created  
55 by irrevocable gift or by irrevocable inter vivos exercise of a  
56 general power of appointment, the minor nevertheless has the  
57 absolute right to compel immediate distribution of the entire  
58 custodial property when the minor attains 21 years of age.

59 (3) As to a custodianship described in subsection (2), a  
60 transferor may provide, by delivery of a written instrument to  
61 the custodian upon the creation of such custodianship, that the  
62 minor's right to compel immediate distribution of the entire  
63 custodial property will terminate upon the expiration of a fixed  
64 period that begins with the custodian's delivery of a written  
65 notice to the minor of the existence of such right. To be  
66 effective to terminate the minor's right to compel an immediate  
67 distribution of the entire custodial property when the minor  
68 attains 21 years of age, the custodian's written notice must be  
69 delivered at least 30 days before, and not later than 30 days  
70 after, the date upon which the minor attains 21 years of age,  
71 and the fixed period specified in the notice for the termination  
72 of such right cannot expire before the later of 30 days after  
73 the minor attains 21 years of age or 30 days after the custodian  
74 delivers such notice.

75 (4) Notwithstanding the definition of the term "minor" as  
76 provided in s. 710.102, if the transferor creates the  
77 custodianship to terminate when the minor attains 25 years of  
78 age, solely for purposes of the application of the termination



HB 283, Engrossed 1

2015

79 | provisions of this section, the term "minor" means an individual  
80 | who has not attained 25 years of age.

81 | (5) A financial institution has no liability to a  
82 | custodian or minor for distribution of custodial property to, or  
83 | for the benefit of, the minor in a custodianship created by  
84 | irrevocable gift or by irrevocable exercise of a general power  
85 | of appointment when the minor attains 21 years of age.

86 | Section 4. This act shall take effect July 1, 2015.