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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
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The Committee on Judiciary (Berman) recommended the following:

Senate Amendment

Delete lines 236 - 748
and insert:
excluded from Part XIV of this chapter under s. 736.1405(2).

(24)-(21) "Terms of a trust" means:

(a) Except as otherwise provided in paragraph (b), the
manifestation of the settlor's intent regarding a trust's
provisions as:

1. Expressed in the trust instrument; or

2. Established by other evidence that would be admissible



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12 in a judicial proceeding; or

13 (b) The trust's provisions as established, determined, or
14 amended by:

15 1. A trustee or trust director in accordance with
16 applicable law;

17 2. Court order; or

18 3. A nonjudicial settlement agreement under s. 736.0111,
19 relating to nonjudicial settlement agreements ~~the manifestation~~
20 ~~of the settlor's intent regarding a trust's provisions as~~
21 ~~expressed in the trust instrument or as may be established by~~
22 ~~other evidence that would be admissible in a judicial~~
23 ~~proceeding.~~

24 (25) "Trust director" means a person who is granted a power
25 of direction by the terms of a trust to the extent the power is
26 exercisable while the person is not serving as a trustee. The
27 person is a trust director whether or not the terms of the trust
28 refer to the person as a trust director and whether or not the
29 person is a beneficiary or settlor of the trust.

30 Section 4. Paragraph (b) of subsection (2) of section
31 736.0105, Florida Statutes, is amended to read:

32 736.0105 Default and mandatory rules.—

33 (2) The terms of a trust prevail over any provision of this
34 code except:

35 (b) Subject to s. 736.1409, relating to the duties and
36 liabilities of a directed trustee; s. 736.1411, relating to
37 limitations on duties of a trustee or trust director to monitor,
38 inform, or advise on matters involving the other; and s.
39 736.1412, relating to the allocation of powers among cotrustees,
40 requirements for excluded cotrustees to act as a directed



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41 trustee, and liability and related obligations of directing
42 cotrustees, the duty of the trustee to act in good faith and in
43 accordance with the terms and purposes of the trust and the
44 interests of the beneficiaries.

45 Section 5. Subsection (1) of section 736.0201, Florida
46 Statutes, is amended, and subsection (7) is added to that
47 section, to read:

48 736.0201 Role of court in trust proceedings.—

49 (1) Except as provided in subsections (5), ~~and~~ (6), and (7)
50 and s. 736.0206, judicial proceedings concerning trusts shall be
51 commenced by filing a complaint and shall be governed by the
52 Florida Rules of Civil Procedure.

53 (7) A proceeding to determine the homestead status of real
54 property owned by a trust may be filed in the probate proceeding
55 for the settlor's estate if the settlor was treated as the owner
56 of the interest held in the trust under s. 732.4015. The
57 proceeding shall be governed by the Florida Probate Rules.

58 Section 6. Subsection (3) is added to section 736.0603,
59 Florida Statutes, to read:

60 736.0603 Settlor's powers; powers of withdrawal.—

61 (3) Subject to ss. 736.0403(2) and 736.0602(3)(a), the
62 trustee may follow a direction of the settlor that is contrary
63 to the terms of the trust while a trust is revocable.

64 Section 7. Subsections (3), (7), and (9) of section
65 736.0703, Florida Statutes, are amended to read:

66 736.0703 Cotrustees.—

67 (3) Subject to s. 736.1412, relating to the allocation of
68 powers among cotrustees, requirements for excluded cotrustees to
69 act as a directed trustee, and liability and related obligations



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70 of directing cotrustees, a cotrustee must participate in the
71 performance of a trustee's function unless the cotrustee is
72 unavailable to perform the function because of absence, illness,
73 disqualification under other provision of law, or other
74 temporary incapacity or the cotrustee has properly delegated the
75 performance of the function to another cotrustee.

76 (7) Except as otherwise provided in s. 736.1412, relating
77 to the allocation of powers among cotrustees, requirements for
78 excluded cotrustees to act as a directed trustee, and liability
79 and related obligations of directing cotrustees ~~subsection (9),~~
80 each cotrustee shall exercise reasonable care to:

81 (a) Prevent a cotrustee from committing a breach of trust.

82 (b) Compel a cotrustee to redress a breach of trust.

83 ~~(9) If the terms of a trust provide for the appointment of~~
84 ~~more than one trustee but confer upon one or more of the~~
85 ~~trustees, to the exclusion of the others, the power to direct or~~
86 ~~prevent specified actions of the trustees, the excluded trustees~~
87 ~~shall act in accordance with the exercise of the power. Except~~
88 ~~in cases of willful misconduct on the part of the excluded~~
89 ~~trustee, an excluded trustee is not liable, individually or as a~~
90 ~~fiduciary, for any consequence that results from compliance with~~
91 ~~the exercise of the power. An excluded trustee does not have a~~
92 ~~duty or an obligation to review, inquire, investigate, or make~~
93 ~~recommendations or evaluations with respect to the exercise of~~
94 ~~the power. The trustee or trustees having the power to direct or~~
95 ~~prevent actions of the excluded trustees shall be liable to the~~
96 ~~beneficiaries with respect to the exercise of the power as if~~
97 ~~the excluded trustees were not in office and shall have the~~
98 ~~exclusive obligation to account to and to defend any action~~



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99 ~~brought by the beneficiaries with respect to the exercise of the~~
100 ~~power. The provisions of s. 736.0808(2) do not apply if the~~
101 ~~person entrusted with the power to direct the actions of the~~
102 ~~excluded trustee is also a cotrustee.~~

103 Section 8. Section 736.0808, Florida Statutes, is repealed.

104 Section 9. Present subsection (7) of section 736.1008,
105 Florida Statutes, is redesignated as subsection (8), a new
106 subsection (7) is added to that section, and paragraph (a) of
107 subsection (1), subsection (2), and paragraphs (a) and (c) of
108 subsection (4) of that section are amended, to read:

109 736.1008 Limitations on proceedings against trustees.-

110 (1) Except as provided in subsection (2), all claims by a
111 beneficiary against a trustee for breach of trust are barred as
112 provided in chapter 95 as to:

113 (a) All matters adequately disclosed in a trust disclosure
114 document issued by the trustee or a trust director, with the
115 limitations period beginning on the date of receipt of adequate
116 disclosure.

117 (2) Unless sooner barred by adjudication, consent, or
118 limitations, a beneficiary is barred from bringing an action
119 against a trustee for breach of trust with respect to a matter
120 that was adequately disclosed in a trust disclosure document
121 unless a proceeding to assert the claim is commenced within 6
122 months after receipt from the trustee or a trust director of the
123 trust disclosure document or a limitation notice that applies to
124 that disclosure document, whichever is received later.

125 (4) As used in this section, the term:

126 (a) "Trust disclosure document" means a trust accounting or
127 any other written report of the trustee or a trust director. A



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128 trust disclosure document adequately discloses a matter if the
129 document provides sufficient information so that a beneficiary
130 knows of a claim or reasonably should have inquired into the
131 existence of a claim with respect to that matter.

132 (c) "Limitation notice" means a written statement of the
133 trustee or a trust director that an action by a beneficiary
134 ~~against the trustee~~ for breach of trust based on any matter
135 adequately disclosed in a trust disclosure document may be
136 barred unless the action is commenced within 6 months after
137 receipt of the trust disclosure document or receipt of a
138 limitation notice that applies to that trust disclosure
139 document, whichever is later. A limitation notice may but is not
140 required to be in the following form: "An action for breach of
141 trust based on matters disclosed in a trust accounting or other
142 written report of the trustee or a trust director may be subject
143 to a 6-month statute of limitations from the receipt of the
144 trust accounting or other written report. If you have questions,
145 please consult your attorney."

146 (7) Any claim barred against a trustee or trust director
147 under this section is also barred against the directors,
148 officers, and employees acting for the trustee.

149 Section 10. Present paragraphs (e), (f), and (g) of
150 subsection (1) of section 736.1017, Florida Statutes, are
151 redesignated as paragraphs (f), (g), and (h), respectively, and
152 a new paragraph (e) is added to that subsection, to read:

153 736.1017 Certification of trust.—

154 (1) Instead of furnishing a copy of the trust instrument to
155 a person other than a beneficiary, the trustee may furnish to
156 the person a certification of trust containing the following



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157 information:

158 (e) Whether the trust contains any powers of direction, and
159 if so, the identity of the current trust directors, the trustee
160 powers subject to a power of direction, and whether the trust
161 directors have directed or authorized the trustee to engage in
162 the proposed transaction for which the certification of trust
163 was issued.

164 Section 11. Effective upon this act becoming a law, section
165 736.1105, Florida Statutes, is amended to read:

166 (Substantial rewording of section. See
167 s. 736.1105, F.S., for present text.)

168 736.1105 Effect of subsequent marriage, birth, adoption, or
169 dissolution of marriage.—

170 (1) Neither subsequent marriage, birth, nor adoption of
171 descendants shall revoke the revocable trust of any person.

172 (2) Any provision of a revocable trust that affects the
173 settlor's spouse is void upon dissolution of the marriage of the
174 settlor and the spouse, whether the marriage occurred before or
175 after the execution of such revocable trust. Upon dissolution of
176 marriage, the revocable trust shall be construed as if the
177 spouse had died at the time of the dissolution of marriage.

178 (a) Dissolution of marriage occurs at the time the
179 decedent's marriage is judicially dissolved or declared invalid
180 by court order.

181 (b) This subsection does not invalidate a provision of a
182 revocable trust:

183 1. Executed by the settlor after the dissolution of the
184 marriage;

185 2. If there is a specific intention to the contrary stated



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186 in the revocable trust; or

187 3. If the dissolution of marriage judgment expressly
188 provides otherwise.

189 (3) This section applies to revocable trusts of decedents
190 who die on or after the effective date of this section.

191 Section 12. Section 736.1109, Florida Statutes, is created
192 to read:

193 736.1109 Testamentary and revocable trusts; homestead
194 protections.—

195 (1) If a devise of homestead under a trust violates the
196 limitations on the devise of homestead in s. 4(c), Art. X of the
197 State Constitution, title shall pass as provided in s. 732.401
198 at the moment of death.

199 (2) A power of sale or general direction to pay debts,
200 expenses and claims within the trust instrument does not subject
201 an interest in the protected homestead to the claims of
202 decedent's creditors, expenses of administration, and
203 obligations of the decedent's estate as provided in s.
204 736.05053.

205 (3) If a trust directs the sale of property that would
206 otherwise qualify as protected homestead, and the property is
207 not subject to the constitutional limitations on the devise of
208 homestead under the State Constitution, title shall remain
209 vested in the trustee and subject to the provisions of the
210 trust.

211 (4) This section applies only to trusts described in s.
212 733.707(3) and to testamentary trusts.

213 (5) This section is intended to clarify existing law and
214 applies to the administration of trusts and estates of decedents



215 who die before, on, or after July 1, 2021.

216 Section 13. Part XIV of chapter 736, Florida Statutes,
217 consisting of ss. 736.1401-736.1416, Florida Statutes, is
218 created and entitled the "Florida Uniform Directed Trust Act."

219 Section 14. Section 736.1401, Florida Statutes, is created
220 to read:

221 736.1401 Short title.—This part may be cited as the
222 "Florida Uniform Directed Trust Act."

223 Section 15. Section 736.1403, Florida Statutes, is created
224 to read:

225 736.1403 Application; principal place of administration.—

226 (1) This part applies to a trust subject to this chapter,
227 whenever created, that has its principal place of administration
228 in the state, subject to the following rules:

229 (a) If the trust was created before July 1, 2021, this part
230 applies only to a decision or action occurring on or after July
231 1, 2021.

232 (b) If the principal place of administration of the trust
233 is changed to the state on or after July 1, 2021, this part
234 applies only to a decision or action occurring on or after the
235 date of the change.

236 (2) In addition s. 736.0108, relating to a trust's
237 principal place of administration, in a directed trust, terms of
238 the trust that designate the principal place of administration
239 of the trust in the state are valid and controlling if a trust
240 director's principal place of business is located in or a trust
241 director is a resident of the state.

242 Section 16. Section 736.1405, Florida Statutes, is created
243 to read:



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244 736.1405 Exclusions.—

245 (1) As used in this section, the term “power of
246 appointment” means a power that enables a person acting in a
247 nonfiduciary capacity to designate a recipient of an ownership
248 interest in or another power of appointment over trust property.

249 (2) Unless the terms of a trust expressly provide otherwise
250 by specific reference to this part, section, or paragraph, this
251 part does not apply to:

252 (a) A power of appointment;

253 (b) A power to appoint or remove a trustee or trust
254 director;

255 (c) A power of a settlor over a trust while the trust is
256 revocable by that settlor;

257 (d) A power of a beneficiary over a trust to the extent the
258 exercise or nonexercise of the power affects the beneficial
259 interest of:

260 1. The beneficiary; or

261 2. Another beneficiary represented by the beneficiary under
262 ss. 736.0301-736.0305 with respect to the exercise or
263 nonexercise of the power;

264 (e) A power over a trust if the terms of the trust provide
265 that the power is held in a nonfiduciary capacity; and

266 1. The power must be held in a nonfiduciary capacity to
267 achieve the settlor’s tax objectives under the United States
268 Internal Revenue Code of 1986, as amended, and regulations
269 issued thereunder, as amended; or

270 2. It is a power to reimburse the settlor for all or a part
271 of the settlor’s income tax liabilities attributable to the
272 income of the trust; or



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273 (f) A power to add or to release a power under the trust
274 instrument if the power subject to addition or release causes
275 the settlor to be treated as the owner of all or any portion of
276 the trust for federal income tax purposes.

277 (3) Unless the terms of a trust provide otherwise, a power
278 granted to a person other than a trustee:

279 (a) To designate a recipient of an ownership interest in
280 trust property, including a power to terminate a trust, is a
281 power of appointment and not a power of direction.

282 (b) To create, modify, or terminate a power of appointment
283 is a power of direction and not a power of appointment, except a
284 power to create a power of appointment that is an element of a
285 broader power to affect an ownership interest in trust property
286 beyond the mere creation of a power of appointment, such as a
287 power to appoint trust property in further trust, is a power of
288 appointment and not a power of direction.

289 Section 17. Section 736.1406, Florida Statutes, is created
290 to read:

291 736.1406 Power of trust director.—

292 (1) Subject to s. 736.1407, relating to trust directors
293 being subject to the same rules as a trustee regarding Social
294 Security Act reimbursement requirements and charitable trust
295 instruments, the terms of a trust may grant a power of direction
296 to a trust director.

297 (2) A power of direction includes only those powers granted
298 by the terms of the trust.

299 (3) Unless the terms of a trust provide otherwise:

300 (a) A trust director may exercise any further power
301 appropriate to the exercise or nonexercise of a power of



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302 direction granted to the trust director under subsection (1);
303 and

304 (b) Trust directors with joint powers must act by majority
305 decision.

306 Section 18. Section 736.1407, Florida Statutes, is created
307 to read:

308 736.1407 Limitations on trust director.—A trust director is
309 subject to the same rules as a trustee in a like position and
310 under similar circumstances in the exercise or nonexercise of a
311 power of direction or further power under s. 736.1406(3) (a),
312 relating to additional power granted to a trust director in
313 furtherance of an express power of direction, regarding:

314 (1) A payback provision in the terms of a trust necessary
315 to comply with the reimbursement requirements of s. 1917 of the
316 Social Security Act, 42 U.S.C. s. 1396p(d) (4) (A), as amended,
317 and regulations issued thereunder, as amended.

318 (2) A charitable interest in the trust, including notice
319 regarding the interest to the Attorney General.

320 Section 19. Section 736.1408, Florida Statutes, is created
321 to read:

322 736.1408 Duty and liability of trust director.—

323 (1) Subject to subsection (2), with respect to a power of
324 direction or further power under s. 736.1406(3) (a), relating to
325 additional power granted to a trust director in furtherance of
326 an express power of direction:

327 (a) A trust director has the same fiduciary duty and
328 liability in the exercise or nonexercise of the power:

329 1. If the power is held individually, as a sole trustee in
330 a like position and under similar circumstances; or



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331 2. If the power is held jointly with a trustee or another
332 trust director, as a cotrustee in a like position and under
333 similar circumstances.

334 (b) The terms of the trust may vary the trust director's
335 duty or liability to the same extent the terms of the trust may
336 vary the duty or liability of a trustee in a like position and
337 under similar circumstances.

338 (2) Unless the terms of a trust provide otherwise, if a
339 trust director is licensed, certified, or otherwise authorized
340 or permitted by law other than this part to provide health care
341 in the ordinary course of the trust director's business or
342 practice of a profession, to the extent the trust director acts
343 in that capacity the trust director has no duty or liability
344 under this part.

345 (3) The terms of a trust may impose a duty or liability on
346 a trust director in addition to the duties and liabilities under
347 this section.

348 Section 20. Section 736.1409, Florida Statutes, is created
349 to read:

350 736.1409 Duty and liability of directed trustee.—

351 (1) Subject to subsection (2), a directed trustee shall
352 take reasonable action to comply with a trust director's
353 exercise or nonexercise of a power of direction or further power
354 under s. 736.1406(3) (a), relating to additional power granted to
355 a trust director in furtherance of an express power of
356 direction, and the trustee is not liable for such reasonable
357 action.

358 (2) A directed trustee may not comply with a trust
359 director's exercise or nonexercise of a power of direction or



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360 further power under s. 736.1406(3)(a), relating to additional
361 power granted to a trust director in furtherance of an express
362 power of direction, to the extent that by complying the trustee
363 would engage in willful misconduct.

364 (3) Before complying with a trust director's exercise of a
365 power of direction, the directed trustee shall determine whether
366 or not the exercise is within the scope of the trust director's
367 power of direction. The exercise of a power of direction is not
368 outside the scope of a trust director's power of direction
369 merely because the exercise constitutes or may constitute a
370 breach of trust.

371 (4) An exercise of a power of direction under which a trust
372 director may release a trustee or another trust director from
373 liability for breach of trust is not effective if:

374 (a) The breach involved the trustee's or other director's
375 willful misconduct;

376 (b) The release was induced by improper conduct of the
377 trustee or other director in procuring the release; or

378 (c) At the time of the release, the trust director did not
379 know the material facts relating to the breach.

380 (5) A directed trustee that has reasonable doubt about its
381 duty under this section may apply to the court for instructions,
382 with attorney fees and costs to be paid from assets of the trust
383 as provided in this code.

384 (6) The terms of a trust may impose a duty or liability on
385 a directed trustee in addition to the duties and liabilities
386 under this part.

387 Section 21. Section 736.141, Florida Statutes, is created
388 to read:



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389 736.141 Duty to provide information.-

390 (1) Subject to s. 736.1411, relating to limitations on the
391 duties of trustees or trust directors to monitor, inform, or
392 advise on matters involving the other, a trustee shall provide
393 information to a trust director to the extent the information is
394 reasonably related to the powers or duties of the trust
395 director.

396 (2) Subject to s. 736.1411, relating to limitations on the
397 duties of trustees or trust directors to monitor, inform, or
398 advise on matters involving the other, a trust director shall
399 provide information to a trustee or another trust director to
400 the extent the information is reasonably related to the powers
401 or duties of the trustee or other trust director.

402 (3) A trustee that acts in reliance on information provided
403 by a trust director is not liable for a breach of trust to the
404 extent the breach resulted from the reliance, unless by so
405 acting the trustee engages in willful misconduct.

406 (4) A trust director that acts in reliance on information
407 provided by a trustee or another trust director is not liable
408 for a breach of trust to the extent the breach resulted from the
409 reliance, unless by so acting the trust director engages in
410 willful misconduct.

411 (5) A trust director shall provide information within the
412 trust director's knowledge or control to a qualified beneficiary
413 upon a written request of a qualified beneficiary to the extent
414 the information is reasonably related to the powers or duties of
415 the trust director.

416 Section 22. Section 736.1411, Florida Statutes, is created
417 to read:



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418 736.1411 No duty to monitor, inform, or advise.-
419 (1) Notwithstanding s. 736.1409(1), relating to the duty of
420 a directed trustee to take reasonable action when directed and
421 to the release of liability for such action, unless the terms of
422 a trust provide otherwise:
423 (a) A trustee does not have a duty to:
424 1. Monitor a trust director; or
425 2. Inform or give advice to a settlor, beneficiary,
426 trustee, or trust director concerning an instance in which the
427 trustee might have acted differently than the trust director.
428 (b) By taking an action described in paragraph (a), a
429 trustee does not assume the duty excluded by paragraph (a).
430 (2) Notwithstanding s. 736.1408(1), relating to the
431 fiduciary duty of a trust director, unless the terms of a trust
432 provide otherwise:
433 (a) A trust director does not have a duty to:
434 1. Monitor a trustee or another trust director; or
435 2. Inform or give advice to a settlor, beneficiary,
436 trustee, or another trust director concerning an instance in
437 which the trust director might have acted differently than a
438 trustee or another trust director.
439 (b) By taking an action described in paragraph (a), a trust
440 director does not assume the duty excluded by paragraph (a).
441 Section 23. Section 736.1412, Florida Statutes, is created
442 to read:
443 736.1412 Application to cotrustee.-
444 (1) The terms of a trust may provide for the appointment of
445 more than one trustee but confer upon one or more of the
446 trustees, to the exclusion of the others, the power to direct or



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447 prevent specified actions of the trustees.

448 (2) The excluded trustees shall act in accordance with the
449 exercise of the power in the manner, and with the same duty and
450 liability, as directed trustees with respect to a trust
451 director's power of direction under s. 736.1409, relating to the
452 duties and liabilities of a directed trustee; s. 736.141,
453 relating to the duties of a trustee and trust director to
454 provide and rely on information; and s. 736.1411, relating to
455 limitations on the duties of trustees or trust directors to
456 monitor, inform, or advise on matters involving the other.

457 (3) The trustee or trustees having the power to direct or
458 prevent actions of the excluded trustees shall be liable to the
459 beneficiaries with respect to the exercise of the power as if
460 the excluded trustees were not in office and shall have the
461 exclusive obligation to account to and to defend any action
462 brought by the beneficiaries with respect to the exercise of the
463 power.

464 Section 24. Section 736.1413, Florida Statutes, is created
465 to read:

466 736.1413 Limitation of action against trust director.—

467 (1) An action against a trust director for breach of trust
468 must be commenced within the same limitation period for an
469 action for breach of trust against a trustee in a like position
470 and under similar circumstances under s. 736.1008, relating to
471 limitations on proceedings against trustees.

472 (2) A trust accounting or any other written report of a
473 trustee or a trust director has the same effect on the
474 limitation period for an action against a trust director for
475 breach of trust that such trust accounting or written report



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476 would have under s. 736.1008, relating to limitations on
477 proceedings against trustees, in an action for breach of trust
478 against a trustee in a like position and under similar
479 circumstances.

480 Section 25. Section 736.1414, Florida Statutes, is created
481 to read:

482 736.1414 Defenses in action against trust director.—In an
483 action against a trust director for breach of trust, the trust
484 director may assert the same defenses a trustee in a like
485 position and under similar circumstances could assert in an
486 action for breach of trust against the trustee.

487 Section 26. Section 736.1415, Florida Statutes, is created
488 to read:

489 736.1415 Jurisdiction over trust director.—

490 (1) By accepting appointment as a trust director of a trust
491 subject to this part, the trust director submits to the personal
492 jurisdiction of the courts of the state regarding any matter
493 related to a power or duty of the trust director.

494 (2) This section does not preclude other methods of
495 obtaining jurisdiction over a trust director.

496 Section 27. Section 736.1416, Florida Statutes, is created
497 to read:

498 736.1416 Office of trust director.—

499 (1) Unless the terms of a trust provide otherwise, a trust
500 director shall be considered a trustee for purposes of the
501 following:

502 (a) Role of court in trust proceedings under s. 736.0201.

503 (b) Proceedings for review of employment of agents and
504 review of compensation of trustee and employees of a trust under



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505 s. 736.0206.

506 (c) Representation by holder of power of appointment under
507 s. 736.0302(4), relating to how trustees with discretionary
508 power to make trust distributions do not have a power of
509 appointment for purposes of representing persons affected by
510 such power.

511 (d) Prohibition on a trustee acting as a designated
512 representative under s. 736.0306(2).

513 (e) Validation of power to select a beneficiary from an
514 indefinite class under s. 736.0402(3).

515 (f) As to allowing application by the trust director for
516 judicial modification of a trust when such modification is not
517 inconsistent with the settlor's purpose under s. 736.04113, for
518 judicial construction of provisions relating to federal taxes
519 under s. 736.04114, for judicial modification of a trust when
520 such modification is in the best interest of the beneficiaries
521 under s. 736.04115, or for judicial modification or termination
522 of an uneconomic trust under s. 736.0414(2), if the trust
523 director is so authorized by the terms of the trust.

524 (g) Discretionary trusts and the effect of a standard under
525 s. 736.0504, relating to special provisions regarding
526 discretionary trusts.

527 (h) Trust assets not being subject to creditor claims by
528 reason of discretionary powers granted to a trustee under s.
529 736.0505(1)(c).

530 (i) A trustee's duty to pay trust obligations and expenses
531 before paying obligations and expenses of the settlor's estate
532 under s. 736.05053(4).

533 (j) Acceptance or declination of a trusteeship under s.



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534 736.0701.

535 (k) Requirement to give bond to secure performance under
536 certain circumstances and court discretions relating to such
537 bonds under s. 736.0702.

538 (l) Filling trustee vacancies and court appointment of an
539 additional trustee or special fiduciary under s. 736.0704.

540 (m) Resignation of a trustee under s. 736.0705, including
541 requirements, court authorizations, and remaining liabilities.

542 (n) Court removal of a trustee, including who may request a
543 removal, under s. 736.0706, but not to give the trust director
544 the power to request removal of a trustee.

545 (o) Reasonable compensation of a trustee or professional
546 acting as a trustee under s. 736.0708.

547 (p) Entitlement of a trustee to reimbursement of expenses
548 and liens to secure advances under s. 736.0709.

549 (q) Authority to pay costs or attorney fees without
550 approval under s. 736.0802(10), if the trust director has a
551 power of direction or, if the trust director has a further power
552 to direct, the payment of such costs or attorney fees under s.
553 736.1406(2), relating to the explicit power of direction granted
554 to a trust director, or s. 736.1406(3)(a), relating to the
555 implied additional power of a director in furtherance of an
556 express power of direction.

557 (r) Limitations on a trustee's discretionary powers under
558 s. 736.0814.

559 (s) Administration of trusts by trustees without regard to
560 pending contests or proceedings, except as the court directs,
561 under s. 736.08165.

562 (t) A trustee's obligation to invest in accordance with



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563 chapter 518 under s. 736.0901.

564 (u) The exception to the prudent investor rule for life
565 insurance under s. 736.0902.

566 (v) Remedies available for a trustee breach of trust under
567 s. 736.1001.

568 (w) Damages against a trustee for breach of trust under s.
569 736.1002.

570 (x) A trustee's immunity from liability for loss or no
571 profit under s. 736.1003 if there is no breach of trust.

572 (y) Court-awarded attorney fees and costs under s. 736.1004
573 for breach of trust challenges.

574 (z) Fees available to a trustee's attorney for
575 extraordinary service under s. 736.1007(5), court variance of
576 compensation for a trustee's attorney under s. 736.1007(6), and
577 agreements between a settlor and an attorney for fees to be
578 provided to a trustee under s. 736.1007(7).

579 (aa) A trustee's immunity from liability for a breach of
580 trust under s. 736.1009 if the trustee relied on the trust
581 instrument terms.

582 (bb) Limitations on a trustee's liability for acting
583 without knowledge of relevant events under s. 736.1010.

584 (cc) Limitations on a trustee's exculpation of liability
585 under the terms of a trust under s. 736.1011.

586 (dd) The release of a trustee from liability with consent,
587 the release or ratification of a beneficiary, and the
588 limitations on such actions under s. 736.1012.

589 (ee) Limitations on imposing liability on a trustee for
590 obligations of a settlor under s. 736.1014.

591 (2) If a person has not accepted a trust directorship under



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592 the terms of the trust or has accepted or declined a trusteeship
593 under s. 736.0701 or a trustee,