

ENROLLED

CS/CS/HB 1173

2025 Legislature

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2       An act relating to the Florida Trust Code; amending s.  
3       736.0110, F.S.; specifying circumstances in which the  
4       Attorney General has exclusive authority to represent  
5       certain interests relating to a charitable trust  
6       having its principal place of administration in this  
7       state; prohibiting certain public officers of another  
8       state from asserting such rights; amending s.  
9       736.0106, F.S.; conforming provisions to changes made  
10      by the act; amending s. 736.0405, F.S.; providing  
11      construction; reenacting s. 738.303(2)(b) and (d),  
12      F.S., relating to authority of a fiduciary, to  
13      incorporate the amendment made to s. 736.0110, F.S.,  
14      in references thereto; providing an effective date.

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

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

20       736.0110 Others treated as qualified beneficiaries.—

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

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

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

40        736.0106 Common law of trusts; principles of equity.—The  
41        common law of trusts and principles of equity supplement this  
42        code, except to the extent modified by this code or another law  
43        of this state, including, but not limited to, s. 736.0110(3).

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

46        736.0405 Charitable purposes; enforcement.—

47        (3) The settlor of a charitable trust, among others, has  
48        standing to enforce the trust. This subsection may not be  
49        construed to afford standing to the Attorney General of any  
50        other state, or another public officer of another state, with

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51     respect to any charitable trust having its principal place of  
52     administration in this state.

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

57             738.303 Authority of fiduciary.—

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

60             (b) The fiduciary sends a notice in a record to the  
61     qualified beneficiaries determined under ss. 736.0103 and  
62     736.0110 in the manner required by s. 738.304, describing and  
63     proposing to take the action.

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

67     (b) is:

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

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