

ENROLLED

CS/HB 1337

2026 Legislature

1
2 An act relating to estates; amending ss. 655.933 and
3 655.936, F.S.; revising the responsibilities a lessor
4 of a safe-deposit box has to certain persons; amending
5 s. 733.603, F.S.; revising the issues a court may
6 resolve for a personal representative; amending s.
7 733.612, F.S.; revising the list of transactions a
8 personal representative may make if acting reasonably
9 for the benefit of certain persons; creating s.
10 733.6125, F.S.; requiring the court to award taxable
11 costs and attorney fees in certain proceedings;
12 authorizing the court to direct such payment from
13 certain persons; providing that such payment may be
14 satisfied from certain property; amending s. 733.6171,
15 F.S.; revising what constitutes an extraordinary
16 service of an attorney; making technical changes;
17 amending s. 735.201, F.S.; revising when summary
18 administration proceedings may commence for either a
19 resident or nonresident decedent's estate; amending s.
20 735.302, F.S.; revising the sum at which an
21 overpayment of taxes by a decedent may be refunded by
22 the United States Treasury Department; amending s.
23 735.303, F.S.; revising the sum for funds certain
24 financial institutions may make payable to a
25 decedent's family member; conforming provisions to

ENROLLED

CS/HB 1337

2026 Legislature

26 | changes made by the act; amending s. 735.304, F.S.;

27 | revising the prohibition against certain proceedings

28 | for a decedent when he or she dies intestate and

29 | leaves only certain personal property worth a

30 | specified sum; reenacting s. 655.937(1)(b), F.S.,

31 | relating to access to safe-deposit boxes leased in two

32 | or more names, to incorporate the amendment made to s.

33 | 655.933, F.S., in a reference thereto; reenacting s.

34 | 734.101(4), F.S., relating to foreign personal

35 | representatives, to incorporate the amendment made to

36 | s. 655.936, F.S., in a reference thereto; reenacting

37 | s. 733.106(4), F.S., relating to costs and attorney

38 | fees, to incorporate the amendment made to s.

39 | 733.6171, F.S., in a reference thereto; providing an

40 | effective date.

41 |

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

43 |

44 | Section 1. Section 655.933, Florida Statutes, is amended

45 | to read:

46 | 655.933 Access by fiduciaries.—If a safe-deposit box is

47 | made available by a lessor to one or more persons acting as

48 | fiduciaries, the lessor ~~may~~, except as otherwise expressly

49 | provided in the lease or the writings pursuant to which such

50 | fiduciaries are acting, ~~allow access thereto as follows:~~

ENROLLED

CS/HB 1337

2026 Legislature

51 (1) Must allow access to the safe-deposit box by any ~~one~~
 52 ~~or more~~ of the persons acting as personal representatives who
 53 present the lessor with a copy of the letters of administration;
 54 and-

55 (2) May allow access to the safe-deposit box by:

56 (a) Any ~~one or more~~ of the persons otherwise acting as
 57 fiduciaries if authorized in writing, which writing is signed by
 58 all other persons so acting; or-

59 (b) ~~(3)~~ ~~By~~ Any agent authorized in writing, which writing
 60 is signed by all persons acting as fiduciaries.

61 Section 2. Subsection (1) of section 655.936, Florida
 62 Statutes, is amended to read:

63 655.936 Delivery of safe-deposit box contents or property
 64 held in safekeeping to personal representative.-

65 (1) Subject to ~~the provisions of~~ subsection (3), the
 66 lessor shall:

67 (a) Immediately deliver to a personal representative
 68 appointed by a court in this state, upon presentation of a
 69 certified copy of his or her letters of authority, all property
 70 deposited with it by the decedent for safekeeping; ~~and shall~~

71 (b) Grant the personal representative access to any safe-
 72 deposit box in the decedent's name and allow ~~permit~~ him or her
 73 to remove from such box any part or all of the contents thereof;
 74 and

75 (c) Allow the personal representative or the personal

ENROLLED

CS/HB 1337

2026 Legislature

76 | representative's attorney to pay the accumulated charges and
 77 | terminate the lease.

78 | Section 3. Section 733.603, Florida Statutes, is amended
 79 | to read:

80 | 733.603 Personal representative to proceed without court
 81 | order.—A personal representative shall proceed expeditiously
 82 | with the settlement and distribution of a decedent's estate and,
 83 | except as otherwise specified by this code or ordered by the
 84 | court, shall do so without adjudication, order, or direction of
 85 | the court. A personal representative may invoke the jurisdiction
 86 | of the court to resolve questions concerning the estate or its
 87 | administration or to enforce the authority of a personal
 88 | representative conferred by this code.

89 | Section 4. Subsection (28) is added to section 733.612,
 90 | Florida Statutes, to read:

91 | 733.612 Transactions authorized for the personal
 92 | representative; exceptions.—Except as otherwise provided by the
 93 | will or court order, and subject to the priorities stated in s.
 94 | 733.805, without court order, a personal representative, acting
 95 | reasonably for the benefit of the interested persons, may
 96 | properly:

97 | (28) Institute a proceeding to enforce his or her
 98 | authority as personal representative as conferred by this code.

99 | Section 5. Section 733.6125, Florida Statutes, is created
 100 | to read:

ENROLLED

CS/HB 1337

2026 Legislature

101 733.6125 Proceedings to enforce authority.—In any
 102 proceeding to enforce the authority of a personal representative
 103 as conferred by this code, the court shall award to a prevailing
 104 personal representative taxable costs as in chancery actions,
 105 including attorney fees. When awarding taxable costs and
 106 attorney fees under this section, the court may direct payment
 107 from any person whose action or inaction necessitated the
 108 enforcement proceeding or from any person having an interest in
 109 the estate and may enter a judgment that may be satisfied from
 110 other property.

111 Section 6. Paragraph (b) of subsection (2) and subsection
 112 (6) of section 733.6171, Florida Statutes, are amended, and
 113 paragraph (1) is added to subsection (4) of that section, to
 114 read:

115 733.6171 Compensation of attorney for the personal
 116 representative.—

117 (2)

118 (b) An attorney representing a personal representative in
 119 an estate administration who intends to charge a fee based upon
 120 the schedule set forth in subsection (3) shall make the
 121 following disclosures in writing to the personal representative:

122 1. There is not a mandatory statutory attorney fee for
 123 estate administration.

124 2. The attorney fee is not required to be based on the
 125 size of the estate, and the presumed reasonable fee provided in

ENROLLED

CS/HB 1337

2026 Legislature

126 subsection (3) may not be appropriate in all estate
 127 administrations.

128 3. The fee is subject to negotiation between the personal
 129 representative and the attorney.

130 4. The selection of the attorney is made at the discretion
 131 of the personal representative, who is not required to select
 132 the attorney who prepared the will.

133 5. The personal representative is ~~shall be~~ entitled to a
 134 summary of ordinary and extraordinary services rendered for the
 135 fees agreed upon at the conclusion of the representation. The
 136 summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist
 137 of the total hours devoted to the representation or a detailed
 138 summary of the services performed during the representation.

139 (4) Subject to subsection (2), in addition to fees for
 140 ordinary services, the attorney for the personal representative
 141 shall be allowed further reasonable compensation for any
 142 extraordinary service. What is an extraordinary service may vary
 143 depending on many factors, including the size and complexity of
 144 the estate. Extraordinary services may include, but are not
 145 limited to:

146 (1) Involvement in any proceeding to enforce the authority
 147 of a personal representative as conferred by this code.

148 (6) If a separate written agreement regarding compensation
 149 exists between the attorney and the decedent, the attorney must
 150 ~~shall~~ furnish a copy to the personal representative before ~~prior~~

ENROLLED

CS/HB 1337

2026 Legislature

151 ~~to~~ commencement of employment, and, if employed, must ~~shall~~
 152 promptly file and serve a copy on all interested persons. A
 153 separate agreement or a provision in the will suggesting or
 154 directing that the personal representative retain a specific
 155 attorney does not obligate the personal representative to employ
 156 the attorney or obligate the attorney to accept the
 157 representation, but if the attorney who is a party to the
 158 agreement or who drafted the will is employed, the compensation
 159 paid may ~~shall~~ not exceed the compensation provided in the
 160 agreement or in the will.

161 Section 7. Subsection (2) of section 735.201, Florida
 162 Statutes, is amended to read:

163 735.201 Summary administration; nature of proceedings.—
 164 Summary administration may be had in the administration of
 165 either a resident or nonresident decedent's estate, when it
 166 appears:

167 (2) That the value of the entire estate subject to
 168 administration in this state, less the value of property exempt
 169 from the claims of creditors, does not exceed \$150,000 ~~\$75,000~~
 170 or that the decedent has been dead for more than 2 years.

171 Section 8. Subsection (1) of section 735.302, Florida
 172 Statutes, is amended to read:

173 735.302 Income tax refunds in certain cases.—

174 (1) In any case when the United States Treasury Department
 175 determines that an overpayment of federal income tax exists and

ENROLLED

CS/HB 1337

2026 Legislature

176 | the person in whose favor the overpayment is determined is dead
 177 | at the time the overpayment of tax is to be refunded, and
 178 | notwithstanding ~~irrespective of~~ whether the decedent had filed a
 179 | joint and several or separate income tax return, the amount of
 180 | the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be
 181 | refunded as follows:

182 | (a) Directly to the surviving spouse on his or her
 183 | verified application; or

184 | (b) If there is no surviving spouse, to one of the
 185 | decedent's children who is designated in a verified application
 186 | purporting to be executed by all of the decedent's children over
 187 | the age of 14 years.

188 |
 189 | In either event, the application must show that the decedent was
 190 | not indebted, that provision has been made for the payment of
 191 | the decedent's debts, or that the entire estate is exempt from
 192 | the claims of creditors under the constitution and statutes of
 193 | the state, and that no administration of the estate, including
 194 | summary administration, has been initiated and that none is
 195 | planned, to the knowledge of the applicant.

196 | Section 9. Subsection (2), paragraph (c) of subsection
 197 | (3), and subsection (4) of section 735.303, Florida Statutes,
 198 | are amended to read:

199 | 735.303 Payment to successor without court proceedings.—

200 | (2) A financial institution in this state may pay to the

ENROLLED

CS/HB 1337

2026 Legislature

201 family member of a decedent, without any court proceeding,
 202 order, or judgment, the funds on deposit in all qualified
 203 accounts of the decedent at the financial institution if the
 204 total amount of the combined funds in the qualified accounts at
 205 the financial institution do not exceed an aggregate total of
 206 \$2,000 ~~\$1,000~~. The financial institution may not make such
 207 payment earlier than 6 months after the date of the decedent's
 208 death.

209 (3) In order to receive the funds described in subsection
 210 (2), the family member must provide to the financial institution
 211 a certified copy of the decedent's death certificate and a sworn
 212 affidavit that includes all of the following:

213 (c) A statement attesting that the total amount in all
 214 qualified accounts held by the decedent in all financial
 215 institutions known to the affiant does not exceed an aggregate
 216 total of \$2,000 ~~\$1,000~~.

217 (4) The family member may use an affidavit in
 218 substantially the following form to fulfill the requirements of
 219 subsection (3):

220
 221 AFFIDAVIT UNDER
 222 SECTION 735.303, FLORIDA STATUTES,
 223 TO OBTAIN BANK PROPERTY OF DECEASED
 224 ACCOUNT HOLDER: ... (Name of decedent) ...
 225 State of

ENROLLED

CS/HB 1337

2026 Legislature

226 County of

227

228 Before the undersigned authority personally appeared ... (name of
 229 affiant) ..., of ... (residential address of affiant) ..., who has
 230 been sworn and says the following statements are true:

231 (a) The affiant is (initial one of the following
 232 responses):

233 The surviving spouse of the decedent.

234 A surviving adult child of the decedent, and the
 235 decedent left no surviving spouse.

236 A surviving adult descendant of the decedent, and the
 237 decedent left no surviving spouse and no surviving adult child.

238 A surviving parent of the decedent, and the decedent
 239 left no surviving spouse, no surviving adult child, and no
 240 surviving adult descendant.

241 (b) As shown in the certified death certificate, the date
 242 of death of the decedent was ... (date of death) ..., and the
 243 address of the decedent's last residence was ... (address of last
 244 residence)

245 (c) The affiant is entitled to payment of the funds in the
 246 decedent's depository accounts and certificates of deposit held
 247 by the financial institution ... (name of financial
 248 institution) The total amount in all qualified accounts held
 249 by the decedent in all financial institutions known to the
 250 affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~. The

ENROLLED

CS/HB 1337

2026 Legislature

276
 277 ...(Signature of Notary Public - State of Florida)...
 278 ...(Print, Type, or Stamp Commissioned Name of Notary
 279 Public)...

280 My commission expires: ...(date of expiration of
 281 commission)...

282
 283 Section 10. Subsection (1) of section 735.304, Florida
 284 Statutes, is amended to read:

285 735.304 Disposition without administration of intestate
 286 property in small estates.-

287 (1) ~~No~~ Administration is not ~~shall be~~ required and ~~or~~
 288 formal proceedings may not be instituted upon the estate of a
 289 decedent who has died intestate leaving only personal property
 290 exempt under ~~the provisions of~~ s. 732.402, personal property
 291 exempt from the claims of creditors under the State
 292 Constitution, and nonexempt personal property the value of which
 293 does not exceed the sum of \$20,000 ~~\$10,000~~ and the amount of
 294 preferred funeral expenses and reasonable and necessary medical
 295 and hospital expenses of the last 60 days of the last illness,
 296 provided the decedent has been deceased for more than 1 year and
 297 no administration of the decedent's estate is pending in this
 298 state.

299 Section 11. For the purpose of incorporating the amendment
 300 made by this act to section 655.933, Florida Statutes, in a

ENROLLED

CS/HB 1337

2026 Legislature

301 reference thereto, paragraph (b) of subsection (1) of section
 302 655.937, Florida Statutes, is reenacted to read:

303 655.937 Access to safe-deposit boxes leased in two or more
 304 names.—

305 (1) Unless specifically provided in the lease or rental
 306 agreement to the contrary, if a safe-deposit box is rented or
 307 leased in the names of two or more lessees, access to the safe-
 308 deposit box will be granted to:

309 (b) Subject to s. 655.933, those persons named in s.
 310 655.933.

311 Section 12. For the purpose of incorporating the amendment
 312 made by this act to section 655.936, Florida Statutes, in a
 313 reference thereto, subsection (4) of section 734.101, Florida
 314 Statutes, is reenacted to read:

315 734.101 Foreign personal representative.—

316 (4) Except as provided in s. 655.936, all persons indebted
 317 to the estate of a decedent, or having possession of personal
 318 property belonging to the estate, who have received no written
 319 demand from a personal representative or curator appointed in
 320 this state for payment of the debt or the delivery of the
 321 property are authorized to pay the debt or to deliver the
 322 personal property to the foreign personal representative after
 323 the expiration of 90 days from the date of appointment of the
 324 foreign personal representative.

325 Section 13. For the purpose of incorporating the amendment

ENROLLED

CS/HB 1337

2026 Legislature

326 made by this act to section 733.6171, Florida Statutes, in a
 327 reference thereto, subsection (4) of section 733.106, Florida
 328 Statutes, is reenacted to read:

329 733.106 Costs and attorney fees.—

330 (4) If costs and attorney fees are to be paid from the
 331 estate under this section, s. 733.6171(4), s. 736.1005, or s.
 332 736.1006, the court, in its discretion, may direct from what
 333 part of the estate they shall be paid.

334 (a) If the court directs an assessment against a person's
 335 part of the estate and such part is insufficient to fully pay
 336 the assessment, the court may direct payment from the person's
 337 part of a trust, if any, if a pour-over will is involved and the
 338 matter is interrelated with the trust.

339 (b) All or any part of the costs and attorney fees to be
 340 paid from the estate may be assessed against one or more
 341 persons' part of the estate in such proportions as the court
 342 finds to be just and proper.

343 (c) In the exercise of its discretion, the court may
 344 consider the following factors:

345 1. The relative impact of an assessment on the estimated
 346 value of each person's part of the estate.

347 2. The amount of costs and attorney fees to be assessed
 348 against a person's part of the estate.

349 3. The extent to which a person whose part of the estate
 350 is to be assessed, individually or through counsel, actively

ENROLLED

CS/HB 1337

2026 Legislature

351 participated in the proceeding.

352 4. The potential benefit or detriment to a person's part
353 of the estate expected from the outcome of the proceeding.

354 5. The relative strength or weakness of the merits of the
355 claims, defenses, or objections, if any, asserted by a person
356 whose part of the estate is to be assessed.

357 6. Whether a person whose part of the estate is to be
358 assessed was a prevailing party with respect to one or more
359 claims, defenses, or objections.

360 7. Whether a person whose part of the estate is to be
361 assessed unjustly caused an increase in the amount of costs and
362 attorney fees incurred by the personal representative or another
363 interested person in connection with the proceeding.

364 8. Any other relevant fact, circumstance, or equity.

365 (d) The court may assess a person's part of the estate
366 without finding that the person engaged in bad faith,
367 wrongdoing, or frivolousness.

368 Section 14. This act shall take effect July 1, 2026.