

## New Florida Law Streamlines Trustee Discharge: Fla. Stat. § 736.10081

Article

Lowndes

05.04.2026

On Wednesday, April 29, 2026, Governor DeSantis signed House Bill 895 into law, creating Section 736.10081 of the Florida Statutes. The new statute establishes a nonjudicial summary procedure for the settlement of a trustee's accounts and discharge from liability without the expense and delay of court proceedings or the need to negotiate a nonjudicial settlement agreement.

Until now, a trustee seeking discharge generally had to obtain a signed waiver and release from the beneficiaries, enter into a nonjudicial settlement agreement, or petition the court for approval of a final accounting and order of discharge. Each of these paths carried significant costs and practical challenges.

### The New Summary Procedure

Under the new statute, a trustee of a trust that is irrevocable, or that becomes irrevocable on or after the effective date, and who is in "substantial compliance" with the duty to inform and account under Section 736.0813, may initiate the new procedure expressed in Section 736.10081. The procedure may be initiated at least six (6) months after the trustee's acceptance when the trust terminates or the trustee resigns or is removed.

To begin the process, the trustee must send a trust disclosure document to the trust's qualified beneficiaries, any co-trustee, and the immediate successor trustee (if the trust is not terminating). The disclosure document must include:

- The trustee's name, mailing address, telephone number, and email address;
- A plan of distribution, including a schedule of assets to be distributed, debts, expenses, and taxes to be paid, and any reasonable reserve;
- A trust accounting for any period not previously accounted for (unless the duty of account has been waived); and

### Related Attorneys

[Melody B. Lynch](#)

[Lauren Beames](#)

### Related Expertise

[Estate & Trust Administration](#)

- A formal notice in at least 12-point type warning that claims may be barred unless a written objection is received within 60 days.

The document must also be sent to any other person the trustee reasonably believes would be affected.

Importantly, this new statute supplements—rather than replaces—a trustee’s existing rights to settle accounts through other means. Thus, if the trustee receives any written objection within the 60-day window (which need not state any grounds or be in any particular form), the summary procedure does not apply. In that event, the trustee must fall back on the existing discharge procedures that were available before this law was enacted, such as obtaining a waiver and release, entering into a nonjudicial settlement agreement, or petitioning the court.

If no timely objection is received, the trustee is discharged upon completing all distributions in accordance with the plan and is released from all liability and claims arising from any matter adequately disclosed, “with the same effect as if the court had entered a final order approving that act or omission.”

### **Practical Takeaways:**

- For trustees: This statute provides a cost-effective, streamlined path to a legally binding discharge that carries the same weight as a court order.
- For beneficiaries: Failure to submit a written objection within 60 days results in a complete bar of claims related to disclosed matters. Any trust disclosure document received under this section should be reviewed promptly and carefully.
- In contested matters: Because the threshold for objections is so low—no stated grounds, no particular form—any beneficiary can halt the process with a single written objection. The statute’s greatest impact will likely be in non-adversarial administrations where beneficiaries simply do not respond.

If you have questions about how Fla. Stat. § 736.10081 may affect your role as a trustee or beneficiary, or whether the new summary discharge procedure is appropriate in your situation, please contact Melody Lynch or Lauren Beames to discuss your specific circumstances.