



## DOES FLORIDA PERMIT THE CREATION OF COMMUNITY PROPERTY TRUSTS?

In 2021, Florida became the fifth non-community property state to permit the creation of Community Property Trusts (“CPTs”). These CPTs allow married couples to benefit from some of the laws applicable in community property jurisdictions, most notably a full stepup in basis on all assets in the trust at the death of the first spouse to die. In June 2025 the Florida statute was changed to clarify that a trust which expressly permits amendment, restatement or modification and was created prior to the enactment of Florida’s CPT legislation can be converted to a CPT by amending, restating or modifying the trust to comply with the CPT statute, thus eliminating the need to create a new trust and move assets from one trust to another.