



## WHAT IS FLORIDA'S DECANTING STATUTE?

Many states have enacted “decanting statutes” in recent years, including Connecticut and Florida. (New York has had a decanting statute for over a decade.) Decanting is the process by which the assets in an existing trust can be moved or “decanted” to another trust. While some trust instruments specifically permit decanting and define when and how the assets of a particular trust can be moved to another trust, decanting statutes authorize decanting and create a process for doing so when one is not set forth in the trust instrument itself or may provide additional flexibility for those trusts which already include decanting provisions.

While Florida's statute has been in effect for several years, the statute was amended as of June 2025. Florida's amended decanting statute provides additional flexibility for decanting a trust while continuing to protect beneficiaries' rights. Specifically, Florida law now provides that under certain circumstances the Trustee of a trust may, in addition to a traditional distribution of trust assets to a new trust, modify the terms of the original trust. Modification allows for a more streamlined decanting process by avoiding asset transfers and retitling, creation of new trust accounts, and the need to obtain new taxpayer identification numbers. In addition, the new statute includes technical changes which make the decanting process easier and which give beneficiaries more time to challenge a decanting to protect their interests. Finally, the new decanting statute further clarifies that its provisions apply to any trust that is governed by Florida law or has its principal place of administration in Florida.