

1                   A bill to be entitled  
2           An act relating to digital assets; providing a  
3           directive to the Division of Law Revision and  
4           Information; creating s. 740.001, F.S.; providing a  
5           short title; creating s. 740.002, F.S.; defining  
6           terms; creating s. 740.003, F.S.; authorizing a user  
7           to use an online tool to allow a custodian to disclose  
8           digital assets to a designated recipient or to  
9           prohibit a custodian from disclosing digital assets  
10          under certain circumstances; providing that specified  
11          user's direction overrides a contrary provision in a  
12          terms-of-service agreement under certain  
13          circumstances; creating s. 740.004, F.S.; providing  
14          construction; authorizing the modification of a  
15          fiduciary's or designated recipient's access to  
16          digital assets under certain circumstances; creating  
17          s. 740.005, F.S.; providing procedures for the  
18          disclosure of digital assets; creating s. 740.006,  
19          F.S.; requiring a custodian to disclose the content of  
20          electronic communications of a deceased user under  
21          certain circumstances; creating s. 740.007, F.S.;  
22          requiring a custodian to disclose other digital assets  
23          of a deceased user under certain circumstances;  
24          creating s. 740.008, F.S.; requiring a custodian to  
25          disclose the content of electronic communications of a  
26          principal under certain circumstances; creating s.

27 | 740.009, F.S.; requiring a custodian to disclose other  
28 | digital assets of a principal under certain  
29 | circumstances; creating s. 740.01, F.S.; requiring a  
30 | custodian to disclose to a trustee who is the original  
31 | user the digital assets held in trust under certain  
32 | circumstances; creating s. 740.02, F.S.; requiring a  
33 | custodian to disclose to a trustee who is not the  
34 | original user the content of electronic communications  
35 | held in trust under certain circumstances; creating s.  
36 | 740.03, F.S.; requiring a custodian to disclose to a  
37 | trustee who is not the original user other digital  
38 | assets under certain circumstances; creating s.  
39 | 740.04, F.S.; authorizing the court to grant a  
40 | guardian the right to access a ward's digital assets  
41 | under certain circumstances; requiring a custodian to  
42 | disclose to a guardian a specified catalog of  
43 | electronic communications and specified digital assets  
44 | of a ward under certain circumstances; creating s.  
45 | 740.05, F.S.; imposing fiduciary duties; providing for  
46 | the rights and responsibilities of certain  
47 | fiduciaries; creating s. 740.06, F.S.; requiring  
48 | compliance of a custodian; providing construction;  
49 | providing for immunity from liability for a custodian  
50 | and its officers, employees, and agents acting in good  
51 | faith in complying with their duties; creating s.  
52 | 740.07, F.S.; providing construction; creating s.

53 740.08, F.S.; providing applicability; creating s.  
54 740.09, F.S.; providing severability; providing an  
55 effective date.

56

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

58

59 Section 1. The Division of Law Revision and Information is  
60 directed to create chapter 740, Florida Statutes, consisting of  
61 ss. 740.001-740.09, Florida Statutes, to be entitled "Fiduciary  
62 Access to Digital Assets."

63 Section 2. Section 740.001, Florida Statutes, is created  
64 to read:

65 740.001 Short title.—This chapter may be cited as the  
66 "Florida Fiduciary Access to Digital Assets Act."

67 Section 3. Section 740.002, Florida Statutes, is created  
68 to read:

69 740.002 Definitions.—As used in this chapter, the term:

70 (1) "Account" means an arrangement under a terms-of-  
71 service agreement in which the custodian carries, maintains,  
72 processes, receives, or stores a digital asset of the user or  
73 provides goods or services to the user.

74 (2) "Agent" means a person that is granted authority to  
75 act for a principal under a durable or nondurable power of  
76 attorney, whether denominated an agent, an attorney in fact, or  
77 otherwise. The term includes an original agent, a co-agent, and  
78 a successor agent.

79           (3) "Carries" means to engage in the transmission of  
 80 electronic communications.

81           (4) "Catalog of electronic communications" means  
 82 information that identifies each person with which a user has  
 83 had an electronic communication, the time and date of the  
 84 communication, and the electronic address of the person.

85           (5) "Content of an electronic communication" means  
 86 information concerning the substance or meaning of the  
 87 communication which:

88           (a) Has been sent or received by a user;

89           (b) Is in electronic storage by a custodian providing an  
 90 electronic communication service to the public or is carried or  
 91 maintained by a custodian providing a remote computing service  
 92 to the public; and

93           (c) Is not readily accessible to the public.

94           (6) "Court" means a circuit court of this state.

95           (7) "Custodian" means a person that carries, maintains,  
 96 processes, receives, or stores a digital asset of a user.

97           (8) "Designated recipient" means a person chosen by a user  
 98 through an online tool to administer digital assets of the user.

99           (9) "Digital asset" means an electronic record in which an  
 100 individual has a right or interest. The term does not include an  
 101 underlying asset or liability unless the asset or liability is  
 102 itself an electronic record.

103           (10) "Electronic" means relating to technology having  
 104 electrical, digital, magnetic, wireless, optical,

105 electromagnetic, or similar capabilities.

106 (11) "Electronic communication" has the same meaning as  
107 provided in 18 U.S.C. s. 2510(12).

108 (12) "Electronic communication service" means a custodian  
109 that provides to a user the ability to send or receive an  
110 electronic communication.

111 (13) "Fiduciary" means an original, additional, or  
112 successor personal representative, guardian, agent, or trustee.

113 (14) "Guardian" means a person who is appointed by the  
114 court as guardian of the property of a minor or an incapacitated  
115 individual. The term includes an original guardian, a co-  
116 guardian, and a successor guardian, as well as a person  
117 appointed by the court as an emergency temporary guardian of the  
118 property.

119 (15) "Information" means data, text, images, videos,  
120 sounds, codes, computer programs, software, databases, or the  
121 like.

122 (16) "Online tool" means an electronic service provided by  
123 a custodian which allows the user, in an agreement distinct from  
124 the terms-of-service agreement between the custodian and user,  
125 to provide directions for disclosure or nondisclosure of digital  
126 assets to a third person.

127 (17) "Person" means an individual, estate, trust, business  
128 or nonprofit entity, public corporation, government or  
129 governmental subdivision, agency, or instrumentality, or other  
130 legal entity.

131       (18) "Personal representative" means the fiduciary  
 132 appointed by the court to administer the estate of a deceased  
 133 individual pursuant to letters of administration or an order  
 134 appointing a curator or administrator ad litem for the estate.  
 135 The term includes an original personal representative, a  
 136 copersonal representative, and a successor personal  
 137 representative, as well as a person who is entitled to receive  
 138 and collect a deceased individual's property pursuant to an  
 139 order of summary administration issued pursuant to chapter 735.

140       (19) "Power of attorney" means a record that grants an  
 141 agent authority to act in the place of a principal pursuant to  
 142 chapter 709.

143       (20) "Principal" means an individual who grants authority  
 144 to an agent in a power of attorney.

145       (21) "Record" means information that is inscribed on a  
 146 tangible medium or that is stored in an electronic or other  
 147 medium and is retrievable in perceivable form.

148       (22) "Remote computing service" means a custodian that  
 149 provides to a user computer processing services or the storage  
 150 of digital assets by means of an electronic communications  
 151 system as defined in 18 U.S.C. s. 2510(14).

152       (23) "Terms-of-service agreement" means an agreement that  
 153 controls the relationship between a user and a custodian.

154       (24) "Trustee" means a fiduciary that holds legal title to  
 155 property under an agreement, declaration, or trust instrument  
 156 that creates a beneficial interest in the settlor or other

157 persons. The term includes an original trustee, a cotrustee, and  
158 a successor trustee.

159 (25) "User" means a person that has an account with a  
160 custodian.

161 (26) "Ward" means an individual for whom a guardian has  
162 been appointed.

163 (27) "Will" means an instrument admitted to probate,  
164 including a codicil, executed by an individual in the manner  
165 prescribed by the Florida Probate Code, which disposes of the  
166 individual's property on or after his or her death. The term  
167 includes an instrument that merely appoints a personal  
168 representative or revokes or revises another will.

169 Section 4. Section 740.003, Florida Statutes, is created  
170 to read:

171 740.003 User direction for disclosure of digital assets.-

172 (1) A user may use an online tool to direct the custodian  
173 to disclose to a designated recipient or not to disclose some or  
174 all of the user's digital assets, including the content of  
175 electronic communications. If the online tool allows the user to  
176 modify or delete a direction at all times, a direction regarding  
177 disclosure using an online tool overrides a contrary direction  
178 by the user in a will, trust, power of attorney, or other  
179 record.

180 (2) If a user has not used an online tool to give  
181 direction under subsection (1) or if the custodian has not  
182 provided an online tool, the user may allow or prohibit

183 disclosure to a fiduciary of some or all of the user's digital  
184 assets, including the content of electronic communications sent  
185 or received by the user, in a will, trust, power of attorney, or  
186 other record.

187 (3) A user's direction under subsection (1) or subsection  
188 (2) overrides a contrary provision in a terms-of-service  
189 agreement that does not require the user to act affirmatively  
190 and distinctly from the user's assent to the terms of service.

191 Section 5. Section 740.004, Florida Statutes, is created  
192 to read:

193 740.004 Terms-of-service agreement preserved.—

194 (1) This chapter does not change or impair a right of a  
195 custodian or a user under a terms-of-service agreement to access  
196 and use the digital assets of the user.

197 (2) This chapter does not give a fiduciary or a designated  
198 recipient any new or expanded rights other than those held by  
199 the user for whom, or for whose estate or trust, the fiduciary  
200 or a designated recipient acts or represents.

201 (3) A fiduciary's or designated recipient's access to  
202 digital assets may be modified or eliminated by a user, by  
203 federal law, or by a terms-of-service agreement if the user has  
204 not provided direction under s. 740.003.

205 Section 6. Section 740.005, Florida Statutes, is created  
206 to read:

207 740.005 Procedure for disclosing digital assets.—

208 (1) When disclosing the digital assets of a user under



209 this chapter, the custodian may, at its sole discretion:

210 (a) Grant a fiduciary or designated recipient full access  
211 to the user's account;

212 (b) Grant a fiduciary or designated recipient partial  
213 access to the user's account sufficient to perform the tasks  
214 with which the fiduciary or designated recipient is charged; or

215 (c) Provide a fiduciary or designated recipient a copy in  
216 a record of any digital asset that, on the date the custodian  
217 received the request for disclosure, the user could have  
218 accessed if the user were alive and had full capacity and access  
219 to the account.

220 (2) A custodian may assess a reasonable administrative  
221 charge for the cost of disclosing digital assets under this  
222 chapter.

223 (3) A custodian is not required to disclose under this  
224 chapter a digital asset deleted by a user.

225 (4) If a user directs or a fiduciary requests a custodian  
226 to disclose under this chapter some, but not all, of the user's  
227 digital assets to the fiduciary or a designated recipient, the  
228 custodian is not required to disclose the assets if segregation  
229 of the assets would impose an undue burden on the custodian. If  
230 the custodian believes the direction or request imposes an undue  
231 burden, the custodian or the fiduciary may seek an order from  
232 the court to disclose:

233 (a) A subset limited by date of the user's digital assets;

234 (b) All of the user's digital assets to the fiduciary or

235 designated recipient, or to the court for review in chambers; or

236 (c) None of the user's digital assets.

237 Section 7. Section 740.006, Florida Statutes, is created  
238 to read:

239 740.006 Disclosure of content of electronic communications  
240 of deceased user.—If a deceased user consented to or a court  
241 directs the disclosure of the content of electronic  
242 communications of the user, the custodian shall disclose to the  
243 personal representative of the estate of the user the content of  
244 an electronic communication sent or received by the user if the  
245 personal representative gives to the custodian:

246 (1) A written request for disclosure which is in physical  
247 or electronic form;

248 (2) A certified copy of the death certificate of the user;

249 (3) A certified copy of the letters of administration, the  
250 order authorizing a curator or administrator ad litem, the order  
251 of summary administration issued pursuant to chapter 735, or  
252 other court order;

253 (4) Unless the user provided direction using an online  
254 tool, a copy of the user's will, trust, power of attorney, or  
255 other record evidencing the user's consent to disclosure of the  
256 content of electronic communications; and

257 (5) If requested by the custodian:

258 (a) A number, username, address, or other unique  
259 subscriber or account identifier assigned by the custodian to  
260 identify the user's account;

261        (b) Evidence linking the account to the user; or  
 262        (c) A finding by the court that:  
 263            1. The user had a specific account with the custodian,  
 264 identifiable by information specified in paragraph (a);  
 265            2. Disclosure of the content of electronic communications  
 266 of the user would not violate 18 U.S.C. ss. 2701 et seq., 47  
 267 U.S.C. s. 222, or other applicable law;  
 268            3. Unless the user provided direction using an online  
 269 tool, the user consented to disclosure of the content of  
 270 electronic communications; or  
 271            4. Disclosure of the content of electronic communications  
 272 of the user is reasonably necessary for the administration of  
 273 the estate.

274        Section 8. Section 740.007, Florida Statutes, is created  
 275 to read:  
 276        740.007 Disclosure of other digital assets of deceased  
 277 user.—Unless a user prohibited disclosure of digital assets or  
 278 the court directs otherwise, a custodian shall disclose to the  
 279 personal representative of the estate of a deceased user a  
 280 catalog of electronic communications sent or received by the  
 281 user and digital assets of the user, except the content of  
 282 electronic communications, if the personal representative gives  
 283 to the custodian:  
 284            (1) A written request for disclosure which is in physical  
 285 or electronic form;  
 286            (2) A certified copy of the death certificate of the user;

287 (3) A certified copy of the letters of administration, the  
 288 order authorizing a curator or administrator ad litem, the order  
 289 of summary administration issued pursuant to chapter 735, or  
 290 other court order; and

291 (4) If requested by the custodian:

292 (a) A number, username, address, or other unique  
 293 subscriber or account identifier assigned by the custodian to  
 294 identify the user's account;

295 (b) Evidence linking the account to the user;

296 (c) An affidavit stating that disclosure of the user's  
 297 digital assets is reasonably necessary for the administration of  
 298 the estate; or

299 (d) An order of the court finding that:

300 1. The user had a specific account with the custodian,  
 301 identifiable by information specified in paragraph (a); or

302 2. Disclosure of the user's digital assets is reasonably  
 303 necessary for the administration of the estate.

304 Section 9. Section 740.008, Florida Statutes, is created  
 305 to read:

306 740.008 Disclosure of content of electronic communications  
 307 of principal.—To the extent a power of attorney expressly grants  
 308 an agent authority over the content of electronic communications  
 309 sent or received by the principal and unless directed otherwise  
 310 by the principal or the court, a custodian shall disclose to the  
 311 agent the content if the agent gives to the custodian:

312 (1) A written request for disclosure which is in physical

313 or electronic form;

314 (2) An original or copy of the power of attorney expressly  
315 granting the agent authority over the content of electronic  
316 communications of the principal;

317 (3) A certification by the agent, under penalty of  
318 perjury, that the power of attorney is in effect; and

319 (4) If requested by the custodian:

320 (a) A number, username, address, or other unique  
321 subscriber or account identifier assigned by the custodian to  
322 identify the principal's account; or

323 (b) Evidence linking the account to the principal.

324 Section 10. Section 740.009, Florida Statutes, is created  
325 to read:

326 740.009 Disclosure of other digital assets of principal.—  
327 Unless otherwise ordered by the court, directed by the  
328 principal, or provided by a power of attorney, a custodian shall  
329 disclose to an agent with specific authority over the digital  
330 assets or with general authority to act on behalf of the  
331 principal a catalog of electronic communications sent or  
332 received by the principal, and digital assets of the principal,  
333 except the content of electronic communications, if the agent  
334 gives the custodian:

335 (1) A written request for disclosure which is in physical  
336 or electronic form;

337 (2) An original or a copy of the power of attorney which  
338 gives the agent specific authority over digital assets or

339 general authority to act on behalf of the principal;

340 (3) A certification by the agent, under penalty of  
341 perjury, that the power of attorney is in effect; and

342 (4) If requested by the custodian:

343 (a) A number, username, address, or other unique  
344 subscriber or account identifier assigned by the custodian to  
345 identify the principal's account; or

346 (b) Evidence linking the account to the principal.

347 Section 11. Section 740.01, Florida Statutes, is created  
348 to read:

349 740.01 Disclosure of digital assets held in trust when  
350 trustee is the original user.—Unless otherwise ordered by the  
351 court or provided in a trust, a custodian shall disclose to a  
352 trustee that is an original user of an account any digital asset  
353 of the account held in trust, including a catalog of electronic  
354 communications of the trustee and the content of electronic  
355 communications.

356 Section 12. Section 740.02, Florida Statutes, is created  
357 to read:

358 740.02 Disclosure of content of electronic communications  
359 held in trust when trustee is not the original user.—Unless  
360 otherwise ordered by the court, directed by the user, or  
361 provided in a trust, a custodian shall disclose to a trustee  
362 that is not an original user of an account the content of an  
363 electronic communication sent or received by an original or  
364 successor user and carried, maintained, processed, received, or

365 stored by the custodian in the account of the trust if the  
 366 trustee gives the custodian:

367 (1) A written request for disclosure which is in physical  
 368 or electronic form;

369 (2) A certified copy of the trust instrument, or a  
 370 certification of trust under s. 736.1017, which includes consent  
 371 to disclosure of the content of electronic communications to the  
 372 trustee;

373 (3) A certification by the trustee, under penalty of  
 374 perjury, that the trust exists and that the trustee is a  
 375 currently acting trustee of the trust; and

376 (4) If requested by the custodian:

377 (a) A number, username, address, or other unique  
 378 subscriber or account identifier assigned by the custodian to  
 379 identify the trust's account; or

380 (b) Evidence linking the account to the trust.

381 Section 13. Section 740.03, Florida Statutes, is created  
 382 to read:

383 740.03 Disclosure of other digital assets held in trust  
 384 when trustee is not the original user.—Unless otherwise ordered  
 385 by the court, directed by the user, or provided in a trust, a  
 386 custodian shall disclose to a trustee that is not an original  
 387 user of an account, a catalog of electronic communications sent  
 388 or received by an original or successor user and stored,  
 389 carried, or maintained by the custodian in an account of the  
 390 trust and any digital assets in which the trust has a right or

391 interest, other than the content of electronic communications,  
392 if the trustee gives the custodian:

393 (1) A written request for disclosure which is in physical  
394 or electronic form;

395 (2) A certified copy of the trust instrument, or a  
396 certification of trust under s. 736.1017;

397 (3) A certification by the trustee, under penalty of  
398 perjury, that the trust exists and that the trustee is a  
399 currently acting trustee of the trust; and

400 (4) If requested by the custodian:

401 (a) A number, username, address, or other unique  
402 subscriber or account identifier assigned by the custodian to  
403 identify the trust's account; or

404 (b) Evidence linking the account to the trust.

405 Section 14. Section 740.04, Florida Statutes, is created  
406 to read:

407 740.04 Disclosure of digital assets to guardian of ward.-

408 (1) After an opportunity for a hearing under chapter 744,  
409 the court may grant a guardian access to the digital assets of a  
410 ward.

411 (2) Unless otherwise ordered by the court or directed by  
412 the user, a custodian shall disclose to a guardian the catalog  
413 of electronic communications sent or received by the ward and  
414 any digital assets in which the ward has a right or interest,  
415 other than the content of electronic communications, if the  
416 guardian gives the custodian:



417 (a) A written request for disclosure which is in physical  
 418 or electronic form;

419 (b) A certified copy of letters of plenary guardianship of  
 420 the property or the court order that gives the guardian  
 421 authority over the digital assets of the ward; and

422 (c) If requested by the custodian:

423 1. A number, username, address, or other unique subscriber  
 424 or account identifier assigned by the custodian to identify the  
 425 ward's account; or

426 2. Evidence linking the account to the ward.

427 (3) A guardian with general authority to manage the  
 428 property of a ward may request a custodian of the digital assets  
 429 of the ward to suspend or terminate an account of the ward for  
 430 good cause. A request made under this section must be  
 431 accompanied by a certified copy of the court order giving the  
 432 guardian authority over the ward's property.

433 Section 15. Section 740.05, Florida Statutes, is created  
 434 to read:

435 740.05 Fiduciary duty and authority.-

436 (1) The legal duties imposed on a fiduciary charged with  
 437 managing tangible property apply to the management of digital  
 438 assets, including:

439 (a) The duty of care;

440 (b) The duty of loyalty; and

441 (c) The duty of confidentiality.

442 (2) A fiduciary's or designated recipient's authority with

443 respect to a digital asset of a user:

444 (a) Except as otherwise provided in s. 740.003, is subject  
445 to the applicable terms-of-service agreement;

446 (b) Is subject to other applicable law, including  
447 copyright law;

448 (c) In the case of a fiduciary, is limited by the scope of  
449 the fiduciary's duties; and

450 (d) May not be used to impersonate the user.

451 (3) A fiduciary with authority over the tangible personal  
452 property of a decedent, ward, principal, or settlor has the  
453 right to access any digital asset in which the decedent, ward,  
454 principal, or settlor had or has a right or interest and that is  
455 not held by a custodian or subject to a terms-of-service  
456 agreement.

457 (4) A fiduciary acting within the scope of the fiduciary's  
458 duties is an authorized user of the property of the decedent,  
459 ward, principal, or settlor for the purpose of applicable  
460 computer fraud and unauthorized computer access laws, including  
461 under chapter 815.

462 (5) A fiduciary with authority over the tangible personal  
463 property of a decedent, ward, principal, or settlor:

464 (a) Has the right to access the property and any digital  
465 asset stored in it; and

466 (b) Is an authorized user for the purpose of computer  
467 fraud and unauthorized computer access laws, including under  
468 chapter 815.

469 (6) A custodian may disclose information in an account to  
470 a fiduciary of the user when the information is required to  
471 terminate an account used to access digital assets licensed to  
472 the user.

473 (7) A fiduciary of a user may request a custodian to  
474 terminate the user's account. A request for termination must be  
475 in writing, in paper or electronic form, and accompanied by:

476 (a) If the user is deceased, a certified copy of the death  
477 certificate of the user;

478 (b) A certified copy of the letters of administration; the  
479 order authorizing a curator or administrator ad litem; the order  
480 of summary administration issued pursuant to chapter 735; or the  
481 court order, power of attorney, or trust giving the fiduciary  
482 authority over the account; and

483 (c) If requested by the custodian:

484 1. A number, username, address, or other unique subscriber  
485 or account identifier assigned by the custodian to identify the  
486 user's account;

487 2. Evidence linking the account to the user; or

488 3. A finding by the court that the user had a specific  
489 account with the custodian, identifiable by the information  
490 specified in subparagraph 1.

491 Section 16. Section 740.06, Florida Statutes, is created  
492 to read:

493 740.06 Custodian compliance and immunity.-

494 (1) Not later than 60 days after receipt of the

495 information required under ss. 740.006-740.04, a custodian shall  
496 comply with a request under this chapter from a fiduciary or  
497 designated recipient to disclose digital assets or terminate an  
498 account. If the custodian fails to comply, the fiduciary or  
499 designated recipient may apply to the court for an order  
500 directing compliance.

501 (2) An order under subsection (1) directing compliance  
502 must contain a finding that compliance is not in violation of 18  
503 U.S.C. s. 2702.

504 (3) A custodian may notify a user that a request for  
505 disclosure or to terminate an account was made under this  
506 chapter.

507 (4) A custodian may deny a request under this chapter from  
508 a fiduciary or designated recipient for disclosure of digital  
509 assets or to terminate an account if the custodian is aware of  
510 any lawful access to the account following the receipt of the  
511 fiduciary's request.

512 (5) This chapter does not limit a custodian's ability to  
513 obtain or require a fiduciary or designated recipient requesting  
514 disclosure or termination under this chapter to obtain a court  
515 order that:

516 (a) Specifies that an account belongs to the ward or  
517 principal;

518 (b) Specifies that there is sufficient consent from the  
519 ward or principal to support the requested disclosure; and

520 (c) Contains a finding required by a law other than this

521 chapter.

522 (6) A custodian and its officers, employees, and agents  
 523 are immune from liability for an act or omission done in good  
 524 faith in compliance with this chapter.

525 Section 17. Section 740.07, Florida Statutes, is created  
 526 to read:

527 740.07 Relation to Electronic Signatures in Global and  
 528 National Commerce Act.—This chapter modifies, limits, and  
 529 supersedes the Electronic Signatures in Global and National  
 530 Commerce Act, 15 U.S.C. ss. 7001 et seq., but does not modify,  
 531 limit, or supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c),  
 532 or authorize electronic delivery of any of the notices described  
 533 in s. 103(b) of that act, 15 U.S.C. s. 7003(b).

534 Section 18. Section 740.08, Florida Statutes, is created  
 535 to read:

536 740.08 Applicability.—

537 (1) Subject to subsection (3), this chapter applies to:

538 (a) A fiduciary acting under a will, trust, or power of  
 539 attorney executed before, on, or after July 1, 2016;

540 (b) A personal representative acting for a decedent who  
 541 died before, on, or after July 1, 2016;

542 (c) A guardian appointed through a guardianship  
 543 proceeding, whether pending in a court or commenced before, on,  
 544 or after July 1, 2016; and

545 (d) A trustee acting under a trust created before, on, or  
 546 after July 1, 2016.

547 (2) This chapter applies to a custodian if the user  
548 resides in this state or resided in this state at the time of  
549 the user's death.

550 (3) This chapter does not apply to a digital asset of an  
551 employer used by an employee in the ordinary course of the  
552 employer's business.

553 Section 19. Section 740.09, Florida Statutes, is created  
554 to read:

555 740.09 Severability.—If any provision of this chapter or  
556 its application to any person or circumstance is held invalid,  
557 the invalidity does not affect other provisions or applications  
558 of this chapter which can be given effect without the invalid  
559 provision or application, and to this end the provisions of this  
560 chapter are severable.

561 Section 20. This act shall take effect July 1, 2016.