ACTIONABLE AI

presents

AI Playbook

for Florida Trusts, Estates & Tax Firms

Estate Planning · Probate · Trust Administration · Federal Transfer Tax · A Practical Guide to Using AI Responsibly, Ethically, and Profitably

actionableai.net · Prepared by Greg Yates - Revised September 28, 2026

Important Notice

This playbook is educational and informational. It is not legal advice, ethics counsel, tax advice, or a substitute for consultation with The Florida Bar or qualified counsel on any specific matter or on your firm's own professional-responsibility obligations.

Nothing here creates an attorney-client relationship. Actionable AI is a consulting firm, not a law firm.

Florida changed its probate procedures through CS/HB 1337 (2026), chapter 2026-57, effective July 1, 2026, and its trust law through CS/CS/SB 262 (2025), chapter 2025-159, effective June 20, 2025. The One Big Beautiful Bill Act set the federal basic exclusion at $15 million effective January 1, 2026. The base edition's stated legal-research cutoff is August 2026; targeted factual corrections were checked September 28, 2026. Verify every authority, figure, and deadline against a primary source before relying on it in a client matter.

Appendix F links the principal statutes, rules, cases, and agency materials used in this playbook to primary sources. Check the particular provision and current version before applying it to a client matter.

All sample policies, disclosures, letters, and prompts are starting points. Have a Florida-licensed attorney review them before adoption or use.

A note on numbers. Every figure here falls into one of three buckets, and you can tell which from the sentence around it. Statutory amounts, deadlines, and case outcomes carry their own citation and can be checked at the source. Third-party statistics name the body that produced them. Anything else is an Actionable AI working assumption, offered to be stress-tested against your firm's own rates, volumes, and matter values rather than repeated as fact.

Contents

Important Notice....1

The Problem With Generic AI Advice....4

- What This Playbook Does Differently....4
- The Actionable AI Philosophy....4

Why Trusts, Estates, and Tax Is Different....6

- Document Complexity Is the Whole Job....6
- The Data Is High-Value and High-Sensitivity....6
- Defective Instruments Are Catastrophic and Slow....6
- Three Moving Targets: Federal Transfer Tax, Florida Probate Procedure, and Florida Trust Law....6
- Flat Fees Change the AI Math....7

The Florida Ethics Reality....8

- The Five Rules That Matter Most....8
- Other Rules That Touch This Work....9
- The Courts Are Writing Their Own Rules, Right Now....9

The Emerging Issue Most Trusts & Estates Firms Are Missing....11

- Part 1: Florida's 2026 Probate Reform: CS/HB 1337....11
- Part 2: Florida's Trust Modernization: CS/CS/SB 262....12

Ethics Risks & Governance Framework....15

- High-Risk Failure Modes....15
- Data Classification Framework....16
- Approved Tool List....16
- Staff Training Requirements....16

Best Use Cases by Workflow Stage....18

- Stage 1: Intake and Engagement....18
- Stage 2: Instrument Drafting: Wills, Trusts, DPOAs, and Healthcare Directives....18
- Stage 3: Probate and Estate Administration....18
- Stage 4: Trust Administration and Fiduciary Accountings....19
- Stage 5: Federal Transfer Tax, Form 706, and Form 1041 Coordination....19
- Stage 6: IRS Controversy....19
- Stage 7: Annual Reviews and Client Communication....20

Prompts Library....21

Intake and Engagement....21
Instrument Drafting and Review....22
Probate and Estate Administration....23
Trust Administration and Fiduciary Accountings....24
Federal Transfer Tax and IRS Controversy....25
Client Communication....26
Appendix A: Sample AI Governance Policy....27
1. Purpose....27
2. General Principles....27
3. Definitions....27
4. Permitted Uses....27
5. Prohibited Uses....28
6. Confidentiality and Data Handling....28
7. Court and Tribunal Filings....28
8. Trusts, Estates, and Tax Practice Addendum....28
9. Florida Two-Party Consent....28
10. Incident Response....29
11. Acknowledgment....29
Appendix B: Client AI Disclosure Statement....30
Implementation Notes....30
Appendix C: Court and Tribunal AI Disclosure & Certification....31
Implementation Notes....31
Appendix D: Letter to AI Vendors....32
Appendix E: 90-Day Implementation Roadmap....33
Days 1–30: Foundation....33
Days 31–60: Build Proficiency....33
Days 61–90: Optimize and Expand....33
Appendix F: Key Authorities....35
About Actionable AI....36
What We Do....36
Who This Playbook Is For....36

The Problem With Generic AI Advice

Here is what the AI influencers will not tell you: the advice flooding your inbox was written for nobody. The same webinar gets sold to a marketing agency, a dental practice, and an estate planning firm. It does not know the difference, because it was never built to.

It does not know that, when a Florida owner is survived by a spouse or a minor child, homestead generally cannot be devised at all under Article X, Section 4(c) of the Florida Constitution and Section 732.4015, the only exception being a devise to the spouse when there is no minor child, no matter how clean the rest of the instrument looks. It does not know that an improperly executed will fails the two-witness formalities of Section 732.502, that the elective share under Section 732.201 can blow up a plan that ignored the spouse, or that a trust accounting has to satisfy Section 736.08135. It does not know that the file in front of you holds Social Security numbers, account balances, beneficiary health information, and the family secrets clients only tell their estate lawyer.

Generic AI advice produces generic results. In a trusts, estates, and tax practice, generic results mean a defective will, trust, or durable power of attorney that executes cleanly and fails years later in probate; a hallucinated citation that draws a show-cause order; a stale statutory reference that missed a change made last session; and a confidentiality breach you discover after the fact. The cost of wrong here is not embarrassment. It is a void devise, a Bar grievance, a malpractice claim, and a grieving family that relied on your name.

What This Playbook Does Differently

This playbook was built for the small Florida firm that does trusts, estates, and tax, solos and firms with fewer than 25 lawyers handling estate planning, probate and estate administration, trust administration and fiduciary accountings, federal transfer tax, and IRS controversy. Every recommendation is pressure-tested against the Florida Rules of Professional Conduct, Florida Bar Ethics Opinion 24-1, the current Florida Probate Code and Florida Trust Code, the post-OBBBA federal transfer-tax environment, and the economics of a flat-fee, document-heavy practice where the managing partner is also the drafting attorney.

It answers three questions that matter:

1. What are the real ethics risks of using AI in a trusts, estates, and tax practice, and how do you build guardrails that hold?
2. What specific tasks should you use AI for, and which ones will generate a defective instrument or leak a client's file?
3. How do you implement AI without producing a void devise, missing a deadline, or filing a fictitious case?

That is it. No evangelism. No predictions about the future of law. No vendor kickbacks. Just the specific, Florida-grounded analysis a small T&E firm needs to make good decisions in 2026.

The Actionable AI Philosophy

Tools serve lawyers. Not the other way around.

The T&E firm that benefits most from AI is not the one that adopts it fastest. It is the one that adopts it most deliberately. It picks the right tools, governs them, trains on them, and uses each only where it earns

its keep. Your practice is document-heavy, deadline-sensitive, and Bar-scrutinized. The clients are often elderly, the data is intimate, and the mistakes are frequently silent and slow. AI fits that practice well. It can read a 90-page irrevocable trust overnight, turn a stack of account statements into a draft accounting, and produce a plain-English annual review letter in minutes. But it can also invent a case, miss a homestead devise restriction, misstate a transfer-tax figure, and put a client's Social Security number where it does not belong, and every one of those failures lands on you, not the model.

THE ACTIONABLE AI TEST

Before you put any AI tool near a trusts, estates, or tax matter, answer four questions:

1. Does the tool have a contractual no-training-on-your-data clause?
2. Where does the client data go, and who can access it?
3. Can a lawyer verify the output before it reaches a client, a court, or the IRS?
4. Would you be comfortable if The Florida Bar, and the judge or examiner on your matter, knew you used this tool for this purpose?

If you cannot answer all four confidently, the tool is not ready for client matters.

Why Trusts, Estates, and Tax Is Different

Every practice area has its own relationship with AI. Family lawyers worry about emotional data. Bankruptcy lawyers worry about deadlines. Litigators worry about hallucinated citations. A trusts, estates, and tax practice carries a particular set of pressures, and they shape every recommendation in this playbook.

Document Complexity Is the Whole Job

A T&E practice is not running ten matters at trial pace. It is producing and reviewing instruments: wills, revocable and irrevocable trusts, durable powers of attorney, healthcare directives, deeds, beneficiary designations, accountings, and tax returns. The work is dense in form and exacting in substance, and the margin lives in how fast you can move the production work without dropping a provision that voids the plan.

That document density is exactly where AI delivers value. First-draft assembly inside a drafting platform, internal consistency checks across a plan, clause-level comparison against firm precedent, and plain-English summaries of dense instruments are pattern tasks at volume, which is what these tools do well. The win is not the model deciding the plan. The win is the model clearing the underbrush so the lawyer spends time on the judgment calls.

The Data Is High-Value and High-Sensitivity

Look at what sits in a routine T&E file: Social Security numbers, account and policy numbers, balance-sheet snapshots, beneficiary identities and health conditions, family conflict, and the candid notes from a planning conversation a client would never want repeated. That file is one careless prompt away from a confidentiality violation under Rule 4-1.6. Add the clients who are elderly or in declining health, and you have data that is sensitive both legally and humanly. Treat it accordingly.

Defective Instruments Are Catastrophic and Slow

Miss a deadline in litigation and you usually have options. Generate a defective will, trust, durable power of attorney, or healthcare directive and you may not learn there is a problem until the client is dead or incapacitated, when the fix is impossible and the malpractice exposure is fixed in place.

AI tools trained on general or national data routinely produce instruments that miss Florida-specific requirements: the homestead devise and descent restrictions under Article X, Section 4 of the Florida Constitution and Sections 732.4015 and 732.401; the two-witness execution formalities under Section 732.502; the elective-share interplay under Section 732.201; the durable power of attorney requirements of Chapter 709; and the healthcare directive formalities of Chapter 765. This is the single most important guardrail in T&E AI practice: AI may assist with first-draft assembly, but no AI-generated instrument is ever the last set of eyes before execution. State it clearly in your governance policy and repeat it in every staff training.

Three Moving Targets: Federal Transfer Tax, Florida Probate Procedure, and Florida Trust Law

Most practice areas have one body of law that shifts. T&E has three, and all three moved at once.

On the federal side, the much-discussed 2026 transfer-tax sunset did not happen. The One Big Beautiful Bill Act, signed July 4, 2025, set the basic exclusion amount at $15 million per individual (a potential $30 million combined for two spouses before prior use) effective January 1, 2026 under Internal Revenue Code Section 2010(c)(3)(A), made it permanent rather than scheduled to expire, and indexes it for inflation beginning in 2027. The annual gift-tax exclusion is $19,000 for 2026, and the generation-skipping transfer tax exemption tracks the $15 million figure. Each spouse may use that spouse's own exclusion. A survivor's use of a deceased spouse's unused estate-and-gift-tax exclusion requires a valid portability election on Form 706; GST exemption is separate. See the IRS Form 706 instructions, Part VI. The planning conversation has changed: less "use it or lose it before the sunset," more income-tax basis planning, portability, and getting older irrevocable structures to fit a world where far fewer estates owe federal tax.

On the Florida side, the Legislature rewrote the procedures and the trust rules you work in every day. CS/HB 1337, the enacted 2026 uncontested-probate bill, for which CS/SB 1500 was the Senate companion, overhauled small-estate procedure effective July 1, 2026. CS/CS/SB 262 modernized the Florida Trust Code effective June 20, 2025. Both are covered in their own chapter below, because together they are the emerging issue most T&E firms have not yet built into intake, fee letters, and templates.

AI tools have a weak grasp of jurisdiction-specific, recently amended law. They will confidently cite the old $75,000 summary-administration ceiling, the pre-OBBBA exclusion, or a trust rule that changed last June. Anything statutory or numerical in an AI output is a first draft to be checked against the current authority on the day of the work, not a finding.

Flat Fees Change the AI Math

Most small T&E practices already run on flat fees for estate plans and on percentage or flat fees for administration. That changes the economics of AI in your favor and removes a trap that snares hourly practices. When AI compresses a trust-review from three hours to thirty minutes, a flat fee captures the efficiency cleanly; an hourly bill cannot ethically charge for time not spent. Rule 4-1.5 requires fees to be reasonable, and Ethics Opinion 24-1 is explicit that AI may not be used to inflate time. For the flat-fee plan, the efficiency is margin. For the hourly administration matter, AI savings reduce the bill. Bill the work, not the model.

The Florida Ethics Reality

The Florida Rules of Professional Conduct were not written with AI in mind. They apply anyway. The framework is not complicated once you see how the existing duties map onto AI use.

Florida Bar Ethics Opinion 24-1, issued January 19, 2024, addresses generative AI directly and is required reading for any Florida lawyer using AI tools on client matters. It addresses competence, confidentiality, supervision of the tool, candor, fees, and advertising. Read it in full at floridabar.org; the summary below is not a substitute.

The Five Rules That Matter Most

RULE 4-1.1: COMPETENCE (AND TECHNOLOGICAL COMPETENCE)

The comment to Rule 4-1.1 requires lawyers to keep up with the benefits and risks of relevant technology. For a T&E practice, competence has two faces. You must understand what an AI tool can do, whether assembling a first draft inside a drafting platform, summarizing a 90-page trust, or organizing a tax file, and you must understand what it cannot do reliably, which includes anything that depends on a current Florida statute, a homestead determination, or a transfer-tax figure it cannot verify. Competence is not knowing how to prompt. It is knowing when the output is wrong.

RULE 4-1.6: CONFIDENTIALITY OF INFORMATION

T&E files contain some of the most sensitive personal, financial, family, and health data that exists. Rule 4-1.6 applies in full to anything you put into an AI tool. The governance rule this playbook recommends, enterprise tools with signed Data Protection Agreements for client-specific work and no client identifiers in free consumer tools, is a practical bright line for managing that duty. It is firm policy, not a quotation from the Rule: the Rule requires reasonable safeguards, and a signed no-training DPA is one safeguard. Assess the proposed disclosure and the tool's actual data practices. Opinion 24-1 recommends the affected client's informed consent before third-party generative AI use that would disclose confidential information.

> **IMPORTANT**
>
> Client identifiers, Social Security numbers, account numbers, and beneficiary health information never go into a consumer AI tool.
>
> Client-specific work goes only into enterprise tools with a signed Data Protection Agreement and a no-training-on-your-data clause.
>
> When in doubt, strip identifiers first or do not paste it at all.

RULE 4-5.3: RESPONSIBILITIES REGARDING NONLAWYER ASSISTANCE

Florida Bar guidance applies the supervision principle to AI tools: you are responsible for AI output the same way you are responsible for a paralegal's work. In a small T&E firm, the volume pressure creates the specific risk. It is tempting to let a paralegal run intake summaries, draft accountings, or populate routine petitions through an AI tool and pass the output forward without a lawyer reading it against Florida authority. The supervision duty does not bend because the assistant is software. A licensed attorney owns the output.

RULE 4-3.3: CANDOR TOWARD THE TRIBUNAL

AI tools hallucinate case citations and statutory provisions. This is not a bug that will eventually be fixed; it is how the technology works. In probate litigation, a trust contest, a fee petition, or a Tax Court matter, an invented authority is a candor violation. Florida has its own example. In Capital Standard, LLC v. U.S. Bank National Association, No. 2D2024-1392 (Fla. 2d DCA Aug. 21, 2026), the court confronted an amended brief with at least 31 fabricated or unsupported citations, growing to 46 after opposing counsel flagged the problem; counsel never apologized, and the court struck both briefs, imposed a $1,500 total fine, made him personally responsible for U.S. Bank's reasonable fees for researching and answering the amended initial brief (with the amount to be determined on remand), and referred him to The Florida Bar. "The AI made it up" is not a defense. Every citation is verified against a primary source before it is filed.

RULE 4-1.5: REASONABLE FEES

This rule creates a specific pressure in T&E and tax practice. On hourly matters, if AI compresses a three-hour task into thirty minutes, you bill thirty minutes; billing the three hours is unreasonable under Rule 4-1.5 and is exactly the inflation Ethics Opinion 24-1 warns against. Flat-fee and value-based arrangements handle this cleanly, and most small T&E practices already use them for planning work. The discipline is the same either way: bill the work, not the model.

Other Rules That Touch This Work

— **Rule 4-1.4, Communication:** keeping the client reasonably informed; if AI use materially affects how the matter is handled, that is a communication question.

— **Rule 4-1.18, Prospective Clients:** intake and consultation data is protected even if you never take the matter; AI intake tools touch this directly.

— **Rule 4-1.8, Conflicts and Gifts:** T&E lawyers face gift, fiduciary-appointment, and drafting-beneficiary issues that no AI tool can clear.

— **Rule 4-1.14, Client With Diminished Capacity:** the capacity question in estate planning is a human judgment AI cannot make and must never be allowed to appear to make.

The Courts Are Writing Their Own Rules, Right Now

The statewide rule arrived in 2026. Florida Supreme Court Opinion SC2026-0673 (May 28, 2026, effective June 15, 2026) amended Rule of General Practice and Judicial Administration 2.515(d)(2). The signer of a filing must now represent that the legal authorities cited "exist and are accurately cited." It reaches attorneys and self-represented parties alike, and the authorized sanctions run from reprimand and contempt to a stricken document, dismissal, costs, and attorney's fees. It applies to Florida state courts, which is where your probate and trust matters are filed.

KEY FINDING

SC2026-0673 (eff. June 15, 2026) amended Fla. R. Gen. Prac. & Jud. Admin. 2.515(d)(2): the signer represents that cited authorities exist and are accurately cited.

Scope: Florida state courts. It does NOT govern federal courts, the U.S. Tax Court and the federal district courts have their own rules and standing orders.

Companion Administrative Order AOSC26-12 makes the statewide rule the exclusive standard: Florida courts may not impose their own AI-disclosure or certification requirements by local administrative order, policy, or practice. Earlier circuit orders (the Eleventh and Seventeenth Circuits had them) are superseded for that purpose.

ACTION ITEM

For Florida state courts, the statewide rule controls, AOSC26-12 bars circuit-level AI-disclosure and certification mandates, so do not rely on superseded circuit orders.

Comply with Rule 2.515(d)(2) as amended by SC2026-0673: the signer represents that the cited authorities exist and are accurately cited. It is a citation-accuracy rule, not an AI-use disclosure rule.

For federal tax matters, check the U.S. Tax Court's current rules and the assigned judge's standing order.

Verify every citation against a primary source before the document leaves your office.

The Emerging Issue Most Trusts & Estates Firms Are Missing

The theme is simple: Florida rewrote the rules around your practice twice in eighteen months, and a federal law reset the tax baseline at the same time. Most firms have not updated their intake scripts, fee letters, bank-demand templates, or client explanations to match. The opportunity is not subtle, it is the work the statutes just created.

Two Florida statutes drive it. CS/HB 1337 (2026), Laws of Florida ch. 2026-57, the enacted bill, with CS/SB 1500 as its Senate companion, overhauled uncontested probate, effective July 1, 2026. CS/CS/SB 262 modernized the Florida Trust Code, effective June 20, 2025. Each is research-heavy, document-heavy, and client-facing, exactly the work where disciplined AI use earns its keep, and exactly the work where a stale AI answer is expensive.

Part 1: Florida's 2026 Probate Reform: CS/HB 1337

For decades, Florida's small-estate procedures sat at thresholds set in 2007 and earlier. Summary administration, the faster and cheaper path that skips appointment of a personal representative and resolves in a single order, was capped at $75,000 in non-exempt probate assets. Families in the uncomfortable middle, too much for summary administration and too little to feel a trust was urgent, were pushed into formal administration and its six-to-twelve-month timeline. CS/HB 1337 changes that. It passed the Florida House 110-0 and the Senate 37-0, tracks the Florida Supreme Court Workgroup on Uncontested Probate Proceedings, and takes effect July 1, 2026. Confirm how each change applies to estates of decedents who died before that date before advising.

What changed, by the numbers:

— **Summary administration:** the non-exempt probate-asset ceiling doubles from $75,000 to $150,000 under Section 735.201. Apply the statutory calculation to the entire estate subject to Florida administration, less property exempt from creditors. Confirm title, survivorship, beneficiary designations, trust ownership, and homestead status before excluding an asset. Shared ownership alone does not exclude a tenancy-in-common interest; see Section 689.15. In a testate estate, Section 735.201(1) also requires that the will not direct administration under Chapter 733.

— **Disposition without administration:** Section 735.304 increases the base amount in its nonexempt-personal-property calculation from $10,000 to $20,000, plus preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. The decedent must have died intestate leaving only the qualifying personal property, have been deceased for more than one year, and have no administration pending in Florida. The affidavit, creditor, notice, and court-authorization procedures in subsections (2)–(3) also apply.

— **Federal income tax refunds:** the Section 735.302 amount payable directly to a surviving spouse or children without administration rises from $2,500 to $5,000.

— **Small financial accounts:** the Section 735.303 aggregate a financial institution may pay to a family member without any court proceeding rises from $1,000 to $2,000.

— **Two-year rule unchanged:** Section 735.201(2) retains a more-than-two-years alternative to the value limit, subject to the testate-estate condition in subsection (1) and other applicable requirements. Do not confuse this with Section 733.710, which is the two-year nonclaim bar on creditor claims.

CS/HB 1337 also fixed two friction points that have frustrated families and lawyers for years. Financial institutions must now grant a personal representative access to a decedent's safe-deposit box on presentation of Letters of Administration, and the personal representative may pay the box charges and terminate the lease. And a new Section 733.6125 authorizes a personal representative to bring a proceeding to enforce the authority the Probate Code already grants, and to recover taxable costs and attorney's fees. The award reaches further than banks: the court may direct payment from any person whose action or inaction necessitated the proceeding, or from any person having an interest in the estate, and may enter a judgment satisfiable from other property. The institution that found it easier to stonewall a grieving family now has to weigh funding the other side's legal bill, and so does the obstructive beneficiary.

WHERE THE LAWYER WORK IS

Summary-administration screening: a fast, reliable read on whether an estate clears the new $150,000 non-exempt cap.

Updated intake scripts, fee letters, and client explanations calibrated to the new thresholds and the July 1, 2026 effective date.

Bank-demand and safe-deposit-access letters, and Section 733.6125 enforcement when an institution stalls.

Counseling families who relied on a will alone and now have a faster, cheaper path, without pretending probate is the goal a funded revocable trust still beats.

AI helps by screening an asset list against the new thresholds and flagging what is exempt and what counts, by drafting the petition and the bank-demand and safe-deposit letters from matter data, and by producing plain-English client explanations of the new procedure. AI does not decide whether an asset is exempt, whether summary administration is the right call, or whether a Section 733.6125 proceeding is warranted, those are the lawyer's, verified against the current statute and the facts. CS/HB 1337 took effect July 1, 2026. For a decedent who died before that date, verify which amendments govern the particular proceeding before selecting the applicable threshold. An AI tool's training date does not answer that transition question.

Part 2: Florida's Trust Modernization: CS/CS/SB 262

Effective June 20, 2025, CS/CS/SB 262 modernized the Florida Trust Code in ways that create real planning and administration work, and that quietly change the liability landscape for trustees. The themes are flexibility for trustees, finality for trustee transitions, and clarity for married couples holding Florida homestead. That last one has a number attached: transferring homestead into a community property trust is not a change of ownership for property-tax reassessment, so the Save Our Homes benefit survives the transfer and the appraiser cannot reset the assessed value. That was the fear keeping couples out of these trusts.

— **Decanting, modernized, Section 736.04117:** an "authorized trustee" (a trustee, other than the settlor or a beneficiary, with power to invade principal) may now expressly structure a decanting as a modification of the first trust rather than requiring a separate second trust. A trustee with absolute power to invade principal has broader latitude, but only within the statutory limits: the second trust may include only beneficiaries of the first trust and may not reduce a vested interest. A trustee with a

limited standard such as health, education, maintenance, and support must keep beneficiary interests substantially similar. Decanting into a supplemental-needs trust is expressly permitted, and a decanting trustee is not treated as the settlor of the second trust. The decanting provisions apply to existing Florida-governed trusts under the bill's remedial clause.

— **Notice of intent is not a disclosure document, Section 736.04117(8)(d):** under the decanting statute, a trustee's notice of intent to invade principal does not count as a trust disclosure document, so the limitations clock for a beneficiary challenge does not start until the trustee actually exercises the power and a trust disclosure document is later provided.

— **Finality for former trustees, Section 736.10085:** a new statute (cross-referenced in Section 736.08125(3)) bars a successor trustee, or anyone acting for the trust, from pursuing a claim against a former trustee to the same extent the beneficiary it represents would be barred. Trustee transitions get cleaner; settled issues stay settled.

— **Ademption by satisfaction for trusts, Section 736.1110:** a lifetime gift by the settlor can count toward or satisfy a future trust distribution if the trust says so, if the settlor or trustee makes a contemporaneous written declaration, or if the beneficiary acknowledges it in writing. Value is set at the earlier of the date the beneficiary receives the gift or the settlor's death. It applies to revocable trusts that become irrevocable on or after July 1, 2025, and it stops the double-dip.

— **Homestead into a community property trust, Section 736.151:** transferring Florida homestead into a community property trust between spouses is not a change of ownership that triggers a property-tax reassessment; it is treated as a change in title between spouses under Section 193.155(3)(a)2, preserving the homestead assessment cap.

WHERE THE LAWYER WORK IS

Repairing or modernizing old irrevocable trusts through decanting, extending duration, fixing administrative defects, adapting to the post-OBBBA tax world.

Special-needs planning: decanting into or fixing a supplemental-needs trust without losing benefits.

Income-tax basis planning for married couples, including community property trust structures and the homestead treatment under Section 736.151.

Trustee-discretion counseling, beneficiary notices, and the former-trustee liability and finality questions under Section 736.10085.

Gifting strategy and documentation so lifetime gifts are or are not treated as satisfaction under Section 736.1110.

AI helps by summarizing an existing irrevocable trust and flagging the provisions a decanting could reach, by drafting a decanting-feasibility memo and notice package under Section 736.04117(8), and by organizing the documentation a satisfaction or homestead-transfer analysis requires. AI does not decide whether a trustee has absolute or limited power, whether a proposed decanting stays within Section 736.04117, or whether a former-trustee claim is barred, those are the lawyer's, verified against the current Trust Code and the trust instrument.

For decanting notice, check the 60-day period and any signed written waiver by everyone entitled to notice. Review all statutory recipients: qualified beneficiaries of the first trust, its trustees, anyone with removal or replacement power, and the settlor when Section 736.04117(5)(c) applies. Review the proposed instrument

exercising the power and the first- and second-trust instruments required by subsection (8)(b), as applicable to the form of exercise. The general information duties in Section 736.0813 are a separate check.

PRACTICE DEVELOPMENT

Add four questions to your intake: Does the family own Florida homestead? Is there an old irrevocable trust that no longer fits? Is a beneficiary on, or eligible for, needs-based benefits? Did the decedent die on or after July 1, 2026?

Offer two named flat-fee services: a Trust Modernization Review (decanting and SB 262 fit) and a Summary Administration Screen (CS/HB 1337 eligibility).

Rebuild your intake scripts, fee letters, and bank-demand and safe-deposit templates now for CS/HB 1337's July 1, 2026 effective date.

Reframe the federal conversation: the sunset did not come; the work is basis planning, portability, and getting old structures to fit a $15 million world.

Ethics Risks & Governance Framework

A governance policy without teeth is a document in a drawer. This section gives you the framework to make yours real: the failure modes that will actually happen in a T&E practice, a data-classification system your staff can apply in seconds, and the training that holds it together.

High-Risk Failure Modes

FLORIDA INSTRUMENT DEFECTS

The most catastrophic and slowest-burning failure mode. The AI produces a will, trust, durable power of attorney, or healthcare directive that looks fine, executes, and sits, and is defective. A homestead devise that violates Article X, Section 4(c) and Section 732.4015. A will that misses the Section 732.502 formalities. A trust that ignores the elective share or a needs-based beneficiary's eligibility. You may not learn until the client is dead or incapacitated. The guardrail is absolute: AI is never the last set of eyes on any instrument that will be executed.

HALLUCINATED CITATIONS

The most publicly visible failure mode. The AI invents cases, statutes, or IRS authorities, or misstates holdings, in a probate or trust filing, a fee petition, or a Tax Court matter. Florida's own example is Capital Standard, LLC v. U.S. Bank National Association, No. 2D2024-1392 (Fla. 2d DCA Aug. 21, 2026), where 46 fabricated or unsupported citations across two briefs drew fines and a Bar referral. Every citation is verified against a primary source before it is filed or sent.

STALE STATUTORY LAW

Acute in T&E right now. The AI cites the old $75,000 summary-administration ceiling, the pre-OBBBA exclusion, or a trust rule that changed in June 2025. Three bodies of law moved in eighteen months, and training data lags. Anything statutory or numerical in an AI output is confirmed against the current authority on the day of the work, not trusted because it sounds right.

CONFIDENTIALITY VIA FREE TOOLS

The most common failure mode. A staff member pastes a client's financial statement, a trust, or a return into a free AI tool because it is faster. Disclosure occurs under Rule 4-1.6 the moment the data leaves the firm's controlled environment. The fix is policy plus training: client-specific data goes only into approved enterprise tools with a signed DPA, and identifiers come out first when anything goes anywhere else.

OVER-RELIANCE

The slowest-burning failure mode. The attorney stops verifying. Output quality drifts. The AI is wrong on a Section 736.0813 notice, wrong on a portability election, wrong on a homestead determination, and the error ships because no one checked. The defense is a verification gate that does not move.

UNSUPERVISED STAFF USE

The most preventable failure mode. Paralegals and staff adopt unapproved tools because they are faster or more familiar, and client data flows into systems the firm never vetted. The fix is a short approved-tool list, a default answer of "not yet" for anything not on it, and a named supervisor who owns the list.

Data Classification Framework

Not all data in a T&E file carries the same risk. A simple four-tier system makes confidentiality decisions fast and consistent instead of dependent on individual judgment under deadline pressure.

Tier	What it is	Where it may go
Tier 1, Public	Published law, approved public marketing, and recorded instruments cleared for public use without protected client or matter context	Any approved tool after a confidentiality and data-tier check; client-connected material may require a higher tier
Tier 2, Anonymized matter facts	Plan facts with identifiers stripped; sample clauses	Enterprise tools with a no-training clause
Tier 3, Client identifiers & matter facts	Client and beneficiary names, asset detail, plan structure	Approved enterprise tools under a signed DPA only
Tier 4, Highly sensitive	Social Security numbers; account, policy, and trust-corpus detail; beneficiary health and capacity information	Default: do not place in any AI tool; handle in controlled systems only

Approved Tool List

Your governance policy is only as good as the list of tools it covers. Maintain a current approved-tool list that records, for each tool, the approved use cases, the data tiers it may touch, whether a DPA is signed, and who approved it. When a new tool appears and staff want it, the default answer is “not yet”, pending DPA review, a data-handling check, and approval by the AI Policy Supervisor. This playbook is deliberately tool-agnostic: vendors change, capabilities change, and the governance discipline is what lasts. Evaluate tools by capability and data posture, not by brand. For T&E work, weigh four things in any tool: whether it has enterprise-grade data protection with a no-training clause, whether its output is Florida-aware and transfer-tax-literate rather than generic, whether it keeps client data inside a system you already control, and whether your attorneys and paralegals can use it without heavy training.

Staff Training Requirements

A governance policy without training is a document in a drawer. Every staff member who touches AI on firm work needs to know:

— What tools are approved, and for what tasks.

— How to classify data by tier before deciding which tool to use.

— Why AI-generated citations, statutory references, and IRS authorities require independent verification.

— Why every instrument that will be executed gets attorney-level review against Florida authority.

— Why the 2025-2026 statutory changes mean stale AI answers are especially likely right now.

— What Florida two-party consent under Section 934.03 means for AI notetakers on client and beneficiary calls.

— What a confidentiality breach looks like and how to report it.

— What to do when unsure, stop and escalate, not proceed and hope.

Minimum cadence: onboarding before any AI use on client matters, an annual refresh with real examples from the prior year, and tool-specific training before any new tool touches a client file.

Best Use Cases by Workflow Stage

A small Florida T&E and tax practice runs roughly the same pipeline whether you are in Daytona, Tampa, Miami, or Jacksonville. Here is where AI fits at each stage, and where it does not.

Stage 1: Intake and Engagement

This is where AI delivers fast, visible value. Intake is repetitive, the tasks are well-defined, and mistakes here ripple downstream.

— **AI helps:** Adaptive intake forms that adjust to family and asset complexity. One-page intake summary memos. Conflict-screen drafts from a CRM export. The new screening questions, meaning Florida homestead, an old irrevocable trust, a needs-based beneficiary, date of death relative to July 1, 2026, built into the intake flow.

— **AI does not:** Tell you whether to take the client, catch the gut-feel concern about capacity or undue influence, or make the conflict determination.

Stage 2: Instrument Drafting: Wills, Trusts, DPOAs, and Healthcare Directives

This is the highest-value, highest-risk AI use in T&E practice. The time savings on first-draft assembly are real; so is the catastrophe if a defect executes.

— **AI helps:** First-draft assembly inside a drafting platform from structured intake data. Provision-by-provision comparison of a draft against firm precedent. Internal consistency checks across a plan, covering fiduciary names, dispositive terms, tax clauses.

— **AI does not:** Catch the homestead devise restriction under Article X, Section 4(c) and Section 732.4015, confirm the Section 732.502 execution formalities, or make the capacity call under Rule 4-1.14.

> **CAREER-ENDING TRAP**
>
> No AI-generated will, trust, durable power of attorney, or healthcare directive is ever executed without attorney review against current Florida authority: homestead, formalities, elective share, and capacity. A defective instrument is silent until the client is gone, and then it is yours.

Stage 3: Probate and Estate Administration

Probate is repetitive in form and variable in substance. The form work is what AI handles well; the variable substance still requires you. CS/HB 1337 reshaped this stage as of July 1, 2026.

— **AI helps:** Summary-administration eligibility screens against the new $150,000 non-exempt cap. First drafts of the petition for administration, notice to creditors, and inventory. Bank-demand and safe-deposit-access letters, and Section 733.6125 enforcement drafts when an institution stalls.

— **AI does not:** Decide whether an asset is exempt or counts toward the cap, know the elective-share waiver discussed by phone, or determine whether a Section 733.6125 proceeding is warranted.

IMPORTANT

The thresholds changed effective July 1, 2026. Confirm how they apply to a given estate, including estates of decedents who died before that date, and never rely on an AI tool that defaults to the old $75,000 ceiling. Confirm the current statute every time.

Stage 4: Trust Administration and Fiduciary Accountings

Trust administration is half production and half judgment. AI handles production well; judgment stays with you. SB 262 added new tools and new questions here as of June 20, 2025.

— **AI helps:** First draft of the Section 736.0813 notice to qualified beneficiaries from matter data. Accounting assembly from account statements into a Section 736.08135 format. A decanting-feasibility memo flagging what Section 736.04117 could reach in an existing trust.

— **AI does not:** Decide whether a trustee has absolute or limited power to invade principal, identify when an investment decision breached the prudent-investor rule, or determine whether a former-trustee claim is barred under Section 736.10085.

Stage 5: Federal Transfer Tax, Form 706, and Form 1041 Coordination

Tax work has its own AI tools and its own risk profile. The research tools are mostly reliable on doctrinal questions; the computations and elections are not.

— **AI helps:** On-demand research memos on transfer-tax questions with citations. Portability and basis-planning issue spotting in the post-OBBBA $15 million environment. Summarizing appraisals and account statements into a return-preparation index.

— **AI does not:** Draft the discount analysis on a closely held interest, make the portability election, or catch the marital-deduction defect that turns on facts the model cannot see.

Stage 6: IRS Controversy

Examination response, Appeals, collection due process, and Tax Court representation. Document-heavy, deadline-driven, and citation-sensitive.

— **AI helps:** Drafting responses to Information Document Requests. Summarizing prior-year returns into a one-page picture. First-draft position memos with authorities for attorney verification.

— **AI does not:** Cite the right precedent in Appeals without verification, read the examiner's tone, or set strategy on a contested valuation.

IMPORTANT

The U.S. Tax Court and the federal district courts set their own AI and citation rules. SC2026-0673 governs Florida state courts, not federal tax matters. Check the applicable federal rule and the assigned judge's standing order before any federal filing.

Stage 7: Annual Reviews and Client Communication

The annual estate-plan review is the most underused marketing asset in T&E practice. Clients who get a clear, warm, plain-English review letter refer their friends, and reviews are exactly where the 2025-2026 changes create a reason to call.

— **AI helps:** Annual review letters in plain English, customized from matter data, flagging clients whose plans should be revisited in light of the SB 262 and OBBBA changes. Beneficiary correspondence and meeting-prep summaries.

— **AI does not:** Know the family dynamics. The letter to the disinherited child still needs you, and AI cannot replace the call to a grieving spouse.

Prompts Library

These prompts are starting points, written for a small Florida T&E and tax practice handling estate planning, probate, trust administration, federal transfer tax, and IRS controversy. Adapt them to your forms and your voice.

> **IMPORTANT**
>
> Strip client identifiers, Social Security numbers, and account numbers before pasting into any tool that is not approved for that data tier.
>
> Verify every output against a primary source: the instrument, the current statute, the IRS authority.
>
> These are calibrated for Florida practice; treat every output as a first draft.
>
> Document AI use in the matter file.

Intake and Engagement

PROMPT 01: INTAKE SUMMARY MEMO · Stage 1: Intake

```
You are a paralegal preparing an intake summary for a small Florida trusts and estates firm. From the notes below, produce a one-page memo with: (1) matter type (planning, probate, trust administration, tax); (2) family and fiduciary structure; (3) asset categories and approximate values; (4) four screen flags: whether the family owns Florida homestead, whether there is an existing irrevocable trust, whether any beneficiary is on or eligible for needs-based benefits, and the decedent's date of death if probate; (5) open items needed to open the file.
Do not give legal advice or decide whether to take the matter. Do not include identifiers beyond first initials.
[PASTE ANONYMIZED INTAKE NOTES]
```

PROMPT 02: CONFLICT AND CAPACITY SCREEN DRAFT · Stage 1: Intake

```
You are assisting a small Florida T&E firm with intake screening. From the information below, list (1) any prior or current matters involving the same family, beneficiaries, or entities that raise conflict questions under Rules 4-1.7, 4-1.9, and 4-1.8, and (2) any facts an attorney should weigh on testamentary capacity or undue influence under Rule 4-1.14.
Do not make the conflict or capacity determination. Present everything as questions for the lawyer.
[PASTE ANONYMIZED INTAKE / CRM EXPORT]
```

Instrument Drafting and Review

PROMPT 03: INSTRUMENT CHECKLIST AGAINST FLORIDA REQUIREMENTS · Stage 2: Drafting

```
Review the draft instrument below and produce a checklist for attorney review covering Florida validity points: execution formalities under Section 732.502 for a will or the applicable chapter for a trust, durable power of attorney, or healthcare directive; homestead devise and descent considerations under Article X, Section 4(c) and Sections 732.4015 and 732.401; elective-share interplay under Section 732.201; and internal consistency of fiduciary names and dispositive terms.

Do not certify the instrument as valid. Present every item as a question for the attorney.

[PASTE DRAFT INSTRUMENT]
```

PROMPT 04: TRUST PROVISION COMPARISON VS PRECEDENT · Stage 2: Drafting

```
Compare the draft trust below against the firm precedent provided. Produce a redline-style summary listing every place the draft deviates from precedent, grouped by administrative, dispositive, and tax provisions, and flag any deviation that could affect homestead, the elective share, or a needs-based beneficiary's eligibility.

Do not opine on which version is correct. Mark each deviation for attorney decision.

[PASTE DRAFT TRUST AND PRECEDENT]
```

PROMPT 05: DPOA AND HEALTHCARE DIRECTIVE DRAFT CHECKLIST · Stage 2: Drafting

```
From the attorney-supplied facts below, produce a first-draft checklist for a Florida durable power of attorney under Chapter 709 and a healthcare directive and surrogate designation under Chapter 765: required formalities, superpowers that must be separately enumerated and initialed, and the execution and witnessing requirements.

Do not generate the executed instruments or certify formalities as met. Present as items for attorney completion and verification.

[PASTE ATTORNEY-SUPPLIED FACTS]
```

Probate and Estate Administration

PROMPT 06: SUMMARY ADMINISTRATION ELIGIBILITY SCREEN · Stage 3: Probate

```
You are preparing an attorney-review screen for summary administration under Section 735.201, as amended by CS/HB 1337 effective July 1, 2026. From the asset list, ownership documents, will if any, and date of death, create a proposed asset classification and calculation: identify property potentially subject to Florida administration, possible creditor exemptions, and unresolved title or beneficiary questions. Flag homestead, trust ownership, survivorship, and tenancy-in-common interests for attorney confirmation. Assess the $150,000 value test and the more-than-two-years alternative, subject to Section 735.201(1), including any will direction for Chapter 733 administration, and other applicable requirements.

Do not make the final eligibility or exemption determination. If the death preceded July 1, 2026, flag which amendments and threshold apply for attorney verification against the enacted law and relevant transition authority. Do not assume either threshold governs solely from the death date. Identify missing facts and verify every statutory reference.

[PASTE ANONYMIZED ASSET LIST, OWNERSHIP INFORMATION, RELEVANT WILL TERMS, AND DATE OF DEATH]
```

PROMPT 07: PETITION FOR ADMINISTRATION FIRST DRAFT · Stage 3: Probate

```
Draft a first-pass petition for administration for a small Florida probate practice from the matter data below, in the form used in Florida circuit probate court. Include placeholders, marked for attorney completion, for venue, the personal representative, the interested persons, and the asset schedule.

Do not assert legal conclusions as final. Mark every statutory reference for verification against the current Probate Code.

[PASTE ANONYMIZED MATTER DATA]
```

PROMPT 08: BANK DEMAND AND SAFE-DEPOSIT ACCESS LETTER · Stage 3: Probate

```
Draft a firm letter to a financial institution demanding it honor Letters of Administration for the personal representative below, including access to the decedent's safe-deposit box, and noting that, under new Section 733.6125, a personal representative may seek a court order enforcing the Probate Code and recover taxable costs and attorney's fees from an institution that refuses to comply.

Do not threaten litigation as a conclusion or state amounts; mark the statutory citation for attorney verification and keep the tone firm and professional.

[PASTE NON-SENSITIVE MATTER DETAILS]
```

Trust Administration and Fiduciary Accountings

PROMPT 09: QUALIFIED-BENEFICIARY NOTICE DRAFT · Stage 4: Trust Admin

```
Draft a first-pass notice to qualified beneficiaries under Section 736.0813 from
the trust and matter data below, covering the trust's existence, the trustee's
identity and contact information, the right to request a copy of the trust
instrument, and the right to accountings.
Do not certify that notice obligations are satisfied. Mark the statutory citation
for verification against the current Trust Code.
[PASTE ANONYMIZED TRUST AND MATTER DATA]
```

PROMPT 10: DECANTING FEASIBILITY MEMO · Stage 4: Trust Admin

```
From the existing irrevocable trust below, produce a feasibility memo for attorney
review under Florida's decanting statute, Section 736.04117 (as modernized by
CS/CS/SB 262, effective June 20, 2025): identify whether the trustee appears to
hold absolute or limited (HEMS-type) power to invade principal, list the changes a
decanting could reach, and flag any provision affecting a needs-based beneficiary.
Include a notice checklist under Section 736.04117(8): required recipients, the
60-day period or signed written waiver, the proposed instrument exercising the
power, and the required first- and second-trust instruments as applicable.
Do not conclude that a decanting is authorized or advisable. Present the analysis
as questions for the attorney, verified against the current statute and the trust
instrument.
[PASTE ANONYMIZED TRUST INSTRUMENT]
```

PROMPT 11: FIDUCIARY ACCOUNTING ASSEMBLY CHECK · Stage 4: Trust Admin

```
From the account statements and transaction records below, assemble a draft
fiduciary accounting in the Florida format contemplated by Section 736.08135:
starting balance, receipts, disbursements, gains and losses, and ending balance,
with carrying values and a transaction schedule. Flag any entry that does not
reconcile.
Do not opine on whether any investment decision was prudent or whether the
accounting satisfies the statute. Mark reconciliation gaps for the attorney and
the accountant.
[PASTE ANONYMIZED ACCOUNT RECORDS]
```

Federal Transfer Tax and IRS Controversy

PROMPT 12: TRANSFER-TAX RESEARCH MEMO · Stage 5: Transfer Tax

```
You are preparing a research memo for a small Florida T&E and tax firm on the
transfer-tax question below, in the post-OBBBA environment (basic exclusion $15
million per individual for 2026 under IRC Section 2010(c)(3)(A); annual gift
exclusion $19,000). Provide the analysis with citations to the Code, regulations,
and rulings, and flag every authority for attorney verification.
Do not state a conclusion as advice or make any election. Treat every citation as
unverified until checked against a primary source.
[PASTE THE TRANSFER-TAX QUESTION AND FACTS]
```

PROMPT 13: FORM 706 / 1041 DOCUMENT INDEX · Stage 5: Transfer Tax

```
From the documents below, meaning appraisals, account statements, and prior
returns, build a preparation index for a Form 706 estate-tax return or Form 1041
fiduciary income-tax return: list each asset or income item, its supporting
document, its reported value or amount, and any missing item needed to complete
the return.
Do not compute tax, make elections, or determine values. Produce the index and a
missing-items list for the attorney and the preparer.
[PASTE ANONYMIZED DOCUMENTS]
```

PROMPT 14: IDR RESPONSE DRAFT · Stage 6: IRS Controversy

```
Draft a first-pass response to the IRS Information Document Request below for
attorney review, organized item by item, identifying for each the responsive
documents and any item that requires a privilege or scope objection.
Do not assert privilege or make legal arguments as final, and do not transmit
anything. Mark every objection and every authority for attorney verification.
[PASTE THE IDR AND A DOCUMENT INVENTORY]
```

Client Communication

PROMPT 15: ANNUAL ESTATE-PLAN REVIEW LETTER · Stage 7: Client Communication

```
Draft a warm, plain-English annual estate-plan review letter to a Florida client
from the matter summary below: what we reviewed, what still fits, and what may
warrant a conversation in light of recent Florida trust-law changes (CS/CS/SB 262)
and the federal transfer-tax changes under the One Big Beautiful Bill Act. Invite
the client to schedule a review. Keep it under 300 words.
Do not give specific legal or tax advice in the letter or state that the plan is
or is not adequate. Mark for attorney review before sending.
[PASTE NON-SENSITIVE MATTER SUMMARY]
```

Appendix A: Sample AI Governance Policy

[Firm Name]: Artificial Intelligence Use Policy

Version 1.0 | Effective Date: [Date] | Review Date: [Date + 1 Year]

1. Purpose

This Policy establishes [Firm Name]'s guidelines for the use of artificial intelligence tools in the practice of law. Its purpose is to ensure that all AI use complies with the Florida Rules of Professional Conduct, protects client confidentiality, and maintains the quality of the Firm's work product.

2. General Principles

— AI tools are permitted to assist in the practice of law. They are not permitted to replace attorney judgment, supervision, or professional responsibility.

— All AI output communicated to a client, a court, or a taxing authority must be reviewed by a licensed attorney before transmission or filing.

— Client confidentiality obligations under Rule 4-1.6 apply in full to all AI tool use.

— The duty of competence under Rule 4-1.1 requires attorneys to understand the capabilities and limitations of AI tools sufficiently to supervise their use.

— All AI-generated citations, statutory references, and IRS authorities must be verified against a primary source before inclusion in any filing, memo, or client deliverable.

3. Definitions

— **AI Tool:** any software using machine learning or generative models to produce text, analysis, or document drafts.

— **Approved Tool:** an AI tool on the Firm's current approved-tool list, vetted for its data tier and use cases.

— **Client-Specific Data:** any information identifying a client, a beneficiary, a matter, an asset, or a family circumstance.

4. Permitted Uses

— Internal administration and standard operating procedures.

— Intake summaries, document-request lists, consultation prep, and plain-English client communications, after attorney review.

— First-draft assistance from attorney-supplied facts on instruments, pleadings, accountings, and correspondence.

— Reviewed marketing and educational content.

— Internal analysis: issue spotting, chronologies, financial organization, fiduciary-accounting assembly, and transfer-tax research first drafts.

5. Prohibited Uses

— Client identifiers, Social Security numbers, or account numbers in non-approved AI tools.

— AI as the sole legal or tax research or the sole source of authority.

— Unverified citations, statutory references, or IRS authorities in any filing, memo, or client deliverable.

— AI as the last set of eyes on any Florida instrument that will be executed.

— AI making determinations on homestead status, testamentary capacity, the elective share, trustee powers under Section 736.04117, summary-administration eligibility, or any transfer-tax election.

— AI communicating with clients, courts, or taxing authorities as a lawyer.

6. Confidentiality and Data Handling

No confidential information may be entered into any AI tool unless that tool is approved for the relevant data tier. Strip client identifiers, Social Security numbers, and account numbers before using any tool not approved for Tier 3 or Tier 4 data. Tier 4 data, Social Security numbers; account, policy, and trust-corpus detail; and beneficiary health and capacity information, is handled in controlled systems and, by default, never placed in an AI tool.

7. Court and Tribunal Filings

For Florida state-court probate and trust filings, comply with Rule of General Practice and Judicial Administration 2.515(d)(2) as amended by SC2026-0673. The signer represents that the legal authorities cited exist and are accurately cited. Companion order AOSC26-12 makes this the exclusive statewide standard and bars circuit-level AI-disclosure or certification requirements, so do not rely on superseded circuit orders. For federal tax matters, check the U.S. Tax Court's rules and the assigned judge's standing order. Verify every citation against a primary source before filing.

8. Trusts, Estates, and Tax Practice Addendum

— AI may assist with first-draft assembly of instruments inside an approved drafting environment with firm precedent.

— AI may not be the last set of eyes on any will, trust, durable power of attorney, or healthcare directive that will be executed. Every such instrument receives attorney review against current Florida authority.

— AI may not determine homestead status, testamentary capacity, elective-share exposure, trustee powers, summary-administration eligibility, or any transfer-tax computation or election.

— Statutory and numerical references are confirmed against the current authority on the day of the work, given the 2025-2026 changes in Florida probate, Florida trust law, and federal transfer tax.

9. Florida Two-Party Consent

Florida is a two-party consent state under Section 934.03. No AI notetaker may join a call, meeting, or conversation with a client, beneficiary, or third party without the express, on-the-record consent of every participant.

10. Incident Response

If a potential confidentiality breach through AI use occurs, stop using the tool, preserve evidence, document the information involved, and notify the AI Policy Supervisor immediately. Record containment and remediation. Promptly assess whether Fla. Stat. § 501.171 applies; immediate internal escalation does not wait for a completed investigation.

Under Section 501.171(3)–(4), give required notice to affected Florida individuals as expeditiously as practicable and without unreasonable delay, generally within 30 days after determining a breach occurred or having reason to believe one occurred. If 500 or more Florida individuals are affected, notify the Department of Legal Affairs as expeditiously as practicable and within the same 30-day trigger.

An additional 15 days for individual notice may be available if good cause is provided in writing to the department within the initial 30-day period. This does not extend the separate department deadline. Individual notice may be delayed on a law-enforcement agency's written request or excused under the investigation, consultation, and documented no-harm procedure in subsection (4)(c). That determination must be retained for five years and provided to the department within 30 days after it is made. Review the precise statutory conditions before relying on an exception.

11. Acknowledgment

All attorneys and staff must sign the AI Policy Acknowledgment upon hire and upon any material revision. The Firm maintains signed acknowledgments and a training log.

Appendix B: Client AI Disclosure Statement

The following language is suitable for inclusion in a client engagement letter or as a standalone disclosure. Customize the bracketed fields.

> **SAMPLE DISCLOSURE LANGUAGE**
>
> [Firm Name] uses technology, including artificial intelligence tools, to work more efficiently on your matter. We use these tools only in ways consistent with our professional obligations.
>
> We protect your confidential information. We assess the proposed use and disclosure of client information, use only tools approved for the relevant data, and have a licensed attorney review all work before it reaches you, a court, or a taxing authority.
>
> We do not use these tools to make legal or tax judgments on your matter. Those decisions are made by your attorney.
>
> If you prefer that we not use AI tools on your matter, tell us in writing and we will honor that request.

Implementation Notes

— Include this disclosure in your standard engagement letter, not as a separate document the client might not read.

— If a client asks you not to use AI on their matter, document the request in writing and honor it.

— Update the disclosure if your AI practices change materially.

— The disclosure need not list specific tools. Your practices matter more than any tool name.

— Assess whether the proposed third-party AI use would disclose confidential information. Opinion 24-1 recommends the affected client's informed consent in that circumstance. This general disclosure and a signed DPA do not by themselves establish informed consent for a particular disclosure; address the proposed use with the client as appropriate.

Appendix C: Court and Tribunal AI Disclosure & Certification

Florida state courts and federal tribunals address AI disclosure differently. Use the language below as a starting point and adapt it to the specific order that applies.

SAMPLE CITATION CERTIFICATION (FLORIDA STATE COURTS)

Tracks Rule 2.515(d)(2) as amended by SC2026-0673: The undersigned represents that the legal authorities cited in this filing exist and are accurately cited, having verified each against a primary source.

[Attorney name, Bar number, date]

OPTIONAL AI-USE DISCLOSURE (ONLY WHERE REQUIRED OR CHOSEN)

Rule 2.515(d)(2) does not itself require an AI-use disclosure. Use this only where a specific rule or order requires it, or where you choose to disclose for a particular reason:

Any artificial-intelligence tool used in preparing this filing was used under attorney supervision, and its output was reviewed and verified by the undersigned.

Implementation Notes

— For Florida state-court filings, SC2026-0673 amended Rule 2.515(d)(2) effective June 15, 2026. It governs state courts only, and it is a citation-accuracy rule, not an AI-use disclosure rule.

— Companion order AOSC26-12 makes Rule 2.515(d)(2) the exclusive statewide standard and bars circuit-level AI-disclosure or certification mandates. Do not rely on superseded circuit orders.

— For federal tax matters, check the current U.S. Tax Court rules or the applicable federal district's local rules, administrative orders, and assigned judge's standing orders. Confirm any AI-disclosure or certification requirement for the specific forum and filing; do not assume the Florida state-court rule governs.

— When in doubt, verify your citations and follow the controlling rule or order; disclose AI use only when a rule or order requires it or you choose to for a specific reason. Keep a log of AI-assisted filings.

Appendix D: Letter to AI Vendors

Send this questionnaire to any vendor before approving a tool for client-specific T&E work. Treat non-answers as answers.

1. Do you train your models on our data or our prompts? If so, can that be disabled by contract?
2. Will you sign a Data Protection Agreement with a no-training-on-our-data clause?
3. Where is our data stored and processed, and which subprocessors have access?
4. How long is our data retained, and can we require deletion on demand?
5. What is your breach-notification commitment, and within what timeframe?
6. How do you handle highly sensitive data, meaning Social Security numbers, account and policy numbers, and beneficiary health information, that appears in trusts and estates files?
7. Do you offer enterprise access controls, audit logs, and role-based permissions?
8. What independent security certifications do you hold, and when were they last audited?
9. If we stop using your tool, what happens to our data, and how is its destruction confirmed?

HOW TO READ THE ANSWERS

No signed DPA and no no-training clause means the tool is not approved for Tier 3 or Tier 4 data. Full stop.

Vague answers on subprocessors, retention, or deletion are themselves a red flag.

A tool can be excellent for Tier 1 public work and still be wrong for a client file. Approve by data tier, not by reputation.

Appendix E: 90-Day Implementation Roadmap

The firms that fail with AI try to implement everything at once. Start narrow. Get good at two or three workflows. Then expand.

Days 1–30: Foundation

— Designate an AI Policy Supervisor. In a small firm, usually the managing partner.

— Confirm Florida Bar technology-CLE compliance; if short, register for an approved AI program now.

— Pull the malpractice policy and read the technology and cyber endorsements; email the carrier the AI coverage and disclosure questions.

— Audit current tool use. Ask what staff are already using inside research platforms, the drafting platform, and the practice-management system?

— Adopt the governance policy in Appendix A, customize it, and have all staff sign the acknowledgment.

— Run a 60-minute training on the policy, the data-classification tiers, and the approved-tool list. Walk three live examples: one safe, one cautionary, one prohibited.

— Pilot one high-volume, low-risk workflow: intake summaries or annual review letters.

Days 31–60: Build Proficiency

— Implement AI-assisted first drafts for the most common instruments, with the attorney-review checklist built in: homestead, Section 732.502 formalities, elective share, and capacity.

— Train staff on the probate and trust-administration prompts, and build the citation- and statute-verification gate into every research workflow.

— Deploy the summary-administration screen and the bank-demand and safe-deposit letters for CS/HB 1337 matters.

— Build the firm prompt library from this playbook, customized to your forms and voice.

Days 61–90: Optimize and Expand

— Measure time saved per matter type and confirm your flat fees and any hourly records reflect the actual work.

— Move AI into trust-administration and transfer-tax workflows on live matters, re-read by a lawyer.

— Launch the two named flat-fee services, Trust Modernization Review and Summary Administration Screen, and run the annual-review letter campaign flagging SB 262 and OBBBA changes.

— Update the approved-tool list and policy, schedule the annual review, and check the Bar, the IRS, and your courts' administrative orders for new AI directives.

WHAT SUCCESS LOOKS LIKE AT DAY 90

Every lawyer and staff member knows which AI tools are approved and which are not.

No instrument is executed without attorney review against current Florida authority.

Every AI-generated citation, statutory reference, and IRS authority is verified against a primary source before anyone sees it.

No Social Security numbers, account detail, or beneficiary health information has gone near a tool without controlled handling.

Your fees reflect the work actually performed, AI efficiency included.

The AI Policy Supervisor can show, in writing, what is approved, who has been trained, and how the firm responds when something goes wrong.

Appendix F: Key Authorities

Primary sources for the principal authorities used in this playbook are listed below. Enacted bills show the amendments; the operative statutes and rules govern the workflow. This is a selected source map, not a complete research file. Dates and figures move, so check the source before relying on it in a client matter.

Florida Probate Reform

-- CS/HB 1337 (2026), Ch. 2026-57, Laws of Florida

— Section 735.201 — summary administration and testate-estate condition

— Section 735.304 — intestate personal-property estates and procedure

— Section 735.302 — federal income tax refunds

— Section 735.303 — financial-institution payments to successors

— Section 733.6125 — proceedings to enforce a personal representative's authority

— Section 689.15 — co-ownership and survivorship

Florida Trust Law

-- CS/CS/SB 262 (2025), Ch. 2025-159, Laws of Florida

— Section 736.04117 — decanting powers and subsection (8) notice

— Section 736.0813 — trustee information and accounting duties

— Section 736.08135 — trust accountings

— Section 736.10085 — limitations on successor-trustee claims

— Section 736.1110 — ademption by satisfaction

— Section 736.151 — community property trusts and homestead

Federal Transfer Tax

-- One Big Beautiful Bill Act, Public Law No. 119-21 (H.R. 1, 119th Congress)

— IRS Instructions for Form 706 — estate tax and Part VI portability

— IRS estate and gift tax updates — current exclusions

Florida Legal Ethics

-- Florida Bar Ethics Opinion 24-1 (Jan. 19, 2024)

— Rules Regulating The Florida Bar — Chapter 4 professional duties

— Section 934.03 — interception and prior consent

— Section 501.171 — personal-information security and breach notice

Court Citation Rule

-- Florida Supreme Court Opinion SC2026-0673, amending Fla. R. Gen. Prac. & Jud. Admin. 2.515(d)(2)

-- Administrative Order AOSC26-12

Case Law

— Capital Standard, LLC v. U.S. Bank National Association, No. 2D2024-1392 (Fla. 2d DCA Aug. 21, 2026) — official opinion

About Actionable AI

Actionable AI is a solo AI-adoption consultancy for small law firms. Founded by Greg Yates, a former Big Law corporate equity partner at Steptoe (NYC Managing Partner) and Seyfarth Shaw, it exists because most firms have nowhere to turn for honest, practice-area-specific AI guidance. The big consultancies do not know your practice. The vendors are not neutral. The CLEs are too general. And the firm down the street is guessing the same way you are.

The firm works only with small law firms in Florida. Not tech companies. Not generic small businesses. Law firms. The specificity is the point. Every recommendation, prompt, and policy is tested against actual Florida Bar guidance, the actual Florida Probate Code and Trust Code, the actual federal transfer-tax environment, and the actual workflow of the practice it is written for.

What We Do

— **AI readiness assessments:** where your firm is, where the gaps are, what to fix first.

— **Implementation support:** selecting tools, negotiating enterprise agreements, building governance that holds.

— **Prompts and training:** building the firm-specific prompt libraries and workflows that actually get used.

— **Ongoing advisory:** as the tools and Bar guidance change, your implementation changes with them.

Who This Playbook Is For

The managing partner of a small Florida trusts, estates, and tax firm who knows AI matters, has probably experimented with it, and wants a practical roadmap from someone who has done the work. If that is you, this playbook is the first step. The conversation about your specific practice is the next one.

READY TO IMPLEMENT AI IN YOUR T&E PRACTICE?

Book a free 15-minute assessment call to discuss (https://actionableai.s.gy/9Ei2uw):

— Which tools fit your planning, probate, and tax mix and your client base.

— Which two or three workflows to start with for your volume.

— How to build a governance policy your staff will actually follow.

— Florida-specific ethics guardrails for your practice and your circuit.

— Whether your client base is ready for the 2026 probate reform and the 2025 trust-law changes.

No pitch. No deck. No obligation.

actionableai.net · Greg Yates · gyates@actionableai.net

Actionable AI

Download the free Florida AI Starter Playbook.

Eight practical resources for managing partners and firm administrators: a readiness checklist, five pilot workflows, a tool-approval scorecard, a lawyer verification checklist, and a 90-day plan. It is free, and the button below downloads it directly.

Scan to download the Starter Playbook

Download the Starter Playbook (PDF)

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Want a second set of eyes on which workflow to pick?

I take 15-minute calls with managing partners and administrators. I will tell you whether there is a fit. No deck.

Book a 15-minute introductory call

Book a 15-minute introductory call