A bill to be entitled

An act clarifying that interests received incident to divorce in certain retirement accounts are exempt from the claims of the transferee’s creditors

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

Section 1. Section 222.21(2)(c), Florida Statutes, is revised to read:

222.21(2)(c). Any money or other assets or any interest in any fund or account that is exempt from claims of creditors of the owner, beneficiary, or participant under paragraph (a) does not cease to be exempt after the owner’s death by reason of a direct transfer or eligible rollover that is excluded from gross income under the Internal Revenue Code of 1986, including, but not limited to, a direct transfer or eligible rollover to an inherited individual retirement account as defined in s. 408(d)(3) of the Internal Revenue Code of 1986, as amended. Any interest in any fund or account received in a transfer incident to divorce described in s. 408(d)(6) of the Internal Revenue Code of 1986, as amended, continues to be exempt after the transfer. This paragraph is intended to clarify existing law, is remedial in nature, and shall have retroactive application to all inherited individual retirement accounts, and to all such transfers incident to divorce, without regard to the date an account was created or date the transfer was made.

Section 2. This act shall take effect upon becoming law.