

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Passidomo offered the following:

Amendment

5 Remove lines 144-178 and insert:

6 lacks the capacity to consent; ~~or~~

7 (c) Breach of a fiduciary duty to an elderly person or
 8 disabled adult by the person's guardian, trustee who is an
 9 individual, or agent under a power of attorney which results in
 10 an unauthorized appropriation, sale, or transfer of property. An
 11 unauthorized appropriation under this paragraph occurs when the
 12 elderly person or disabled adult does not receive the reasonably
 13 equivalent financial value in goods or services, or when the
 14 fiduciary violates any of these duties:

15 1. For agents appointed under chapter 709:

16 a. Committing fraud in obtaining their appointments;

17 b. Abusing their powers;

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18 c. Wasting, embezzling, or intentionally mismanaging the
19 assets of the principal or beneficiary; or

20 d. Acting contrary to the principal's sole benefit or best
21 interest; or

22 2. For guardians and trustees who are individuals and who
23 are appointed under chapter 736 or chapter 744:

24 a. Committing fraud in obtaining their appointments;

25 b. Abusing their powers; or

26 c. Wasting, embezzling, or intentionally mismanaging the
27 assets of the ward or beneficiary of the trust;

28 (d) Misappropriating, misusing, or transferring without
29 authorization money belonging to an elderly person or disabled
30 adult from an account in which the elderly person or disabled
31 adult placed the funds, owned the funds, and was the sole
32 contributor or payee of the funds before the misappropriation,
33 misuse, or unauthorized transfer. This paragraph only applies to
34 the following types of accounts:

35 1. Personal accounts;

36 2. Joint accounts created with the intent that only the
37 elderly person or disabled adult enjoys all rights, interests,
38 and claims to moneys deposited into such account; or

39 3. Convenience accounts created in accordance with s.
40 655.80; or

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