

1 A bill to be entitled
 2 An act relating to the fiduciary lawyer-client privilege;
 3 creating s. 90.5021, F.S.; providing that a client acts as
 4 a fiduciary when serving in certain positions; providing
 5 that a communication between a lawyer and a client acting
 6 as a fiduciary is privileged and protected from
 7 disclosure; providing construction in application;
 8 providing an effective date.

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

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 12 Section 1. Section 90.5021, Florida Statutes, is created
 13 to read:

14 90.5021 Fiduciary lawyer-client privilege.--

15 (1) For the purpose of this section, a client acts as a
 16 fiduciary when serving as a personal representative or a trustee
 17 as defined in s. 731.201, an administrator ad litem as described
 18 in s. 733.308, a curator as described in s. 733.501, a guardian
 19 or guardian ad litem as defined in s. 744.102, a conservator as
 20 defined in s. 710.102, or an attorney in fact as described in
 21 chapter 709.

22 (2) A communication between a lawyer and a client acting
 23 as a fiduciary is privileged and protected from disclosure under
 24 s. 90.502 to the same extent as if the client were not acting as
 25 a fiduciary. In applying s. 90.502 to a communication under this
 26 section, the person or entity acting as a fiduciary is
 27 considered the only, real client of the lawyer.

28 Section 2. This act shall take effect July 1, 2006.