



809956

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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The Committee on Judiciary (Richter) recommended the following:

**Senate Amendment**

Delete lines 144 - 178

and insert:

lacks the capacity to consent; ~~or~~

(c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably



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12 equivalent financial value in goods or services, or when the  
13 fiduciary violates any of these duties:  
14 1. For agents appointed under chapter 709:  
15 a. Committing fraud in obtaining their appointments;  
16 b. Abusing their powers;  
17 c. Wasting, embezzling, or intentionally mismanaging the  
18 assets of the principal or beneficiary; or  
19 d. Acting contrary to the principal's sole benefit or best  
20 interest; or  
21 2. For guardians and trustees who are individuals and who  
22 are appointed under chapter 736 or chapter 744:  
23 a. Committing fraud in obtaining their appointments;  
24 b. Abusing their powers; or  
25 c. Wasting, embezzling, or intentionally mismanaging the  
26 assets of the ward or beneficiary of the trust;  
27 (d) Misappropriating, misusing, or transferring without  
28 authorization money belonging to an elderly person or disabled  
29 adult from an account in which the elderly person or disabled  
30 adult placed the funds, owned the funds, and was the sole  
31 contributor or payee of the funds before the misappropriation,  
32 misuse, or unauthorized transfer. This paragraph only applies to  
33 the following types of accounts:  
34 1. Personal accounts;  
35 2. Joint accounts created with the intent that only the  
36 elderly person or disabled adult enjoys all rights, interests,  
37 and claims to moneys deposited into such account; or  
38 3. Convenience accounts created in accordance with s.  
39 655.80; or