

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Burton offered the following:

2
3 **Amendment**

4 Remove lines 184-237 and insert:

5 (4) Any other property or interest acquired as a result of
6 the abuse, neglect, exploitation, or manslaughter must be
7 returned in accordance with this section.

8 (5) (a) This section does not affect the rights of any
9 person who purchases property for value and without notice from
10 the abuser, neglector, exploiter, or killer before rights have
11 been adjudicated in accordance with this section.

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12 (b) The abuser, neglector, exploiter, or killer is liable
13 for the amount of the proceeds or the value of the property
14 under paragraph (a).

15 (6) Any insurance company, financial institution, or other
16 obligor making payment according to the terms of its policy or
17 obligation is not liable by reason of this section unless more
18 than 2 business days before payment it receives at its home
19 office or principal address written notice, or in the case of a
20 financial institution it receives notice in accordance with s.
21 655.0201, of a claim under this section.

22 (7) This section does not apply if it can be proven by
23 clear and convincing evidence that, after the conviction of
24 abuse, neglect, or exploitation, the victim of the offense, if
25 capacitated, ratifies an intent that the person so convicted of
26 abuse, neglect, or exploitation retain his or her inheritance,
27 survivorship rights, or any other right that might otherwise be
28 removed by this section by executing a valid written instrument,
29 sworn to and witnessed by two persons who would be competent as
30 witnesses to a will, which expresses a specific intent to allow
31 the convicted person to retain his or her inheritance,
32 survivorship rights, or any other right that might otherwise be
33 removed by this section.

34 Section 4. Subsection (3) is added to section 736.1104,
35 Florida Statutes, to read:

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36 736.1104 Person ~~Killer~~ not entitled to receive property or
37 other benefits by reason of victim's death.—

38 (3) A beneficiary of a trust who was convicted in any
39 state or foreign jurisdiction of abuse, neglect, exploitation,
40 or aggravated manslaughter of an elderly person or a disabled
41 adult, as those terms are defined in s. 825.101, for conduct
42 against a settlor or another person on whose death such
43 beneficiary's interest depends is not entitled to any trust
44 interest, including a homestead dependent on the victim's death,
45 and such interest shall devolve as though the abuser, neglecter,
46 exploiter, or killer had predeceased the victim.

47 (a) A final judgment of conviction for abuse, neglect,
48 exploitation, or aggravated manslaughter of the decedent or
49 other person creates a rebuttable presumption that this section
50 applies.

51 (b) In the absence of a qualifying conviction, the court
52 may determine by the greater weight of the evidence whether the
53 decedent's or other person's death was caused by or contributed
54 to by the abuser's, neglecter's, exploiter's, or killer's
55 conduct as defined in s. 825.102, s. 825.103, or s. 782.07(2)
56 for purposes of this section.

57 (c) This subsection does not apply if it can be proven by

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