

By Senator Campbell

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A bill to be entitled

An act relating to the fiduciary lawyer-client privilege; creating s. 90.5021, F.S.; providing that a client acts as a fiduciary when serving in certain positions; providing that a communication between a lawyer and a client acting as a fiduciary is privileged and protected from disclosure; providing an effective date.

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

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

90.5021 Fiduciary lawyer-client privilege.--

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

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

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

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SENATE SUMMARY

Provides that a client acts as a fiduciary when serving in certain positions. Provides that a communication between a lawyer and a client acting as a fiduciary is privileged and protected from disclosure.