



693350

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 102 - 223

and insert:

(b) Has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in s. 825.101.

(c)~~(b)~~ Is mentally or physically unable to perform the duties.

(d)~~(e)~~ Is under the age of 18 years.



693350

11 Section 3. Section 732.8031, Florida Statutes, is created  
12 to read:

13 732.8031 Forfeiture for abuse, neglect, exploitation, or  
14 aggravated manslaughter of an elderly person or a disabled  
15 adult.-

16 (1) A surviving person who is convicted in any state or  
17 foreign jurisdiction of abuse, neglect, exploitation, or  
18 aggravated manslaughter of an elderly person or a disabled  
19 adult, as those terms are defined in s. 825.101, for conduct  
20 against the decedent or another person on whose death such  
21 beneficiary's interest depends is not entitled to any benefits  
22 under the will of the decedent or the Florida Probate Code, and  
23 the estate of the decedent passes as if the abuser, neglector,  
24 exploiter, or killer had predeceased the decedent. Property  
25 appointed by the will of the decedent to or for the benefit of  
26 the abuser, neglector, exploiter, or killer passes as if the  
27 abuser, neglector, exploiter, or killer had predeceased the  
28 decedent.

29 (a) A final judgment of conviction for abuse, neglect,  
30 exploitation, or aggravated manslaughter of the decedent or  
31 other person creates a rebuttable presumption that this section  
32 applies.

33 (b) In the absence of a qualifying conviction, the court  
34 may determine by the greater weight of the evidence whether the  
35 decedent's or other person's death was caused by or contributed  
36 to by the abuser's, neglector's, exploiter's, or killer's  
37 conduct as defined in s. 825.102, s. 825.103, or s. 782.07(2)  
38 for purposes of this section.

39 (2) A joint tenant who is convicted in any state or foreign



693350

40 jurisdiction of abuse, neglect, exploitation, or aggravated  
41 manslaughter of an elderly person or a disabled adult, as those  
42 terms are defined in s. 825.101, for conduct against another  
43 joint tenant decedent thereby effects a severance of the  
44 interest of the decedent so that the share of the decedent  
45 passes as the decedent's sole property and as if the abuser,  
46 neglector, exploiter, or killer has no rights by survivorship.  
47 This subsection applies to joint tenancies with right of  
48 survivorship and tenancies by the entirety in real and personal  
49 property; joint and multiple-party accounts in banks, savings  
50 and loan associations, credit unions, and other financial  
51 institutions; and any other form of coownership with  
52 survivorship interests.

53 (a) A final judgment of conviction for abuse, neglect,  
54 exploitation, or aggravated manslaughter of the decedent or  
55 other person creates a rebuttable presumption that this section  
56 applies.

57 (b) In the absence of a qualifying conviction, the court  
58 may determine by the greater weight of the evidence whether the  
59 decedent's or other person's death was caused by or contributed  
60 to by the abuser's, neglector's, exploiter's, or killer's  
61 conduct as defined in s. 825.102, s. 825.103, or s. 782.07(2)  
62 for purposes of this section.

63 (3) A named beneficiary of a bond, life insurance policy,  
64 or other contractual arrangement who is convicted in any state  
65 or foreign jurisdiction of abuse, neglect, exploitation, or  
66 aggravated manslaughter of an elderly person or a disabled  
67 adult, as those terms are defined in s. 825.101, for conduct  
68 against the owner or principal obligee of the bond, life



693350

69 insurance policy, or other contractual arrangement or the person  
70 upon whose life such policy was issued is not entitled to any  
71 benefit under the bond, policy, or other contractual  
72 arrangement, and the bond, policy, or other contractual  
73 arrangement becomes payable as though the abuser, neglector,  
74 exploiter, or killer had predeceased the decedent.

75 (a) A final judgment of conviction for abuse, neglect,  
76 exploitation, or aggravated manslaughter of the decedent or  
77 other person creates a rebuttable presumption that this section  
78 applies.

79 (b) In the absence of a qualifying conviction, the court  
80 may determine by the greater weight of the evidence whether the  
81 decedent's or other person's death was caused by or contributed  
82 to by the abuser's, neglector's, exploiter's, or killer's  
83 conduct as defined in s. 825.102, s. 825.103, or s. 782.07(2)  
84 for purposes of this section.

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

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

92 (b) The abuser, neglector, exploiter, or killer is liable  
93 for the amount of the proceeds or the value of the property  
94 under paragraph (a).

95 (6) Any insurance company, financial institution, or other  
96 obligor making payment according to the terms of its policy or  
97 obligation is not liable by reason of this section unless more



693350

98 than 2 business days before payment it receives at its home  
99 office or principal address written notice, or in the case of a  
100 financial institution it receives notice in accordance with s.  
101 655.0201, of a claim under this section.

102 (7) This section does not apply if it can be proven by  
103 clear and convincing evidence that, after the conviction of  
104 abuse, neglect, or exploitation, the victim of the offense, if  
105 capacitated, ratifies an intent that the person so convicted of  
106 abuse, neglect, or exploitation retain his or her inheritance,  
107 survivorship rights, or any other right that might otherwise be  
108 removed by this section by executing a valid written instrument,  
109 sworn to and witnessed by two persons who would be competent as  
110 witnesses to a will, which expresses a specific intent to allow  
111 the convicted person to retain his or her inheritance,  
112 survivorship rights, or any other right that might otherwise be  
113 removed by this section.

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

116 736.1104 Person ~~Killer~~ not entitled to receive property or  
117 other benefits by reason of victim's death.-

118 (3) A beneficiary of a trust who was convicted in any state  
119 or foreign jurisdiction of abuse, neglect, exploitation, or  
120 aggravated manslaughter of an elderly person or a disabled  
121 adult, as those terms are defined in s. 825.101, for conduct  
122 against a settlor or another person on whose death such  
123 beneficiary's interest depends is not entitled to any trust  
124 interest, including a homestead dependent on the victim's death,  
125 and such interest shall devolve as though the abuser, neglecter,  
126 exploiter, or killer had predeceased the victim.



693350

127       (a) A final judgment of conviction for abuse, neglect,  
128 exploitation, or aggravated manslaughter of the decedent or  
129 other person creates a rebuttable presumption that this section  
130 applies.

131       (b) In the absence of a qualifying conviction, the court  
132 may determine by the greater weight of the evidence whether the  
133 decedent's or other person's death was caused by or contributed  
134 to by the abuser's, neglector's, exploiter's, or killer's  
135 conduct as defined in s. 825.102, s. 825.103, or s. 782.07(2)  
136 for purposes of this section.

137       (c) This subsection does not apply if it can be proven by  
138 clear and convincing evidence that, after the conviction of  
139 abuse, neglect, or exploitation, the victim of the offense, if  
140 capacitated, ratifies an intent that the person so convicted of  
141 abuse, neglect, or exploitation retain a trust interest by  
142 executing a valid written instrument, sworn to and witnessed by  
143 two persons who would be competent as witnesses to a will, which  
144 expresses a specific intent to allow the convicted person to  
145 retain a trust interest.

146  
147 ===== T I T L E   A M E N D M E N T =====

148 And the title is amended as follows:

149       Delete line 16

150 and insert:

151       retain an inheritance, survivorship rights, or any  
152       other rights if the