

CHAPTER 2024-200

Committee Substitute for Committee Substitute for Senate Bill No. 556

An act relating to protection of specified adults; creating s. 415.10341, F.S.; defining terms; providing legislative findings and intent; authorizing financial institutions, under certain circumstances, to delay a disbursement or transaction from an account of a specified adult; specifying that a delay on a disbursement or transaction expires on a certain date; authorizing the financial institution to extend the delay under certain circumstances; authorizing a court of competent jurisdiction to shorten or extend the delay; providing construction; granting financial institutions immunity from certain liability; providing construction; requiring financial institutions to take certain actions before placing a delay on a disbursement or transaction; providing construction; providing an effective date.

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

Section 1. Section 415.10341, Florida Statutes, is created to read:

415.10341 Protection of specified adults.—

(1) As used in this section, the term:

(a) “Financial exploitation” means the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or property of a specified adult; or any act or omission by a person, including through the use of a power of attorney, guardianship, or conservatorship of a specified adult, to:

1. Obtain control over the specified adult’s money, assets, or property through deception, intimidation, or undue influence to deprive him or her of the ownership, use, benefit, or possession of the money, assets, or property; or

2. Divert the specified adult’s money, assets, or property to deprive him or her of the ownership, use, benefit, or possession of the money, assets, or property.

(b) “Financial institution” means a state financial institution or a federal financial institution as those terms are defined under s. 655.005(1).

(c) “Specified adult” means a natural person 65 years of age or older, or a vulnerable adult as defined in s. 415.102.

(d) “Trusted contact” means a natural person 18 years of age or older whom the account owner has expressly identified and recorded in a financial institution’s books and records as the person who may be contacted about either the account or the account owner to address possible financial

exploitation or to confirm the specifics of the account owner's current contact information or health status; to determine the identity of any conservator, executor, trustee, or individual or entity granted a power of attorney; or to address any other concern reasonably related to the administration of the account. The term may include a joint account owner or an individual or entity who has been granted a power of attorney.

(2) The Legislature finds that many persons in this state, because of age or disability, are at increased risk of financial exploitation and loss of their assets, funds, investments, and investment accounts. The Legislature further finds that specified adults in this state are at a statistically higher risk of being targeted for financial exploitation, regardless of diminished capacity or other disability, because of their accumulation of substantial assets and wealth compared to younger age groups. In enacting this section, the Legislature recognizes the freedom of specified adults to manage their assets, make investment choices, and spend their funds, and intends that such rights may not be infringed absent a reasonable belief of financial exploitation as provided in this section. The Legislature therefore intends to provide for the prevention of financial exploitation of such persons. The Legislature intends to encourage the constructive involvement of financial institutions that take action based upon the reasonable belief that specified adults who have accounts with such financial institutions have been or are the subject of financial exploitation, and to provide financial institutions and their employees immunity from liability for taking actions as authorized herein. The Legislature intends to balance the rights of specified adults to direct and control their assets, funds, and investments and to exercise their constitutional rights consistent with due process with the need to provide financial institutions the ability to place narrow, time-limited restrictions on these rights in an effort to decrease specified adults' risk of loss due to abuse, neglect, or financial exploitation.

(3) If a financial institution reports suspected financial exploitation of a specified adult pursuant to s. 415.1034, it may delay a disbursement or transaction from an account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner if all of the following apply:

(a) The financial institution promptly initiates an internal review of the facts and circumstances that caused an employee of the financial institution to report suspected financial exploitation.

(b) Not later than 3 business days after the date on which the delay was first placed, the financial institution:

1. Notifies in writing all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided for the account, with the exception of any party an employee of the financial institution reasonably believes has engaged in, is engaging in, has attempted to engage in, or will attempt to engage in the

suspected financial exploitation of the specified adult. The notice, which may be provided electronically, must provide the reason for the delay.

2. Creates and maintains for at least 5 years from the date of the delayed disbursement or transaction a written or electronic record of the delayed disbursement or transaction that includes, at minimum, the following information:

- a. The date on which the delay was first placed.
- b. The name and address of the specified adult.
- c. The business location of the financial institution.
- d. The name and title of the employee who reported suspected financial exploitation of the specified adult pursuant to s. 415.1034.
- e. The facts and circumstances that caused the employee to report suspected financial exploitation.

(4) A delay on a disbursement or transaction under subsection (3) expires 15 business days after the date on which the delay was first placed. However, the financial institution may extend the delay for up to 30 additional business days if the financial institution's review of the available facts and circumstances continues to support the reasonable belief that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted. The length of the delay may be shortened or extended at any time by a court of competent jurisdiction. This subsection does not prevent a financial institution from terminating a delay after communication with the parties authorized to transact business on the account and any trusted contact on the account.

(5) A financial institution that acts in good faith and exercises reasonable care to comply with this section is immune from any administrative or civil liability that might otherwise arise from such delay in a disbursement or transaction in accordance with this section. This subsection does not supersede or diminish any immunity granted elsewhere in this chapter.

(6) Before placing a delay on a disbursement or transaction pursuant to this section, a financial institution must do all of the following:

(a) Develop training policies or programs reasonably designed to educate employees who perform or approve transactions on behalf of customers on issues pertaining to financial exploitation of specified adults.

(b) Conduct training for employees described in paragraph (a) as soon as reasonably practicable and maintain a written record of all trainings conducted. With respect to an individual who begins employment with a covered financial institution after July 1, 2024, such training must be conducted within 1 year after the date on which the individual becomes employed by or affiliated or associated with the covered financial institution.

(c) Develop, maintain, and enforce written procedures regarding the manner in which suspected financial exploitation is reviewed internally, including, if applicable, the manner in which suspected financial exploitation is required to be reported to supervisory personnel.

(7) Absent a reasonable belief of financial exploitation as provided in this section, this section does not otherwise alter a financial institution's obligations to all parties authorized to transact business on an account and any trusted contact named on such account.

(8) This section does not create new rights for or impose new obligations or new duties on a financial institution under other applicable law.

Section 2. This act shall take effect January 1, 2025.

Approved by the Governor May 28, 2024.

Filed in Office Secretary of State May 28, 2024.