

By the Committee on Criminal Justice; and Senator Bradley

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1 A bill to be entitled
2 An act relating to the Department of Legal Affairs;
3 amending s. 16.617, F.S.; authorizing the Statewide
4 Council on Human Trafficking to apply for and accept
5 funds, grants, gifts, and services from various
6 governmental entities or any other public or private
7 source for a specified purpose; amending s. 321.04,
8 F.S.; requiring the Department of Highway Safety and
9 Motor Vehicles to assign one or more patrol officers
10 to the Office of the Attorney General for security
11 services upon request of the Attorney General;
12 amending s. 501.203, F.S.; redefining the term
13 "violation of this part"; amending s. 501.204, F.S.;
14 revising legislative intent; amending s. 736.0110,
15 F.S.; providing that the Attorney General has standing
16 to assert the rights of certain qualified
17 beneficiaries in judicial proceedings; amending s.
18 736.1201, F.S.; defining the term "delivery of
19 notice"; deleting the term "state attorney"; amending
20 s. 736.1205, F.S.; requiring a trustee to provide a
21 specified notice to the Attorney General rather than
22 the state attorney; amending s. 736.1206, F.S.;
23 revising the conditions under which a trustee may
24 amend the governing instrument of a specified
25 charitable trust to comply with specified provisions
26 of ch. 736, F.S.; amending s. 736.1207, F.S.;
27 conforming a term; amending s. 736.1208, F.S.;
28 revising the manner in which delivery of a release is
29 accomplished; conforming provisions to changes made by

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30 the act; amending s. 736.1209, F.S.; revising
31 requirements for a trustee of a specified trust who
32 elects to be operated exclusively for the benefit of,
33 and be supervised by, the specified public charitable
34 organization or organizations; amending s. 896.101,
35 F.S.; amending the term "monetary instruments";
36 defining the term "virtual currency"; amending s.
37 960.03, F.S.; revising definitions; amending s.
38 960.16, F.S.; providing an exception to a subrogation
39 requirement for awards; creating s. 960.201, F.S.;
40 defining terms; authorizing the Department of Legal
41 Affairs to award the surviving family of members of an
42 emergency responder who is killed under specified
43 circumstances up to a specified amount; specifying
44 requirements to determine the award amount; requiring
45 apportionment of the award among several claimants
46 under certain circumstances; requiring an award to be
47 reduced or denied by the department under certain
48 circumstances; authorizing rulemaking; providing an
49 effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraph (d) is added to subsection (3) of
54 section 16.617, Florida Statutes, to read:

55 16.617 Statewide Council on Human Trafficking; creation;
56 membership; duties.—

57 (3) ORGANIZATION AND SUPPORT.—

58 (d) The council may apply for and accept funds, grants,

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59 gifts, and services from the state, the Federal Government or
60 any of its agencies, or any other public or private source for
61 the purpose of defraying costs associated with the annual
62 statewide policy summit.

63 Section 2. Present subsection (4) of section 321.04,
64 Florida Statutes, is redesignated as subsection (5), and a new
65 subsection (4) is added to that section, to read:

66 321.04 Personnel of the highway patrol; rank
67 classifications; probationary status of new patrol officers;
68 subsistence; special assignments.—

69 (4) Upon request of the Attorney General, the Department of
70 Highway Safety and Motor Vehicles shall assign one or more
71 patrol officers to the Office of the Attorney General for
72 security services.

73 Section 3. Subsection (3) of section 501.203, Florida
74 Statutes, is amended to read:

75 501.203 Definitions.—As used in this chapter, unless the
76 context otherwise requires, the term:

77 (3) "Violation of this part" means any violation of this
78 act or the rules adopted under this act and may be based upon
79 any of the following as of July 1, 2017 ~~2015~~:

80 (a) Any rules promulgated pursuant to the Federal Trade
81 Commission Act, 15 U.S.C. ss. 41 et seq.;

82 (b) The standards of unfairness and deception set forth and
83 interpreted by the Federal Trade Commission or the federal
84 courts; or

85 (c) Any law, statute, rule, regulation, or ordinance which
86 proscribes unfair methods of competition, or unfair, deceptive,
87 or unconscionable acts or practices.

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88 Section 4. Subsection (2) of section 501.204, Florida
89 Statutes, is amended to read:

90 501.204 Unlawful acts and practices.—

91 (2) It is the intent of the Legislature that, in construing
92 subsection (1), due consideration and great weight shall be
93 given to the interpretations of the Federal Trade Commission and
94 the federal courts relating to s. 5(a)(1) of the Federal Trade
95 Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2017 ~~2015~~.

96 Section 5. Subsection (3) of section 736.0110, Florida
97 Statutes, is amended to read:

98 736.0110 Others treated as qualified beneficiaries.—

99 (3) The Attorney General may assert the rights of a
100 qualified beneficiary with respect to a charitable trust having
101 its principal place of administration in this state. The
102 Attorney General has standing to assert such rights in any
103 judicial proceeding.

104 Section 6. Present subsections (2), (3), and (4) of section
105 736.1201, Florida Statutes, are redesignated as subsections (3),
106 (4), and (5), respectively, a new subsection (2) is added to
107 that section, and present subsection (5) of that section is
108 amended, to read:

109 736.1201 Definitions.—As used in this part:

110 (2) "Delivery of notice" means delivery of a written notice
111 required under this part by sending a copy by any commercial
112 delivery service requiring a signed receipt or by any form of
113 mail requiring a signed receipt.

114 ~~(5) "State attorney" means the state attorney for the~~
115 ~~judicial circuit of the principal place of administration of the~~
116 ~~trust pursuant to s. 736.0108.~~

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117 Section 7. Section 736.1205, Florida Statutes, is amended
118 to read:

119 736.1205 Notice that this part does not apply.—In the case
120 of a power to make distributions, if the trustee determines that
121 the governing instrument contains provisions that are more
122 restrictive than s. 736.1204(2), or if the trust contains other
123 powers, inconsistent with the provisions of s. 736.1204(3) that
124 specifically direct acts by the trustee, the trustee shall
125 notify the ~~state~~ Attorney General when the trust becomes subject
126 to this part. Section 736.1204 does not apply to any trust for
127 which notice has been given pursuant to this section unless the
128 trust is amended to comply with the terms of this part.

129 Section 8. Subsection (2) of section 736.1206, Florida
130 Statutes, is amended to read:

131 736.1206 Power to amend trust instrument.—

132 (2) In the case of a charitable trust that is not subject
133 to ~~the provisions of~~ subsection (1), the trustee may amend the
134 governing instrument to comply with ~~the provisions of~~ s.
135 736.1204(2) after delivery of notice to, and with the consent
136 of, the ~~state~~ Attorney General.

137 Section 9. Section 736.1207, Florida Statutes, is amended
138 to read:

139 736.1207 Power of court to permit deviation.—This part does
140 not affect the power of a court to relieve a trustee from any
141 restrictions on the powers and duties that are placed on the
142 trustee by the governing instrument or applicable law for cause
143 shown and on complaint of the trustee, ~~state~~ Attorney General,
144 or an affected beneficiary and notice to the affected parties.

145 Section 10. Paragraph (b) of subsection (4) of section

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146 736.1208, Florida Statutes, is amended to read:

147 736.1208 Release; property and persons affected; manner of
148 effecting.—

149 (4) Delivery of a release shall be accomplished as follows:

150 (b) If the release is accomplished by reducing the class of
151 permissible charitable organizations, by delivery of notice a
152 ~~copy~~ of the release to the ~~state~~ Attorney General including a
153 copy of the release.

154 Section 11. Section 736.1209, Florida Statutes, is amended
155 to read:

156 736.1209 Election to come under this part.—With the consent
157 of that organization or organizations, a trustee of a trust for
158 the benefit of a public charitable organization or organizations
159 may come under s. 736.1208(5) by delivery of notice to filing
160 ~~with the state~~ Attorney General of the an election, accompanied
161 by the proof of required consent. Thereafter the trust shall be
162 subject to s. 736.1208(5).

163 Section 12. Paragraph (e) of subsection (2) of section
164 896.101, Florida Statutes, is amended, and paragraph (j) is
165 added to that subsection, to read:

166 896.101 Florida Money Laundering Act; definitions;
167 penalties; injunctions; seizure warrants; immunity.—

168 (2) As used in this section, the term:

169 (e) "Monetary instruments" means coin or currency of the
170 United States or of any other country, virtual currency,
171 travelers' checks, personal checks, bank checks, money orders,
172 investment securities in bearer form or otherwise in such form
173 that title thereto passes upon delivery, and negotiable
174 instruments in bearer form or otherwise in such form that title

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175 thereto passes upon delivery.

176 (j) "Virtual currency" means a medium of exchange in
177 electronic or digital format which is not a coin or currency of
178 the United States or another country.

179 Section 13. Paragraph (f) is added to subsection (3) of
180 section 960.03, Florida Statutes, and paragraph (e) is added to
181 subsection (14) of that section, to read:

182 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
183 960.01-960.28, unless the context otherwise requires, the term:

184 (3) "Crime" means:

185 (f) A felony or misdemeanor that results in the death of an
186 emergency responder, as defined in and solely for the purposes
187 of s. 960.201, while answering a call for service in the line of
188 duty, notwithstanding paragraph (c).

189 (14) "Victim" means:

190 (e) An emergency responder, as defined in and solely for
191 the purposes of s. 960.201, who is killed while answering a call
192 for service in the line of duty.

193 Section 14. Section 960.16, Florida Statutes, is amended to
194 read:

195 960.16 Subrogation.—Except for an award made under s.
196 960.201, payment of an award pursuant to this chapter shall
197 subrogate the state, to the extent of such payment, to any right
198 of action accruing to the claimant or to the victim or
199 intervenor to recover losses directly or indirectly resulting
200 from the crime with respect to which the award is made. Causes
201 of action which shall be subrogated under this section include,
202 but are not limited to, any claim for compensation under any
203 insurance provision, including an uninsured motorist provision,

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204 when such claim seeks to recover losses directly or indirectly
205 resulting from the crime with respect to which the award is
206 made.

207 Section 15. Section 960.201, Florida Statutes, is created
208 to read:

209 960.201 Emergency responder death benefits.—

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

211 (a) "Answering a call for service" means actively
212 performing official duties that include the identification,
213 prevention, or enforcement of the penal, traffic, or highway
214 laws of this state; and include traveling to the scene of an
215 emergency situation and upon arrival performing those functions
216 that the emergency responder has been trained and certified to
217 perform.

218 (b) "Emergency medical technician" has the same meaning as
219 in s. 401.23(11).

220 (c) "Emergency responder" means a law enforcement officer,
221 a firefighter, or an emergency medical technician or paramedic.

222 (d) "Firefighter" has the same meaning as in s. 633.102(9).

223 (e) "Law enforcement officer" has the same meaning as in s.
224 943.10(1).

225 (f) "Paramedic" has the same meaning as in s. 401.23(17).

226 (g) "Surviving family members of an emergency responder"
227 means the surviving spouse, children, parents or guardian, or
228 siblings of a deceased emergency responder.

229 (2) Notwithstanding ss. 960.065(1) and 960.13 for crime
230 victim compensation awards, the department may award for any one
231 claim up to a maximum of \$50,000 to the surviving family members
232 of an emergency responder who, as a result of a crime, is killed

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233 answering a call for service in the line of duty.

234 (3) In determining the amount of an award:

235 (a) The department shall determine whether, because of his
236 or her conduct, the emergency responder contributed to his or
237 her death, and shall reduce the amount of the award or reject
238 the claim altogether in accordance with such determination.

239 (b) The department may disregard the contribution of the
240 emergency responder to his or her own death, as determined under
241 paragraph (a), when the record shows that such conduct occurred
242 in connection with the efforts of the emergency responder acting
243 as an intervenor as defined in s. 960.03.

244 (4) If two or more persons are entitled to an award under
245 this section, the award shall be apportioned among the claimants
246 at the discretion and direction of the department.

247 (5) An award under this section shall be reduced or denied
248 if the department has previously approved or paid out a claim
249 under s. 960.13 to the same victim or applicant regarding the
250 same incident. An award for victim compensation under s. 960.13
251 shall be denied if the department has previously approved or
252 paid out an emergency responder death benefits claim under this
253 section.

254 (6) The department may adopt rules that establish limits
255 below the amount set forth in subsection (2) and that establish
256 criteria governing awards pursuant to this section.

257 Section 16. This act shall take effect July 1, 2017.