

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 receive
5 funding from additional sources to defray costs
6 associated with the annual policy summit; amending s.
7 321.04, F.S.; requiring the Department of Highway
8 Safety and Motor Vehicles to assign highway patrol
9 officers to the Office of the Attorney General as
10 requested; amending ss. 501.203 and 501.204, F.S.;
11 updating references for purposes of the Florida
12 Deceptive and Unfair Trade Practices Act; amending s.
13 560.103, F.S.; revising the definition of "monetary
14 value" for purposes of regulation of money service
15 businesses; amending s. 736.0110, F.S.; specifying
16 that the Attorney General has standing to assert the
17 rights of a qualified beneficiary of a charitable
18 trust in certain proceedings; amending s. 736.1201,
19 F.S.; creating and revising definitions relating to
20 charitable trusts; amending ss. 736.1205, 736.1206,
21 736.1207, 736.1208, and 736.1209, F.S.; substituting
22 references to the Attorney General for the state
23 attorney in provisions relating to charitable trusts;
24 amending s. 741.403, F.S.; revising provisions
25 relating to an address confidentiality program for

26 certain persons acting as guardians to include certain
27 family members; amending s. 896.101, F.S.; defining
28 the term "virtual currency" for purposes of the
29 Florida Money Laundering Act; amending s. 960.03,
30 F.S.; revising definitions for purposes of crime
31 victim assistance; amending s. 960.16, F.S.; providing
32 that awards of emergency responder death benefits
33 under a specified provision are not subject to
34 subrogation; creating s. 960.194, F.S.; providing
35 definitions; providing for awards to the surviving
36 family members of first responders who, as a result of
37 a crime, are killed answering a call for service in
38 the line of duty; specifying considerations in the
39 determination of the amount of such an award;
40 providing for apportionment of awards in certain
41 circumstances; authorizing rulemaking for specified
42 purposes; providing for denial of benefits under
43 certain circumstances; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

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

49 16.617 Statewide Council on Human Trafficking; creation;
50 membership; duties.—

51 (3) ORGANIZATION AND SUPPORT.—

52 (d) The council may apply for and accept funds, grants,
 53 gifts, and services from the state, the Federal Government or
 54 any of its agencies, or any other public or private source for
 55 the purpose of defraying costs associated with the annual
 56 statewide policy summit.

57 Section 2. Subsection (4) of section 321.04, Florida
 58 Statutes, is renumbered as subsection (5), and a new subsection
 59 (4) is added to that section, to read:

60 321.04 Personnel of the highway patrol; rank
 61 classifications; probationary status of new patrol officers;
 62 subsistence; special assignments.—

63 (4) Upon request of the Attorney General, the Department
 64 of Highway Safety and Motor Vehicles shall assign one or more
 65 patrol officers to the Office of the Attorney General for
 66 security services.

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

69 501.203 Definitions.—As used in this chapter, unless the
 70 context otherwise requires, the term:

71 (3) "Violation of this part" means any violation of this
 72 act or the rules adopted under this act and may be based upon
 73 any of the following as of July 1, 2017 ~~2015~~;

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

76 (b) The standards of unfairness and deception set forth
 77 and interpreted by the Federal Trade Commission or the federal
 78 courts; or

79 (c) Any law, statute, rule, regulation, or ordinance which
 80 proscribes unfair methods of competition, or unfair, deceptive,
 81 or unconscionable acts or practices.

82 Section 4. Section 501.204, Florida Statutes, is amended
 83 to read:

84 501.204 Unlawful acts and practices.—

85 (1) Unfair methods of competition, unconscionable acts or
 86 practices, and unfair or deceptive acts or practices in the
 87 conduct of any trade or commerce are hereby declared unlawful.

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

94 Section 5. Subsection (21) of section 560.103, Florida
 95 Statutes, is amended to read:

96 560.103 Definitions.—As used in this chapter, the term:

97 (21) "Monetary value" means a medium of exchange, whether
 98 or not redeemable in currency, and includes mediums that are in
 99 electronic or digital form.

100 Section 6. Subsection (3) of section 736.0110, Florida

101 Statutes, is amended to read:

102 736.0110 Others treated as qualified beneficiaries.—

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

108 Section 7. Section 736.1201, Florida Statutes, is amended
 109 to read:

110 736.1201 Definitions.—As used in this part:

111 (1) "Charitable organization" means an organization
 112 described in s. 501(c)(3) of the Internal Revenue Code and
 113 exempt from tax under s. 501(a) of the Internal Revenue Code.

114 (2) "Delivery of notice" means delivery of a written
 115 notice required under this part by sending a copy by any
 116 commercial delivery service requiring a signed receipt or by any
 117 form of mail requiring a signed receipt.

118 (3)~~(2)~~ "Internal Revenue Code" means the Internal Revenue
 119 Code of 1986, as amended.

120 (4)~~(3)~~ "Private foundation trust" means a trust, including
 121 a trust described in s. 4947(a)(1) of the Internal Revenue Code,
 122 as defined in s. 509(a) of the Internal Revenue Code.

123 (5)~~(4)~~ "Split interest trust" means a trust for individual
 124 and charitable beneficiaries that is subject to the provisions
 125 of s. 4947(a)(2) of the Internal Revenue Code.

126 ~~(5) "State attorney" means the state attorney for the~~
 127 ~~judicial circuit of the principal place of administration of the~~
 128 ~~trust pursuant to s. 736.0108.~~

129 Section 8. Section 736.1205, Florida Statutes, is amended
 130 to read:

131 736.1205 Notice that this part does not apply.—In the case
 132 of a power to make distributions, if the trustee determines that
 133 the governing instrument contains provisions that are more
 134 restrictive than s. 736.1204(2), or if the trust contains other
 135 powers, inconsistent with ~~the provisions of~~ s. 736.1204(3) that
 136 specifically direct acts by the trustee, the trustee shall
 137 notify the Attorney General by delivery of notice ~~state attorney~~
 138 when the trust becomes subject to this part. Section 736.1204
 139 does not apply to any trust for which notice has been given
 140 pursuant to this section unless the trust is amended to comply
 141 with the terms of this part.

142 Section 9. Subsection (2) of section 736.1206, Florida
 143 Statutes, is amended to read:

144 736.1206 Power to amend trust instrument.—

145 (2) In the case of a charitable trust that is not subject
 146 to the provisions of subsection (1), the trustee may amend the
 147 governing instrument to comply with the provisions of s.
 148 736.1204(2) after delivery of notice to, and with the consent of
 149 the Attorney General ~~state attorney~~.

150 Section 10. Section 736.1207, Florida Statutes, is amended

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151 to read:

152 736.1207 Power of court to permit deviation.—This part
153 does not affect the power of a court to relieve a trustee from
154 any restrictions on the powers and duties that are placed on the
155 trustee by the governing instrument or applicable law for cause
156 shown and on complaint of the trustee, Attorney General ~~state~~
157 ~~attorney~~, or an affected beneficiary and notice to the affected
158 parties.

159 Section 11. Paragraph (b) of subsection (4) of section
160 736.1208, Florida Statutes, is amended to read:

161 736.1208 Release; property and persons affected; manner of
162 effecting.—

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

165 (b) If the release is accomplished by reducing the class
166 of permissible charitable organizations, by delivery of notice ~~a~~
167 ~~copy~~ of the release to the Attorney General, including a copy of
168 the release ~~state attorney~~.

169 Section 12. Section 736.1209, Florida Statutes, is amended
170 to read:

171 736.1209 Election to come under this part.—With the
172 consent of that organization or organizations, a trustee of a
173 trust for the benefit of a public charitable organization or
174 organizations may come under s. 736.1208(5) by delivery of
175 notice to the Attorney General of the ~~filing with the state~~

176 ~~attorney~~ an election, accompanied by the proof of required
177 consent. Thereafter the trust shall be subject to s.
178 736.1208(5).

179 Section 13. Section 741.403, Florida Statutes, is amended
180 to read:

181 741.403 Address confidentiality program; application;
182 certification.—

183 (1) An adult person, a parent or guardian acting on behalf
184 of a minor, or a guardian acting on behalf of a person
185 adjudicated incapacitated under chapter 744 may apply to the
186 Attorney General to have an address designated by the Attorney
187 General serve as the person's address or the address of the
188 minor or incapacitated person. To the extent possible within
189 funds appropriated for this purpose, the Attorney General shall
190 approve an application if it is filed in the manner and on the
191 form prescribed by the Attorney General and if it contains all
192 of the following:

193 (a) A sworn statement by the applicant that the applicant
194 has good reason to believe that the applicant, or the minor or
195 incapacitated person on whose behalf the application is made, is
196 a victim of domestic violence, and that the applicant fears for
197 his or her safety or his or her children's safety or the safety
198 of the minor or incapacitated person on whose behalf the
199 application is made.

200 (b) An applicant-approved list of all dependents and

201 household members residing with the applicant whose presence, if
202 disclosed or released, would endanger the safety of the
203 applicant.

204 (c)~~(b)~~ A designation of the Attorney General as agent for
205 purposes of service of process and for the purpose of receipt of
206 mail.

207 (d)~~(e)~~ The mailing address where the applicant can be
208 contacted by the Attorney General, and the phone number or
209 numbers where the applicant can be called by the Attorney
210 General.

211 (e)~~(d)~~ A statement that the new address or addresses that
212 the applicant requests must not be disclosed for the reason that
213 disclosure will increase the risk of domestic violence.

214 (f)~~(e)~~ The signature of the applicant and of any
215 individual or representative of any office designated in writing
216 under s. 741.408 who assisted in the preparation of the
217 application, and the date on which the applicant signed the
218 application.

219 (2) Applications must be filed with the Office of the
220 Attorney General. An application fee may not be charged.

221 (3) Upon filing a properly completed application, the
222 Attorney General shall certify the applicant as a program
223 participant. Applicants shall be certified for 4 years following
224 the date of filing unless the certification is withdrawn or
225 invalidated before that date. The Attorney General shall by rule

226 establish a renewal procedure.

227 (4) Dependents and household members are entitled to the
228 same rights and protections as the certified program participant
229 if they are approved by the certified program participant and
230 primarily reside at the certified program participant's address.

231 (5)~~(4)~~ A person who falsely attests in an application that
232 disclosure of the applicant's address would endanger the
233 applicant's safety or the safety of the applicant's children or
234 the minor or incapacitated person on whose behalf the
235 application is made, or who knowingly provides false or
236 incorrect information upon making an application, commits a
237 misdemeanor of the second degree, punishable as provided in s.
238 775.082 or s. 775.083.

239 (6)~~(5)~~ Any person who attempts to gain access to a program
240 participant's actual address through fraud commits a felony of
241 the third degree, punishable as provided in s. 775.082, s.
242 775.083, or s. 775.084.

243 (7)~~(6)~~ Any person who knowingly enters the address
244 confidentiality program to evade prosecution of criminal laws or
245 civil liability commits a felony of the third degree, punishable
246 as provided in s. 775.082, s. 775.083, or s. 775.084.

247 Section 14. Subsection (2) of section 896.101, Florida
248 Statutes, is amended and reordered, to read:

249 896.101 Florida Money Laundering Act; definitions;
250 penalties; injunctions; seizure warrants; immunity.—

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

252 (a)~~(b)~~ "Conducts" includes initiating, concluding, or
253 participating in initiating or concluding a transaction.

254 (b)~~(f)~~ "Financial institution" means a financial
255 institution as defined in 31 U.S.C. s. 5312 which institution is
256 located in this state.

257 (c)~~(d)~~ "Financial transaction" means a transaction
258 involving the movement of funds by wire or other means or
259 involving one or more monetary instruments, which in any way or
260 degree affects commerce, or a transaction involving the transfer
261 of title to any real property, vehicle, vessel, or aircraft, or
262 a transaction involving the use of a financial institution which
263 is engaged in, or the activities of which affect, commerce in
264 any way or degree.

265 (d)~~(h)~~ "Knowing" means that a person knew; or, with
266 respect to any transaction or transportation involving more than
267 \$10,000 in U.S. currency or foreign equivalent, should have
268 known after reasonable inquiry, unless the person has a duty to
269 file a federal currency transaction report, IRS Form 8300, or a
270 like report under state law and has complied with that reporting
271 requirement in accordance with law.

272 (e)~~(a)~~ "Knowing that the property involved in a financial
273 transaction represents the proceeds of some form of unlawful
274 activity" means that the person knew the property involved in
275 the transaction represented proceeds from some form, though not

276 necessarily which form, of activity that constitutes a felony
277 under state or federal law, regardless of whether or not such
278 activity is specified in paragraph (h) ~~(g)~~.

279 (f) ~~(e)~~ "Monetary instruments" means coin or currency of
280 the United States or of any other country, travelers' checks,
281 personal checks, bank checks, money orders, investment
282 securities in bearer form or otherwise in such form that title
283 thereto passes upon delivery, and negotiable instruments in
284 bearer form or otherwise in such form that title thereto passes
285 upon delivery.

286 (g) ~~(i)~~ "Petitioner" means any local, county, state, or
287 federal law enforcement agency; the Attorney General; any state
288 attorney; or the statewide prosecutor.

289 (h) ~~(g)~~ "Specified unlawful activity" means any
290 "racketeering activity" as defined in s. 895.02.

291 (i) ~~(e)~~ "Transaction" means a purchase, sale, loan, pledge,
292 gift, transfer, delivery, or other disposition, and with respect
293 to a financial institution includes a deposit, withdrawal,
294 transfer between accounts, exchange of currency, loan, extension
295 of credit, purchase or sale of any stock, bond, certificate of
296 deposit, or other monetary instrument, use of a safety deposit
297 box, or any other payment, transfer, or delivery by, through, or
298 to a financial institution, by whatever means effected.

299 (j) "Virtual currency" means a medium of exchange in
300 electronic or digital format that is not a coin or currency of

301 the United States or any other country.

302 Section 15. Paragraph (f) is added to subsection (3) of
303 section 960.03, Florida Statutes, paragraphs (c) and (d) of
304 subsection (14) of that section are amended, and paragraph (e)
305 is added to that subsection, to read:

306 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
307 960.01-960.28, unless the context otherwise requires, the term:

308 (3) "Crime" means:

309 (f) A felony or misdemeanor that results in the death of
310 an emergency responder, as defined in and solely for the
311 purposes of s. 960.194, while answering a call for service in
312 the line of duty, notwithstanding paragraph (c).

313 (14) "Victim" means:

314 (c) A person younger than 18 years of age who was the
315 victim of a felony or misdemeanor offense of child abuse that
316 resulted in a mental injury as defined by s. 827.03 but who was
317 not physically injured; ~~or~~

318 (d) A person against whom a forcible felony was committed
319 and who suffers a psychiatric or psychological injury as a
320 direct result of that crime but who does not otherwise sustain a
321 personal physical injury or death; or

322 (e) An emergency responder, as defined in and solely for
323 the purposes of s. 960.194, who is killed answering a call for
324 service in the line of duty.

325 Section 16. Section 960.16, Florida Statutes, is amended

326 to read:

327 960.16 Subrogation.—Except for an award under s. 960.194,
328 payment of an award pursuant to this chapter shall subrogate the
329 state, to the extent of such payment, to any right of action
330 accruing to the claimant or to the victim or intervenor to
331 recover losses directly or indirectly resulting from the crime
332 with respect to which the award is made. Causes of action which
333 shall be subrogated under this section include, but are not
334 limited to, any claim for compensation under any insurance
335 provision, including an uninsured motorist provision, when such
336 claim seeks to recover losses directly or indirectly resulting
337 from the crime with respect to which the award is made.

338 Section 17. Section 960.194, Florida Statutes, is created
339 to read:

340 960.194 Emergency responder death benefits.—

341 (1) For the purposes of this section, the term:

342 (a) "Call for service" means actively performing official
343 duties, including the identification, prevention, or enforcement
344 of the penal, traffic, or highway laws of this state, traveling
345 to the scene of an emergency situation, and performing those
346 functions for which the emergency responder has been trained and
347 certified to perform.

348 (b) "Emergency responder" means a law enforcement officer,
349 a firefighter, an emergency medical technician, or paramedic.

350 (c) "Emergency medical technician" has the same meaning as

351 provided in s. 401.23.

352 (d) "Firefighter" has the same meaning as provided in s.
353 633.102.

354 (e) "Law enforcement officer" has the same meaning as
355 provided in s. 943.10.

356 (f) "Paramedic" has the same meaning as provided in s.
357 401.23.

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

361 (2) Notwithstanding s. 960.065(1) and s. 960.13, the
362 department may award for any one claim up to a maximum of
363 \$50,000, to the surviving family members of an emergency
364 responder who, as a result of a crime, is killed answering a
365 call for service in the line of duty.

366 (3) In determining the amount of an award, the department
367 shall determine whether, because of his or her conduct, the
368 emergency responder contributed to his or her death, and the
369 department shall reduce the amount of the award or reject the
370 claim altogether, in accordance with such determination.

371 However, the department may disregard the contribution of the
372 emergency responder to his or her own death when the record
373 shows that such contribution was attributed to efforts by the
374 emergency responder acting as an intervenor as defined in s.
375 960.03.

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376 (4) If there are two or more persons entitled to an award
377 pursuant to this section for the same incident, the award shall
378 be apportioned among the claimants at the discretion and
379 direction of the department.

380 (5) The department may adopt rules that establish award
381 limits below the amount set forth in subsection (2) and
382 establish criteria governing awards pursuant to this section.

383 (6) An award pursuant to this section shall be reduced or
384 denied if the department has previously approved or paid out a
385 claim under s. 960.13 to the same claimant regarding the same
386 incident. An award for victim compensation under s. 960.13 shall
387 be denied if the department has previously approved or paid out
388 an emergency responder death benefits claim under this section.

389 Section 18. This act shall take effect July 1, 2017.