



214888

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 102 - 210

and insert:

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

736.0110 Others treated as qualified beneficiaries.—

(3) The Attorney General may assert the rights of a qualified beneficiary with respect to a charitable trust having its principal place of administration in this state. The



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11 Attorney General has standing to assert such rights in any  
12 judicial proceeding.

13 Section 6. Present subsections (2), (3), and (4) of section  
14 736.1201, Florida Statutes, are redesignated as subsections (3),  
15 (4), and (5), respectively, a new subsection (2) is added to  
16 that section, and present subsection (5) of that section is  
17 amended, to read:

18 736.1201 Definitions.—As used in this part:

19 (2) "Delivery of notice" means delivery of a written notice  
20 required under this part by sending a copy by any commercial  
21 delivery service requiring a signed receipt or by any form of  
22 mail requiring a signed receipt.

23 ~~(5) "State attorney" means the state attorney for the~~  
24 ~~judicial circuit of the principal place of administration of the~~  
25 ~~trust pursuant to s. 736.0108.~~

26 Section 7. Section 736.1205, Florida Statutes, is amended  
27 to read:

28 736.1205 Notice that this part does not apply.—In the case  
29 of a power to make distributions, if the trustee determines that  
30 the governing instrument contains provisions that are more  
31 restrictive than s. 736.1204(2), or if the trust contains other  
32 powers, inconsistent with the provisions of s. 736.1204(3) that  
33 specifically direct acts by the trustee, the trustee shall  
34 notify the ~~state~~ Attorney General when the trust becomes subject  
35 to this part. Section 736.1204 does not apply to any trust for  
36 which notice has been given pursuant to this section unless the  
37 trust is amended to comply with the terms of this part.

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



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40 736.1206 Power to amend trust instrument.-

41 (2) In the case of a charitable trust that is not subject  
42 to ~~the provisions of~~ subsection (1), the trustee may amend the  
43 governing instrument to comply with ~~the provisions of~~ s.  
44 736.1204(2) after delivery of notice to, and with the consent  
45 of, the ~~state~~ Attorney General.

46 Section 9. Section 736.1207, Florida Statutes, is amended  
47 to read:

48 736.1207 Power of court to permit deviation.—This part does  
49 not affect the power of a court to relieve a trustee from any  
50 restrictions on the powers and duties that are placed on the  
51 trustee by the governing instrument or applicable law for cause  
52 shown and on complaint of the trustee, ~~state~~ Attorney General,  
53 or an affected beneficiary and notice to the affected parties.

54 Section 10. Paragraph (b) of subsection (4) of section  
55 736.1208, Florida Statutes, is amended to read:

56 736.1208 Release; property and persons affected; manner of  
57 effecting.—

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

59 (b) If the release is accomplished by reducing the class of  
60 permissible charitable organizations, by delivery of notice a  
61 copy of the release to the ~~state~~ Attorney General including a  
62 copy of the release.

63 Section 11. Section 736.1209, Florida Statutes, is amended  
64 to read:

65 736.1209 Election to come under this part.—With the consent  
66 of that organization or organizations, a trustee of a trust for  
67 the benefit of a public charitable organization or organizations  
68 may come under s. 736.1208(5) by delivery of notice to filing



69 ~~with the state~~ Attorney General of the an election, accompanied  
70 by the proof of required consent. Thereafter the trust shall be  
71 subject to s. 736.1208(5).

72 Section 12. Paragraph (e) of subsection (2) of section  
73 896.101, Florida Statutes, is amended, and a new paragraph (j)  
74 is added to that subsection to read:

75 896.101 Florida Money Laundering Act; definitions;  
76 penalties; injunctions; seizure warrants; immunity.-

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

78 (e) "Monetary instruments" means coin or currency of the  
79 United States or of any other country, virtual currency,  
80 travelers' checks, personal checks, bank checks, money orders,  
81 investment securities in bearer form or otherwise in such form  
82 that title thereto passes upon delivery, and negotiable  
83 instruments in bearer form or otherwise in such form that title  
84 thereto passes upon delivery.

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

88  
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 14 - 42

92 and insert:

93 revising legislative intent; amending s. 736.0110,  
94 F.S.; providing that the Attorney General has standing  
95 to assert the rights of certain qualified  
96 beneficiaries in judicial proceedings; amending s.  
97 736.1201, F.S.; defining the term "delivery of



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98 notice"; deleting the term "state attorney"; amending  
99 s. 736.1205, F.S.; requiring a trustee to provide a  
100 specified notice to the Attorney General rather than  
101 the state attorney; amending s. 736.1206, F.S.;  
102 revising the conditions under which a trustee may  
103 amend the governing instrument of a specified  
104 charitable trust to comply with specified provisions  
105 of ch. 736, F.S.; amending s. 736.1207, F.S.;  
106 conforming a term; amending s. 736.1208, F.S.;  
107 revising the manner in which delivery of a release is  
108 accomplished; conforming provisions to changes made by  
109 the act; amending s. 736.1209, F.S.; revising  
110 requirements for a trustee of a specified trust who  
111 elects to be operated exclusively for the benefit of,  
112 and be supervised by, the specified public charitable  
113 organization or organizations; amending s. 896.101,  
114 F.S.; amending the term "monetary instruments";  
115 defining the term "virtual currency";