

By 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. 560.103,  
15          F.S.; redefining the term "monetary value"; amending  
16          s. 736.0110, F.S.; providing that the Attorney General  
17          has standing to assert the rights of certain qualified  
18          beneficiaries in judicial proceedings; amending s.  
19          736.1201, F.S.; defining the term "delivery of  
20          notice"; deleting the term "state attorney"; amending  
21          s. 736.1205, F.S.; requiring a trustee to provide a  
22          specified notice to the Attorney General rather than  
23          the state attorney; amending s. 736.1206, F.S.;  
24          revising the conditions under which a trustee may  
25          amend the governing instrument of a specified  
26          charitable trust to comply with specified provisions  
27          of ch. 736, F.S.; amending s. 736.1207, F.S.;  
28          conforming a term; amending s. 736.1208, F.S.;  
29          revising the manner in which delivery of a release is

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30 accomplished; conforming provisions to changes made by  
31 the act; amending s. 736.1209, F.S.; revising  
32 requirements for a trustee of a specified trust who  
33 elects to be operated exclusively for the benefit of,  
34 and be supervised by, the specified public charitable  
35 organization or organizations; amending s. 741.403,  
36 F.S.; revising application requirements for the  
37 designation of an address by the Attorney General  
38 which serves as the address of a person adjudicated  
39 incapacitated; requiring dependents and household  
40 members to be entitled to certain rights and  
41 protections under certain circumstances; amending s.  
42 896.101, F.S.; defining the term "virtual currency";  
43 amending s. 960.03, F.S.; revising definitions;  
44 amending s. 960.16, F.S.; providing an exception to a  
45 subrogation requirement for awards; creating s.  
46 960.201, F.S.; defining terms; authorizing the  
47 Department of Legal Affairs to award the surviving  
48 family of members of an emergency responder who is  
49 killed under specified circumstances up to a specified  
50 amount; specifying requirements to determine the award  
51 amount; requiring apportionment of the award among  
52 several claimants under certain circumstances;  
53 requiring an award to be reduced or denied by the  
54 department under certain circumstances; authorizing  
55 rulemaking; providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Paragraph (d) is added to subsection (3) of  
60 section 16.617, Florida Statutes, to read:

61 16.617 Statewide Council on Human Trafficking; creation;  
62 membership; duties.—

63 (3) ORGANIZATION AND SUPPORT.—

64 (d) The council may apply for and accept funds, grants,  
65 gifts, and services from the state, the Federal Government or  
66 any of its agencies, or any other public or private source for  
67 the purpose of defraying costs associated with the annual  
68 statewide policy summit.

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

72 321.04 Personnel of the highway patrol; rank  
73 classifications; probationary status of new patrol officers;  
74 subsistence; special assignments.—

75 (4) Upon request of the Attorney General, the Department of  
76 Highway Safety and Motor Vehicles shall assign one or more  
77 patrol officers to the Office of the Attorney General for  
78 security services.

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

81 501.203 Definitions.—As used in this chapter, unless the  
82 context otherwise requires, the term:

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

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

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88 (b) The standards of unfairness and deception set forth and  
89 interpreted by the Federal Trade Commission or the federal  
90 courts; or

91 (c) Any law, statute, rule, regulation, or ordinance which  
92 proscribes unfair methods of competition, or unfair, deceptive,  
93 or unconscionable acts or practices.

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

96 501.204 Unlawful acts and practices.—

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

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

104 560.103 Definitions.—As used in this chapter, the term:

105 (21) "Monetary value" means a medium of exchange,  
106 regardless of whether ~~or not~~ redeemable in currency, and  
107 includes mediums that are in electronic or digital format.

108 Section 6. Subsection (3) of section 736.0110, Florida  
109 Statutes, is amended to read:

110 736.0110 Others treated as qualified beneficiaries.—

111 (3) The Attorney General may assert the rights of a  
112 qualified beneficiary with respect to a charitable trust having  
113 its principal place of administration in this state. The  
114 Attorney General has standing to assert such rights in any  
115 judicial proceeding.

116 Section 7. Present subsections (2), (3), and (4) of section

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117 736.1201, Florida Statutes, are redesignated as subsections (3),  
118 (4), and (5), respectively, a new subsection (2) is added to  
119 that section, and present subsection (5) of that section is  
120 amended, to read:

121 736.1201 Definitions.—As used in this part:

122 (2) "Delivery of notice" means delivery of a written notice  
123 required under this part by sending a copy by any commercial  
124 delivery service requiring a signed receipt or by any form of  
125 mail requiring a signed receipt.

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 ~~state~~ Attorney General when the trust becomes subject  
138 to this part. Section 736.1204 does not apply to any trust for  
139 which notice has been given pursuant to this section unless the  
140 trust is amended to comply with the terms of this part.

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

143 736.1206 Power to amend trust instrument.—

144 (2) In the case of a charitable trust that is not subject  
145 to ~~the provisions of~~ subsection (1), the trustee may amend the

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146 governing instrument to comply with ~~the provisions of~~ s.  
147 736.1204(2) after delivery of notice to, and with the consent  
148 of, the ~~state~~ Attorney General.

149 Section 10. Section 736.1207, Florida Statutes, is amended  
150 to read:

151 736.1207 Power of court to permit deviation.—This part does  
152 not affect the power of a court to relieve a trustee from any  
153 restrictions on the powers and duties that are placed on the  
154 trustee by the governing instrument or applicable law for cause  
155 shown and on complaint of the trustee, ~~state~~ Attorney General,  
156 or an affected beneficiary and notice to the affected parties.

157 Section 11. Paragraph (b) of subsection (4) of section  
158 736.1208, Florida Statutes, is amended to read:

159 736.1208 Release; property and persons affected; manner of  
160 effecting.—

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

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

166 Section 12. Section 736.1209, Florida Statutes, is amended  
167 to read:

168 736.1209 Election to come under this part.—With the consent  
169 of that organization or organizations, a trustee of a trust for  
170 the benefit of a public charitable organization or organizations  
171 may come under s. 736.1208(5) by delivery of notice to filing  
172 ~~with~~ the ~~state~~ Attorney General of the an election, accompanied  
173 by the proof of required consent. Thereafter the trust shall be  
174 subject to s. 736.1208(5).

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175 Section 13. Present paragraphs (b) through (e) of  
176 subsection (1) of section 741.403, Florida Statutes, are  
177 redesignated as paragraphs (c) through (f), respectively, a new  
178 paragraph (b) is added to that subsection, present subsections  
179 (4), (5), and (6) of that section are redesignated as  
180 subsections (5), (6), and (7), respectively, and a new  
181 subsection (4) is added to that section, to read:

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

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

194 (b) An applicant-approved list of all dependents and  
195 household members residing with the applicant whose presence, if  
196 disclosed or released, would endanger the safety of the  
197 applicant.

198 (4) Dependents and household members of the certified  
199 program participant are entitled to the same rights and  
200 protections as the certified program participant as long as they  
201 are approved by the certified program participant and primarily  
202 reside at the certified program participant's address.

203 Section 14. Paragraph (j) is added to subsection (2) of

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204 section 896.101, Florida Statutes, to read:

205 896.101 Florida Money Laundering Act; definitions;  
206 penalties; injunctions; seizure warrants; immunity.—

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

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

211 Section 15. Paragraph (f) is added to subsection (3) of  
212 section 960.03, Florida Statutes, and paragraph (e) is added to  
213 subsection (14) of that section, to read:

214 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
215 960.01-960.28, unless the context otherwise requires, the term:

216 (3) "Crime" means:

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

221 (14) "Victim" means:

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

225 Section 16. Section 960.16, Florida Statutes, is amended to  
226 read:

227 960.16 Subrogation.—Except for an award made under s.  
228 960.201, payment of an award pursuant to this chapter shall  
229 subrogate the state, to the extent of such payment, to any right  
230 of action accruing to the claimant or to the victim or  
231 intervenor to recover losses directly or indirectly resulting  
232 from the crime with respect to which the award is made. Causes



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233 of action which shall be subrogated under this section include,  
234 but are not limited to, any claim for compensation under any  
235 insurance provision, including an uninsured motorist provision,  
236 when such claim seeks to recover losses directly or indirectly  
237 resulting from the crime with respect to which the award is  
238 made.

239 Section 17. Section 960.201, Florida Statutes, is created  
240 to read:

241 960.201 Emergency responder death benefits.-

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

243 (a) "Answering a call for service" means actively  
244 performing official duties that include the identification,  
245 prevention, or enforcement of the penal, traffic, or highway  
246 laws of this state; and include traveling to the scene of an  
247 emergency situation and upon arrival performing those functions  
248 that the emergency responder has been trained and certified to  
249 perform.

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

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

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

255 (e) "Law enforcement officer" has the same meaning as in s.  
256 943.10(1).

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

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

261 (2) Notwithstanding ss. 960.065(1) and 960.13 for crime

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262 victim compensation awards, the department may award for any one  
263 claim up to a maximum of \$50,000 to the surviving family members  
264 of an emergency responder who, as a result of a crime, is killed  
265 answering a call for service in the line of duty.

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

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

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

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

279 (5) An award under this section shall be reduced or denied  
280 if the department has previously approved or paid out a claim  
281 under s. 960.13 to the same victim or applicant regarding the  
282 same incident. An award for victim compensation under s. 960.13  
283 shall be denied if the department has previously approved or  
284 paid out an emergency responder death benefits claim under this  
285 section.

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

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