

1                                   A bill to be entitled  
 2           An act relating to the Florida Trust Code; amending s.  
 3           736.0110, F.S.; providing that the Attorney General  
 4           has exclusive standing to assert certain rights of  
 5           beneficiaries of charitable trusts in any judicial  
 6           proceeding within this state or elsewhere; prohibiting  
 7           certain public officers of another state from  
 8           asserting such rights; amending s. 736.0106, F.S.;  
 9           conforming provisions to changes made by the act;  
 10          amending s. 736.0405, F.S.; providing construction;  
 11          reenacting s. 738.303(2)(b) and (d), F.S., relating to  
 12          authority of a fiduciary, to incorporate the amendment  
 13          made to s. 736.0110, F.S., in references thereto;  
 14          providing an effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

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 18           **Section 1. Subsection (3) of section 736.0110, Florida**  
 19 **Statutes, is amended to read:**

20           736.0110 Others treated as qualified beneficiaries.—  
 21           (3) (a) The Attorney General may assert the rights of a  
 22           qualified beneficiary with respect to a charitable trust having  
 23           its principal place of administration in this state. The  
 24           Attorney General has standing to assert such rights in any  
 25           judicial proceedings.

26        (b) The Attorney General has exclusive standing to assert  
 27 such rights in any judicial proceedings within this state or  
 28 elsewhere. Such standing extends to all matters relating to the  
 29 administration of such charitable trust, including and without  
 30 limitation, contract and trust law claims relating to charitable  
 31 distributions and the exercise of trustee powers. The Attorney  
 32 General of another state or any other public officer of another  
 33 state does not have standing to assert such rights.

34        **Section 2. Section 736.0106, Florida Statutes, is amended**  
 35 **to read:**

36        736.0106 Common law of trusts; principles of equity.—The  
 37 common law of trusts and principles of equity supplement this  
 38 code, except to the extent modified by this code or another law  
 39 of this state, including, but not limited to, s. 736.0110(3).

40        **Section 3. Subsection (3) of section 736.0405, Florida**  
 41 **Statutes, is amended to read:**

42        736.0405 Charitable purposes; enforcement.—

43        (3) The settlor of a charitable trust, among others, has  
 44 standing to enforce the trust. This subsection may not be  
 45 construed to afford standing to the Attorney General of any  
 46 other state, or another public officer of another state, with  
 47 respect to any charitable trust having its principal place of  
 48 administration in this state.

49        **Section 4.** For the purpose of incorporating the amendment  
 50 made by this act to section 736.0110, Florida Statutes, in

51 references thereto, paragraphs (b) and (d) of subsection (2) of  
52 section 738.303, Florida Statutes, are reenacted to read:

53 738.303 Authority of fiduciary.—

54 (2) A fiduciary may take an action under subsection (1) if  
55 all of the following apply:

56 (b) The fiduciary sends a notice in a record to the  
57 qualified beneficiaries determined under ss. 736.0103 and  
58 736.0110 in the manner required by s. 738.304, describing and  
59 proposing to take the action.

60 (d) At least one member of each class of the qualified  
61 beneficiaries determined under ss. 736.0103 and 736.0110, other  
62 than the Attorney General, receiving the notice under paragraph

63 (b) is:

- 64 1. If an individual, legally competent;
- 65 2. If not an individual, in existence; or
- 66 3. Represented in the manner provided in s. 738.304(2).

67 **Section 5.** This act shall take effect upon becoming a law.