A bill to be entitled
An act relating to the Department of Legal Affairs;
amending s. 16.617, F.S.; authorizing the Statewide
Council on Human Trafficking to apply for and accept
funds, grants, gifts, and services from various
governmental entities or any other public or private
source for a specified purpose; amending s. 321.04,
F.S.; requiring the Department of Highway Safety and
Motor Vehicles to assign one or more patrol officers
to the Office of the Attorney General for security
services upon request of the Attorney General;
amending s. 501.203, F.S.; redefining the term
“violation of this part”; amending s. 501.204, F.S.;
revising legislative intent; amending s. 736.0110,
F.S.; providing that the Attorney General has standing
to assert the rights of certain qualified
beneficiaries in judicial proceedings; amending s.
736.1201, F.S.; defining the term “delivery of
notice”; deleting the term “state attorney”; amending
s. 736.1205, F.S.; requiring a trustee to provide a
specified notice to the Attorney General rather than
the state attorney; amending s. 736.1206, F.S.;
revising the conditions under which a trustee may
amend the governing instrument of a specified
charitable trust to comply with specified provisions
of ch. 736, F.S.; amending s. 736.1207, F.S.;
conforming a term; amending s. 736.1208, F.S.;
revising the manner in which delivery of a release is
accomplished; conforming provisions to changes made by
the act; amending s. 736.1209, F.S.; revising requirements for a trustee of a specified trust who elects to be operated exclusively for the benefit of, and be supervised by, the specified public charitable organization or organizations; amending s. 896.101, F.S.; amending the term “monetary instruments”; defining the term “virtual currency”; amending s. 960.03, F.S.; revising definitions; amending s. 960.16, F.S.; providing an exception to a subrogation requirement for awards; creating s. 960.201, F.S.; defining terms; authorizing the Department of Legal Affairs to award the surviving family of members of an emergency responder who is killed under specified circumstances up to a specified amount; specifying requirements to determine the award amount; requiring apportionment of the award among several claimants under certain circumstances; requiring an award to be reduced or denied by the department under certain circumstances; authorizing rulemaking; providing an effective date.

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

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

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

(3) ORGANIZATION AND SUPPORT.—

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

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

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

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

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

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

(3) “Violation of this part” means any violation of this
act or the rules adopted under this act and may be based upon
any of the following as of July 1, 2015:

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
Section 4. Subsection (2) of section 501.204, Florida Statutes, is amended to read:

501.204 Unlawful acts and practices.—
(2) It is the intent of the Legislature that, in construing subsection (1), due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to s. 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2017.

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

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

736.1201 Definitions.—As used in this part:
(2) “Delivery of notice” means delivery of a written notice required under this part by sending a copy by any commercial delivery service requiring a signed receipt or by any form of mail requiring a signed receipt.
(5) “State attorney” means the state attorney for the judicial circuit of the principal place of administration of the trust pursuant to s. 736.0108.
Section 7. Section 736.1205, Florida Statutes, is amended to read:

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

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

736.1206 Power to amend trust instrument.—

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

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
736.1208, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

(e) “Monetary instruments” means coin or currency of the United States or of any other country, virtual currency, travelers’ checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title
thereto passes upon delivery.

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

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

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

(3) “Crime” means:

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

(14) “Victim” means:

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

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

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

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

960.201 Emergency responder death benefits.—
(1) As used in this section, the term:
(a) “Answering a call for service” means actively
performing official duties that include the identification,
prevention, or enforcement of the penal, traffic, or highway
laws of this state; and include traveling to the scene of an
emergency situation and upon arrival performing those functions
that the emergency responder has been trained and certified to
perform.
(b) “Emergency medical technician” has the same meaning as
in s. 401.23(11).
(c) “Emergency responder” means a law enforcement officer,
a firefighter, or an emergency medical technician or paramedic.
(d) “Firefighter” has the same meaning as in s. 633.102(9).
(e) “Law enforcement officer” has the same meaning as in s.
943.10(1).
(f) “Paramedic” has the same meaning as in s. 401.23(17).
(g) “Surviving family members of an emergency responder”
means the surviving spouse, children, parents or guardian, or
siblings of a deceased emergency responder.

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

(3) In determining the amount of an award:

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

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

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

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

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

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