

By the Committee on Transportation & Economic Development
 Appropriations and Representative Merchant

1 A bill to be entitled
 2 An act relating to trust funds; amending s.
 3 932.705, F.S.; creating the Federal Law
 4 Enforcement Trust Fund within the Department of
 5 Highway Safety and Motor Vehicles; providing
 6 for sources of funds; exempting the trust fund
 7 from various service charges; providing for
 8 annual carryforward of funds; providing for
 9 future review and termination or re-creation of
 10 the trust fund; amending ss. 895.09 and
 11 932.7055, F.S., relating to duties of various
 12 agencies with respect to the deposit of certain
 13 moneys, to conform; providing an effective
 14 date.

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

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 18 Section 1. Section 932.705, Florida Statutes, is
 19 amended to read:

20 932.705 Law enforcement trust funds ~~Fund~~; Department
 21 of Highway Safety and Motor Vehicles deposits.--

22 (1)(a) There is created the Law Enforcement Trust Fund
 23 into which the Department of Highway Safety and Motor Vehicles
 24 may deposit revenues received as a result of ~~state or federal~~
 25 criminal proceedings or forfeiture proceedings, other than
 26 revenues deposited into the department's Federal Law
 27 Enforcement Trust Fund under paragraph (b).

28 (b)1. There is created the Federal Law Enforcement
 29 Trust Fund into which the Department of Highway Safety and
 30 Motor Vehicles may deposit receipts and revenues received as a
 31 result of federal criminal, administrative, or civil

1 forfeiture proceedings and receipts and revenues received from
2 federal asset-sharing programs. The trust fund is exempt from
3 the service charges imposed by s. 215.20.

4 2. Notwithstanding the provisions of s. 216.301 and
5 pursuant to s. 216.351, any balance in the trust fund at the
6 end of any fiscal year shall remain in the trust fund at the
7 end of that year and shall be available for carrying out the
8 purposes of the trust fund.

9 3. Pursuant to the provisions of s. 19(f)(2), Art. III
10 of the State Constitution, the trust fund shall, unless
11 terminated sooner, be terminated on July 1, 2002.

12 (2) Each trust fund listed in subsection (1) which is
13 subject to termination pursuant to the provisions of s.
14 19(f)(2), Art. III of the State Constitution shall be reviewed
15 prior to its scheduled termination as provided in s.
16 215.3206(1) and (2).

17 Section 2. Paragraphs (a) and (c) of subsection (2) of
18 section 895.09, Florida Statutes, are amended to read:

19 895.09 Disposition of funds obtained through
20 forfeiture proceedings.--

21 (2)(a) Following satisfaction of all valid claims
22 under subsection (1), 25 percent of the remainder of the funds
23 obtained in the forfeiture proceedings pursuant to s. 895.05
24 shall be deposited as provided in paragraph (b) into the
25 appropriate trust fund of the Department of Legal Affairs or
26 state attorney's office which filed the civil forfeiture
27 action; 25 percent shall be deposited as provided in paragraph
28 (c) into the applicable law enforcement trust fund of the
29 investigating law enforcement agency conducting the
30 investigation which resulted in or significantly contributed
31 to the forfeiture of the property; 25 percent shall be

1 deposited as provided in paragraph (d) in the Substance Abuse
2 Trust Fund of the Department of Health and Rehabilitative
3 Services; and the remaining 25 percent shall be deposited in
4 the Forfeited Property Trust Fund of the Department of
5 Environmental Protection. When a forfeiture action is filed by
6 the Department of Legal Affairs or a state attorney, the court
7 entering the judgment of forfeiture shall, taking into account
8 the overall effort and contribution to the investigation and
9 forfeiture action by the agencies that filed the action, make
10 a pro rata apportionment among such agencies of the funds
11 available for distribution to the agencies filing the action
12 as provided in this section. If multiple investigating law
13 enforcement agencies have contributed to the forfeiture of the
14 property, the court which entered the judgment of forfeiture
15 shall, taking into account the overall effort and contribution
16 of the agencies to the investigation and forfeiture action,
17 make a pro rata apportionment among such investigating law
18 enforcement agencies of the funds available for distribution
19 to the investigating agencies as provided in this section.

20 (c) Any funds distributed to an investigating law
21 enforcement agency under paragraph (a) shall be deposited in
22 the applicable ~~special~~ law enforcement trust fund established
23 for that agency pursuant to s. 932.7055 and expended for the
24 purposes and in the manner authorized in that section. In
25 addition, any funds distributed to an investigating law
26 enforcement agency pursuant to this section may be used to pay
27 the costs of investigations of violations of this chapter and
28 the criminal prosecutions and civil actions related thereto,
29 pursuant to s. 932.7055. Such costs may include all taxable
30 costs; costs of protecting, maintaining, and forfeiting the
31 property; employees' base salaries and compensation for

1 overtime; and such other costs directly attributable to the
2 investigation, prosecution, or civil action.

3 Section 3. Paragraph (d) of subsection (5) of section
4 932.7055, Florida Statutes, is amended to read:

5 932.7055 Disposition of liens and forfeited
6 property.--

7 (5) If the seizing agency is a state agency, all
8 remaining proceeds shall be deposited into the General Revenue
9 Fund. However, if the seizing agency is:

10 (d) The Department of Highway Safety and Motor
11 Vehicles, the proceeds accrued pursuant to the Florida
12 Contraband Forfeiture Act shall be deposited into the
13 Department of Highway Safety and Motor Vehicles Law
14 Enforcement Trust Fund as provided in s. 932.705(1)(a) or into
15 the department's Federal Law Enforcement Trust Fund as
16 provided in s. 932.705(1)(b), as applicable.

17 Section 4. This act shall take effect July 1 of the
18 year in which enacted.

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21 HOUSE SUMMARY

22 Creates the Federal Law Enforcement Trust Fund within the
23 Department of Highway Safety and Motor Vehicles. Provides
24 for sources of funds therein, and exempts the trust fund
25 from various service charges. Provides for annual
26 carryforward of funds in the trust fund. Provides for
27 future review and termination or re-creation of the trust
28 fund.
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