

By the Committee on General Government Appropriations and Representative K. Pruitt

1 A bill to be entitled
2 An act relating to trust funds; creating s.
3 20.2553, F.S.; creating the Federal Law
4 Enforcement Trust Fund within the Department of
5 Environmental Protection; providing for sources
6 of funds; exempting the trust fund from various
7 service charges; providing for annual
8 carryforward of funds; providing for future
9 review and termination or re-creation of the
10 trust fund; amending ss. 370.021, 370.061, and
11 932.7055, F.S., relating to duties of the
12 department with respect to the deposit of
13 certain moneys, to conform; providing an
14 effective 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 20.2553, Florida Statutes, is
19 created to read:

20 20.2553 Federal Law Enforcement Trust Fund.--
21 (1) The Federal Law Enforcement Trust Fund is created
22 within the Department of Environmental Protection. The
23 department may deposit into the trust fund receipts and
24 revenues received as a result of federal criminal,
25 administrative, or civil forfeiture proceedings and receipts
26 and revenues received from federal asset-sharing programs. The
27 trust fund is exempt from the service charges imposed by s.
28 215.20.

29 (2) Notwithstanding the provisions of s. 216.301 and
30 pursuant to s. 216.351, any balance in the trust fund at the
31 end of any fiscal year shall remain in the trust fund at the

1 end of the year and shall be available for carrying out the
2 purposes of the trust fund.

3 (3) Pursuant to the provisions of s. 19(f)(2), Art.
4 III of the State Constitution, the trust fund shall, unless
5 terminated sooner, be terminated on July 1, 2002. Prior to its
6 scheduled termination, the trust fund shall be reviewed as
7 provided in s. 215.3206(1) and (2).

8 Section 2. Paragraph (d) of subsection (2) of section
9 370.021, Florida Statutes, is amended to read:

10 370.021 Administration; rules, publications, records;
11 penalty for violation of chapter; injunctions.--

12 (2) PENALTY FOR VIOLATION.--Unless otherwise provided
13 by law, any person, firm, or corporation who is convicted for
14 violating any provision of this chapter, any rule of the
15 department adopted pursuant to this chapter, or any rule of
16 the Marine Fisheries Commission, shall be punished:

17 (d) The proceeds from the penalties assessed pursuant
18 to paragraph (c) shall be deposited into the Marine Resources
19 Conservation Trust Fund to be used for marine fisheries
20 research or into the department's Federal Law Enforcement
21 Trust Fund as provided in s. 20.2553, as applicable.

22 Section 3. Subsections (1) and (2) of section 370.061,
23 Florida Statutes, are amended to read:

24 370.061 Confiscation of property and products.--

25 (1) CONFISCATION; PROCEDURE.--In all cases of arrest
26 and conviction for the illegal taking, or attempted taking,
27 sale, possession, or transportation of saltwater fish or other
28 saltwater products, such saltwater products and seines, nets,
29 boats, motors, other fishing devices or equipment, and
30 vehicles or other means of transportation used in connection
31 with such illegal taking or attempted taking are hereby

1 declared to be nuisances and may be seized and carried before
2 the court having jurisdiction of such offense, and said court
3 may order such nuisances forfeited to the Division of Marine
4 Resources of the department immediately after trial and
5 conviction of the person or persons in whose possession they
6 were found, except that, if a motor vehicle is seized under
7 the provisions of this act and is subject to any existing
8 liens recorded under the provisions of s. 319.27, all further
9 proceedings shall be governed by the expressed intent of the
10 Legislature not to divest any innocent person, firm, or
11 corporation holding such a recorded lien of any of its
12 reversionary rights in such motor vehicle or of any of its
13 rights as prescribed in s. 319.27, and that, upon any default
14 by the violator purchaser, the said lienholder may foreclose
15 its lien and take possession of the motor vehicle involved.
16 When any illegal or illegally used seine, net, trap, or other
17 fishing device or equipment or illegally taken, possessed, or
18 transported saltwater products are found and taken into
19 custody, and the owner thereof shall not be known to the
20 officer finding the same, such officer shall immediately
21 procure from the county court judge of the county wherein they
22 were found an order forfeiting said saltwater products,
23 seines, nets, traps, boats, motors, or other fishing devices
24 to the division. All things forfeited under the provisions of
25 this law may be destroyed, used by the division, disposed of
26 by gift to charitable or state institutions, or sold and the
27 proceeds derived from said sale deposited in the Marine
28 Resources Conservation Trust Fund to be used for law
29 enforcement purposes or into the department's Federal Law
30 Enforcement Trust Fund as provided in s. 20.2553, as
31 applicable. However, forfeited boats, motors, and legal

1 fishing devices only, may be purchased from the division for
2 \$1 by the person or persons holding title thereto at the time
3 of the illegal act causing the forfeiture, if such person
4 shall prove that he or she in no way participated in, gave
5 consent to, or had knowledge of such act.

6 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;
7 PROCEDURE.--When an arrest is made pursuant to the provisions
8 of this chapter and illegal, perishable products or perishable
9 products illegally taken or landed are apprehended, the
10 defendant may post bond or cash deposit in an amount
11 determined by the judge to be the fair value of such products,
12 and said defendant shall have 24 hours to transport said
13 products outside the limits of Florida for sale or other
14 disposition. Should no bond or cash deposit be given within
15 the time fixed by the judge, the judge shall order the sale of
16 such products at the highest price obtainable, and, when
17 feasible, at least three bids shall be requested. In either
18 event, the amounts received by the judge shall be remitted to
19 the division to be deposited into a special escrow account in
20 the State Treasury and held in trust pending the outcome of
21 the trial of the accused. If a bond is posted by the
22 defendant, it shall also be remitted to the division to be
23 held in escrow pending the outcome of the trial of the
24 accused. In the event of acquittal, the bond or cash deposit
25 shall be returned to the defendant, or the proceeds of the
26 sale shall be paid over to the defendant. In the event of
27 conviction, the proceeds of the sale, or proceeds of the bond
28 or cash deposit, shall be deposited by said division into the
29 Marine Resources Conservation Trust Fund to be used for law
30 enforcement purposes or into the department's Federal Law
31 Enforcement Trust Fund as provided in s. 20.2553, as

1 applicable. Such deposit into the Marine Resources
2 Conservation Trust Fund or the department's Federal Law
3 Enforcement Trust Fund shall constitute confiscation.

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

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

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

11 (b) The Department of Environmental Protection, the
12 proceeds accrued pursuant to the provisions of the Florida
13 Contraband Forfeiture Act shall be deposited into the Marine
14 Resources Conservation Trust Fund to be used for law
15 enforcement purposes as provided in ss. 370.021 and 370.061 or
16 into the department's Federal Law Enforcement Trust Fund as
17 provided in s. 20.2553, as applicable.

18 Section 5. This act shall take effect July 1 of the
19 year in which enacted.

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22 HOUSE SUMMARY

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

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