

By the Committee on Criminal Justice and Senator Gutman

307-1919A-98

1                                   A bill to be entitled  
 2           An act relating to trust funds; amending s.  
 3           943.362, F.S.; creating the Federal Proceeds  
 4           Trust Fund for the Department of Law  
 5           Enforcement to deposit revenue received as a  
 6           result of federal forfeiture proceedings and  
 7           asset-sharing programs; providing that the  
 8           trust fund is exempt from the service charge  
 9           levied against state trust funds; requiring  
 10          that expenditures from the trust fund comply  
 11          with certain federal guidelines; providing for  
 12          future review and termination or re-creation of  
 13          the trust fund; providing a contingent  
 14          effective date.

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

17  
 18           Section 1. Section 943.362, Florida Statutes, is  
 19 amended to read:  
 20           943.362 Forfeiture and Investigative Support Trust  
 21 Fund; Federal Proceeds Trust Fund.--

22           (1)(a) There is created the Forfeiture and  
 23 Investigative Support Trust Fund into which the department may  
 24 deposit revenues received as a result of state ~~or federal~~  
 25 ~~criminal~~ proceedings.

26           (b)~~(2)~~ Moneys in the fund shall be appropriated by the  
 27 Legislature, pursuant to the provisions of chapter 216, for  
 28 purposes deemed appropriate by the Legislature.  
 29 Notwithstanding any other provision of law, no funds shall be  
 30 expended from the Forfeiture and Investigative Support Trust  
 31 Fund unless specifically appropriated by the Legislature.

1           (2)(a) There is created the Federal Proceeds Trust  
2 Fund into which the department may deposit revenue received as  
3 a result of federal forfeiture proceedings and asset-sharing  
4 programs. The trust fund is exempt from the service charge  
5 imposed by s. 215.20. The Federal Proceeds Trust Fund shall  
6 contain only funds derived from federal forfeiture proceedings  
7 and asset-sharing programs and the interest earned on such  
8 funds. Trust fund revenue may not be commingled with other  
9 state funds. Expenditures from the Federal Proceeds Trust Fund  
10 must comply with federal guidelines and restrictions on the  
11 use of such funds and trust fund revenue may not be expended  
12 unless specifically appropriated by the Legislature.

13           (b) Pursuant to s. 19(f)(2), Art. III of the State  
14 Constitution, the Federal Proceeds Trust Fund shall, unless  
15 terminated sooner, be terminated on July 1, 2002. However,  
16 prior to its scheduled termination, the trust fund shall be  
17 reviewed as provided in s. 215.3206(1) and (2).

18           Section 2. This act shall take effect upon becoming a  
19 law, but it shall not take effect unless it is enacted by at  
20 least a three-fifths vote of the membership of each house of  
21 the Legislature.

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23                               STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
24   COMMITTEE SUBSTITUTE FOR  
25   Senate Bill 784

- 26 .       Creates a trust fund for deposit of the forfeiture  
27       revenues shared by the Florida Department of Law  
28       Enforcement with the federal government.  
29 .       Exempts the trust fund from the 7 percent service charge  
30       imposed on trust funds under s. 215.20, F.S.  
31 .       Provides that the trust fund will terminate no later than  
      July 1, 2002.  
      Provides that the trust fund will come under "sunset"  
      review.