

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1260

SPONSOR: Criminal Justice Committee

SUBJECT: Federal Law Enforcement Trust Fund

DATE: March 2, 2000 REVISED: \_\_\_\_\_

|    | ANALYST                 | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|-------------------------|----------------|-----------|------------------|
| 1. | <u>McAuliffe/Duggar</u> | <u>Cannon</u>  | <u>CJ</u> | <u>Favorable</u> |
| 2. | <u>McAuliffe</u>        | <u>Meyer</u>   | <u>TR</u> | <u>Favorable</u> |
| 3. | _____                   | _____          | <u>FP</u> | _____            |
| 4. | _____                   | _____          | _____     | _____            |
| 5. | _____                   | _____          | _____     | _____            |

## I. Summary:

This bill creates a Federal Law Enforcement Trust Fund (FLETFF) within the Florida Department of Transportation (FDOT). The bill authorizes FDOT to deposit into the FLETFF and the State Transportation Trust Fund, receipts and revenues received as a result of federal criminal, administrative, or civil forfeiture proceedings and revenues received from federal asset-sharing programs.

This bill creates section 339.082, and amends section 932.7055 of the Florida Statutes.

## II. Present Situation:

The FDOT's Motor Carrier Compliance Office (MCCO) is charged with enforcement of law relating to the operation of motor vehicles within the state, including those safety regulations applicable to owners or drivers engaged in intrastate commerce. The MCCO currently has limited involvement in commercial vehicle drug enforcement efforts.

The MCCO currently employs 208 sworn police officers. MCCO officers are stationed state-wide in field offices in Pensacola, Panama City, Tallahassee, Lake City, Jacksonville, Ocala, DeLand, Orlando, Tampa, West Palm Beach, Miami and Ft. Myers. None of the 208 MCCO officers conduct drug interdiction efforts on a full time basis. However, eleven officers receive advanced training in drug detection and search and seizure techniques, and work drug interdiction when possible. The MCCO currently receives \$1.9 million in federal assistance from the Federal Highway Administration for safety enforcement through the Motor Carrier Safety Assistance Program. Of the \$1.9 million, approximately \$100,000 is allocated for drug enforcement equipment and training.

In fiscal years 1998-1999 and 1999-2000, the MCCO has relinquished over \$3 million in forfeiture assets to other law enforcement agencies because of the lack of a forfeiture trust fund

within the department. These assets were derived from the seizure of 21 commercial motor vehicles, 2 automobiles, 1 bus, and \$64,000 in cash.

### **III. Effect of Proposed Changes:**

This bill creates s. 339.082, F.S., providing for a Federal Law Enforcement Trust Fund within the FDOT. The bill authorizes FDOT to deposit into the trust fund receipts and revenues received as a result of federal criminal, administrative, or civil forfeiture proceedings and revenues received from federal asset-sharing programs.

The federal asset-sharing program provides that large seizures up to a certain threshold amount are deposited into the Federal Law Enforcement Trust Fund, and the U.S. Drug Enforcement Agency or other federal law enforcement agency becomes responsible for prosecuting the case. The federal agency then takes twenty percent of the seized proceeds and returns eighty percent to the seizing local or state agency. Smaller seizures by MCCO which do not exceed the federal threshold amount are deposited into the State Transportation Trust Fund.

The bill provides the trust fund is exempt from the seven percent General Revenue service charge, and, after a review pursuant to s. 215.3206, F.S., will be terminated on July 1, 2004, unless terminated earlier.

Section 932.7055, F.S., is amended to provide that all proceeds accrued from forfeiture proceedings will be deposited into the State Transportation Trust Fund to fund drug interdiction efforts (under the federal threshold amount), or into the FDOT's Federal Law Enforcement Trust Fund (over the federal threshold amount).

The bill will take effect upon becoming law, and must be enacted by at least a three-fifths vote of the membership of each house of the Legislature.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

The bill appears to meet the constitutional requirements under s. 19(f), Art.111 of the Florida Constitution in that it creates a new trust fund with the mandated three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

In fiscal years 1998-1999 and 1999-2000 the MCCO has relinquished over \$3 million in forfeiture assets to other law enforcement agencies because of the lack of a forfeiture trust fund. The creation of the Federal Law Enforcement Trust Fund within FDOT, and authorizing FDOT to deposit forfeiture proceeds into the State Transportation Trust Fund, will allow the agency to keep all or a portion of forfeited assets and use the proceeds for drug interdiction efforts within FDOT.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

This committee bill was a specific recommendation from the 1999 Legislative Task Force on Illicit Money Laundering which was a joint legislative task force created to study and recommend ways to enhance Florida's strategy in combating money laundering. The task force's November, 1999 report entitled "Money Laundering in Florida: Report of the Legislative Task Force" specifically recommended that the Legislature should authorize the Department of Transportation to establish a trust fund and receive forfeiture funds.

**VIII. Amendments:**

None.