

By the Committee on Appropriations; and Senators Wise and Posey

309-1961-03

1                                   A bill to be entitled  
2           An act relating to the disposition of proceeds  
3           from the sale of forfeited property; amending  
4           s. 932.7055, F.S.; authorizing a board of  
5           county commissioners or governing body of a  
6           municipality to use the proceeds from the sale  
7           of forfeited property for drug court programs;  
8           providing requirements for expending such  
9           funds; requiring that drug court programs be  
10          included in those programs that receive funds  
11          acquired under the Florida Contraband  
12          Forfeiture Act; providing an effective date.

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

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16           Section 1. Paragraphs (a) and (c) of subsection (4) of  
17          section 932.7055, Florida Statutes, are amended to read:

18           932.7055 Disposition of liens and forfeited  
19          property.--

20           (4)(a) If the seizing agency is a county or municipal  
21          agency, the remaining proceeds shall be deposited in a special  
22          law enforcement trust fund established by the board of county  
23          commissioners or the governing body of the municipality. Such  
24          proceeds and interest earned therefrom shall be used for  
25          school resource officers ~~officer~~, crime prevention, safe  
26          neighborhood programs, drug abuse education and prevention  
27          programs, drug court programs, or for other law enforcement  
28          purposes, which include defraying the cost of protracted or  
29          complex investigations, providing additional equipment or  
30          expertise, and providing matching funds to obtain federal

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1 grants. The proceeds and interest may not be used to meet  
2 normal operating expenses of the law enforcement agency.

3 (c) An agency or organization, other than the seizing  
4 agency, that wishes to receive such funds shall apply to the  
5 sheriff or chief of police for an appropriation and its  
6 application shall be accompanied by a written certification  
7 that the moneys will be used for an authorized purpose. Such  
8 requests for expenditures shall include a statement describing  
9 anticipated recurring costs for the agency for subsequent  
10 fiscal years. An agency or organization that receives money  
11 pursuant to this subsection shall provide an accounting for  
12 such moneys and shall furnish the same reports as an agency of  
13 the county or municipality that receives public funds. Such  
14 funds may be expended in accordance with the following  
15 procedures:

16 1. Such funds may be used only for school resource  
17 officers ~~officer~~, crime prevention, safe neighborhood  
18 programs, drug abuse education, ~~or~~ drug prevention programs,  
19 drug court programs, or such other law enforcement purposes as  
20 the board of county commissioners or governing body of the  
21 municipality deems appropriate.

22 2. Such funds shall not be a source of revenue to meet  
23 normal operating needs of the law enforcement agency.

24 3. After July 1, 1992, and during every fiscal year  
25 thereafter, any local law enforcement agency that acquires at  
26 least \$15,000 pursuant to the Florida Contraband Forfeiture  
27 Act within a fiscal year must expend or donate no less than 15  
28 percent of such proceeds for the support or operation of any  
29 drug treatment, drug abuse education, drug prevention, drug  
30 court, crime prevention, safe neighborhood, or school resource  
31 officer programs ~~program(s)~~. The local law enforcement agency

1 has the discretion to determine which programs ~~program(s)~~ will  
2 receive the designated proceeds.

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4 Notwithstanding the minimum expenditures or donations for drug  
5 abuse education, drug treatment, drug prevention, drug court,  
6 crime prevention, safe neighborhood, or school resource  
7 officer programs ~~minimum expenditures or donations,~~ the  
8 sheriff and the board of county commissioners or the chief of  
9 police and the governing body of the municipality may agree to  
10 expend or donate such funds over a period of years if the  
11 expenditure or donation of such minimum amount in any given  
12 fiscal year would exceed the needs of the county or  
13 municipality for such programs ~~program(s)~~. ~~Nothing in This~~  
14 section does not preclude ~~precludes~~ the expenditure or  
15 donation of forfeiture proceeds in excess of the minimum  
16 amounts established in this section ~~herein~~.

17 Section 2. This act shall take effect July 1, 2003.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20 COMMITTEE SUBSTITUTE FOR  
21 Senate Bill 62

22 The Committee Substitute changes the percentage of forfeiture  
23 funds that local agencies must spend on enumerated programs.  
24 SB 62 changed that percentage from 15% to 25%, and the  
25 Committee Substitute for SB 62 reverts the percentage from 25%  
26 back to 15%, which is current law.  
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