

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act relating to Anti-Fraud Law Enforcement Trust Fund;
 creating s. 626.9893, F.S.; creating the Anti-Fraud Law
 Enforcement Trust Fund; authorizing the Division of
 Insurance Fraud of the Department of Financial Services to
 deposit certain moneys into the fund; requiring moneys in
 the fund to be appropriated by the Legislature;
 prohibiting expenditures of fund moneys except by
 legislative appropriation; requiring balances in the trust
 fund to remain in the fund for certain purposes; providing
 for future review and termination or re-creation of the
 trust fund; amending s. 932.7055, F.S.; providing for
 distribution of certain proceeds from dispositions of
 liens and forfeited property seized by the Division of
 Insurance Fraud under the Florida Contraband Forfeiture
 Act to conform; providing a contingent effective date.

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

Section 1. Section 626.9893, Florida Statutes, is created
 to read:

626.9893 Anti-Fraud Law Enforcement Trust Fund.--

(1) There is created the Anti-Fraud Law Enforcement Trust
 Fund into which the Division of Insurance Fraud of the
 Department of Financial Services may deposit revenues received
 as a result of criminal proceedings or forfeiture proceedings
 other than revenues deposited into the Department of Financial
 Services' Federal Equitable Sharing Trust Fund under s. 17.43.

29 (2) Moneys in the fund shall be appropriated by the
 30 Legislature, pursuant to the provisions of chapter 216, for
 31 purposes deemed appropriate by the Legislature. Notwithstanding
 32 any other provision of law, no funds shall be expended from the
 33 Anti-Fraud Law Enforcement Trust Fund unless specifically
 34 appropriated by the Legislature.

35 (3) Notwithstanding the provisions of s. 216.301 and
 36 pursuant to s. 216.351, any balance in the trust fund at the end
 37 of any fiscal year shall remain in the trust fund at the end of
 38 that year and shall be available for carrying out the purposes
 39 of the trust fund.

40 (4) Pursuant to the provisions of s. 19(f)(2), Art. III of
 41 the State Constitution, the trust fund shall, unless terminated
 42 sooner, be terminated on July 1, 2009. Prior to its scheduled
 43 termination, the trust fund shall be reviewed as provided in s.
 44 215.3206(1) and (2).

45 Section 2. Paragraph (m) is added to subsection (6) of
 46 section 932.7055, Florida Statutes, to read:

47 932.7055 Disposition of liens and forfeited property.--

48 (6) If the seizing agency is a state agency, all remaining
 49 proceeds shall be deposited into the General Revenue Fund.

50 However, if the seizing agency is:

51 (m) The Division of Insurance Fraud of the Department of
 52 Financial Services, the proceeds accrued pursuant to the
 53 provisions of the Florida Contraband Forfeiture Act shall be
 54 deposited into the Anti-Fraud Law Enforcement Trust Fund as
 55 provided in s. 626.9893 or into the Department of Financial

HB 1443

2005

56 Services' Federal Equitable Sharing Trust Fund as provided in s.
57 17.43, as applicable.

58 Section 3. This act shall take effect July 1, 2005, if
59 House Bill 967 or similar legislation is enacted in the same
60 legislative session or an extension thereof and becomes law.