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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/13/2008	.	
	.	
	.	

1 The Committee on Health and Human Services Appropriations
 2 (Peaden) recommended the following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Between line(s) 321-322

6 insert:

7 Section 9. Paragraphs (a), (d), and (e) of subsection (2)
 8 of section 895.09, Florida Statutes, are amended to read:

9 895.09 Disposition of funds obtained through forfeiture
 10 proceedings.--

11 (2) (a) Following satisfaction of all valid claims under
 12 subsection (1), 25 percent of the remainder of the funds
 13 obtained in the forfeiture proceedings pursuant to s. 895.05
 14 shall be deposited as provided in paragraph (b) into the
 15 appropriate trust fund of the Department of Legal Affairs or

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16 state attorney's office which filed the civil forfeiture action;
17 25 percent shall be deposited as provided in paragraph (c) into
18 the applicable law enforcement trust fund of the investigating
19 law enforcement agency conducting the investigation which
20 resulted in or significantly contributed to the forfeiture of
21 the property; 25 percent shall be deposited in the General
22 Revenue Fund ~~as provided in paragraph (d) in the Substance Abuse~~
23 ~~Trust Fund of the Department of Children and Family Services;~~
24 and the remaining 25 percent shall be deposited in the Internal
25 Improvement Trust Fund of the Department of Environmental
26 Protection. If ~~When~~ a forfeiture action is filed by the
27 Department of Legal Affairs or a state attorney, the court
28 entering the judgment of forfeiture shall, taking into account
29 the overall effort and contribution to the investigation and
30 forfeiture action by the agencies that filed the action, make a
31 pro rata apportionment among such agencies of the funds
32 available for distribution to the agencies filing the action as
33 provided in this section. If multiple investigating law
34 enforcement agencies have contributed to the forfeiture of the
35 property, the court which entered the judgment of forfeiture
36 shall, taking into account the overall effort and contribution
37 of the agencies to the investigation and forfeiture action, make
38 a pro rata apportionment among such investigating law
39 enforcement agencies of the funds available for distribution to
40 the investigating agencies as provided in this section.

41 ~~(d) The Department of Children and Family Services shall,~~
42 ~~in accordance with chapter 397, distribute funds obtained by it~~
43 ~~pursuant to paragraph (a) to public and private nonprofit~~



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44 ~~organizations licensed by the department to provide substance~~
 45 ~~abuse treatment and rehabilitation centers or substance abuse~~
 46 ~~prevention and youth orientation programs in the service~~
 47 ~~district in which the final order of forfeiture is entered by~~
 48 ~~the court.~~

49 (d) ~~(e)~~ On a quarterly basis, any excess funds from
 50 forfeited property receipts, including interest, over \$1 million
 51 deposited in the Internal Improvement Trust Fund of the
 52 Department of Environmental Protection in accordance with
 53 paragraph (a) shall be deposited in the General Revenue Fund
 54 ~~Substance Abuse Trust Fund of the Department of Children and~~
 55 ~~Family Services.~~

57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 On line(s) 40, after the semicolon,
 60 insert:

61 amending s. 895.09, F.S.; redirecting a portion of the
 62 funds obtained from a forfeiture proceeding from the
 63 Substance Abuse Trust Fund to the General Revenue Fund;
 64 deleting a provision directing the Department of Children
 65 and Family Services to distribute forfeiture funds
 66 received;