

By Senator Wise

5-01413-09

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1 A bill to be entitled

2 An act relating to proceeds of forfeitures; amending
3 s. 932.7055, F.S.; increasing the minimum percentage
4 of such proceeds that must go to non-law enforcement
5 organizations; revising the types of organizations
6 that may receive such funds and the purposes for which
7 such funds may be expended; providing an effective
8 date.

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

11
12 Section 1. Paragraph (c) of subsection (5) of section
13 932.7055, Florida Statutes, is amended to read:

14 932.7055 Disposition of liens and forfeited property.—
15 (5)

16 (c) Every county or municipality must expend or donate no
17 less than 25 percent of such proceeds for the support or
18 operation of local, community-based nonprofit, nongovernmental
19 organizations. The local law enforcement agency has the
20 discretion to determine which community organizations will
21 receive the designated proceeds. An ~~agency or~~ organization,
22 ~~other than the seizing agency,~~ that wishes to receive such funds
23 shall apply to the sheriff or chief of police for an
24 appropriation and its application shall be accompanied by a
25 written certification that the moneys will be used for an
26 authorized purpose. Such requests for expenditures shall include
27 a statement describing anticipated recurring costs for the
28 organization ~~agency~~ for subsequent fiscal years. An ~~agency or~~
29 organization that receives money pursuant to this subsection

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30 shall provide an accounting for such moneys and shall furnish
31 the same reports as an agency of the county or municipality that
32 receives public funds. Such funds may be expended in accordance
33 with the following procedures:

34 1. Such funds may be used only for educational, school
35 resource officer, crime prevention, safe neighborhood, drug
36 abuse education, or drug prevention programs or any ~~such~~ other
37 ~~law enforcement~~ purposes that benefit the community as the board
38 of county commissioners or governing body of the municipality
39 deems appropriate.

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

42 ~~3. After July 1, 1992, and during every fiscal year~~
43 ~~thereafter, any local law enforcement agency that acquires at~~
44 ~~least \$15,000 pursuant to the Florida Contraband Forfeiture Act~~
45 ~~within a fiscal year must expend or donate no less than 15~~
46 ~~percent of such proceeds for the support or operation of any~~
47 ~~drug treatment, drug abuse education, drug prevention, crime~~
48 ~~prevention, safe neighborhood, or school resource officer~~
49 ~~program(s). The local law enforcement agency has the discretion~~
50 ~~to determine which program(s) will receive the designated~~
51 ~~proceeds.~~

52
53 Notwithstanding the ~~drug abuse education, drug treatment, drug~~
54 ~~prevention, crime prevention, safe neighborhood, or school~~
55 ~~resource officer~~ minimum expenditures or donations, the sheriff
56 and the board of county commissioners or the chief of police and
57 the governing body of the municipality may agree to expend or
58 donate such funds over a period of years if the expenditure or

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59 donation of such minimum amount in any given fiscal year would
60 exceed the needs of the county or municipality for such programs
61 ~~program(s)~~. Nothing in this section precludes the expenditure or
62 donation of forfeiture proceeds in excess of the minimum amounts
63 established herein.

64 Section 2. This act shall take effect July 1, 2009.