

By Senator Gelber

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1                   A bill to be entitled  
2           An act relating to the disposition of certain  
3           forfeited property; amending s. 932.7055, F.S.;  
4           requiring a county or municipal law enforcement agency  
5           that acquires more than a specified amount under the  
6           Florida Contraband Forfeiture Act within any one  
7           fiscal year to transfer a certain percentage of the  
8           proceeds to the State Attorney's Forfeiture and  
9           Investigative Support Trust Fund of the state attorney  
10          for the jurisdiction where the violation occurred;  
11          reducing the amount acquired under the Florida  
12          Contraband Forfeiture Act which the local law  
13          enforcement agency is required to expend for drug  
14          treatment, education, and prevention and other  
15          activities; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (4) and paragraph (c) of subsection  
20           (5) of section 932.7055, Florida Statutes, are amended to read:

21           932.7055 Disposition of liens and forfeited property.—

22           (4) The proceeds from the sale of forfeited property shall  
23           be disbursed in the following priority:

24           (a) Payment of the balance due on any lien preserved by the  
25           court in the forfeiture proceedings.

26           (b) Payment of the cost incurred by the seizing agency in  
27           connection with the storage, maintenance, security, and  
28           forfeiture of such property.

29           (c) Payment of court costs incurred in the forfeiture

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30 proceeding.

31 (d) Effective July 1, 2009, and every fiscal year  
32 thereafter, if the same act or related acts form the basis for a  
33 felony arrest or prosecution following a violation of the  
34 Florida Contraband Forfeiture Act and if the seizing agency is a  
35 county or municipal law enforcement agency that acquires at  
36 least \$15,000 pursuant to the act within any one fiscal year,  
37 the seizing agency shall transfer at least 10 percent of the  
38 proceeds to the State Attorney's Forfeiture and Investigative  
39 Support Trust Fund for the state attorney having jurisdiction of  
40 the judicial circuit within which the violation occurred.

41 (e)~~(d)~~ Notwithstanding any other provision of this  
42 subsection, and for the 2008-2009 fiscal year only, the funds in  
43 a special law enforcement trust fund established by the  
44 governing body of a municipality may be expended to reimburse  
45 the general fund of the municipality for moneys advanced from  
46 the general fund to the special law enforcement trust fund prior  
47 to October 1, 2001. This paragraph expires July 1, 2009.

48 (5)

49 (c) An agency or organization, other than the seizing  
50 agency, that wishes to receive such funds shall apply to the  
51 sheriff or chief of police for an appropriation and its  
52 application shall be accompanied by a written certification that  
53 the moneys will be used for an authorized purpose. Such requests  
54 for expenditures shall include a statement describing  
55 anticipated recurring costs for the agency for subsequent fiscal  
56 years. An agency or organization that receives money pursuant to  
57 this subsection shall provide an accounting for such moneys and  
58 shall furnish the same reports as an agency of the county or

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59 municipality that receives public funds. Such funds may be  
60 expended in accordance with the following procedures:

61 1. Such funds may be used only for school resource officer,  
62 crime prevention, safe neighborhood, drug abuse education, or  
63 drug prevention programs or such other law enforcement purposes  
64 as the board of county commissioners or governing body of the  
65 municipality deems appropriate.

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

68 3. After July 1, 1992, and during every fiscal year  
69 thereafter, any local law enforcement agency that acquires at  
70 least \$15,000 pursuant to the Florida Contraband Forfeiture Act  
71 within a fiscal year must expend or donate no less than 5 ~~15~~  
72 percent of such proceeds for the support or operation of any  
73 drug treatment, drug abuse education, drug prevention, crime  
74 prevention, safe neighborhood, or school resource officer  
75 programs ~~program(s)~~. The local law enforcement agency has the  
76 discretion to determine which programs ~~program(s)~~ will receive  
77 the designated proceeds.

78  
79 Notwithstanding the drug abuse education, drug treatment, drug  
80 prevention, crime prevention, safe neighborhood, or school  
81 resource officer minimum expenditures or donations, the sheriff  
82 and the board of county commissioners or the chief of police and  
83 the governing body of the municipality may agree to expend or  
84 donate such funds over a period of years if the expenditure or  
85 donation of such minimum amount in any given fiscal year would  
86 exceed the needs of the county or municipality for such programs  
87 ~~program(s)~~. Nothing in this section precludes the expenditure or

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88 donation of forfeiture proceeds in excess of the minimum amounts  
89 established herein.

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