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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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The Committee on Appropriations (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 177 - 327

and insert:

(5) (a) If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officer, crime prevention, safe neighborhood, drug



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11 abuse education and prevention programs, or for other law
12 enforcement purposes, which include defraying the cost of
13 protracted or complex investigations, providing additional
14 equipment or expertise, purchasing automated external
15 defibrillators for use in law enforcement vehicles, and
16 providing matching funds to obtain federal grants. The proceeds
17 and interest may not be used to meet normal operating expenses
18 of the law enforcement agency.

19 (b) These funds may be expended upon request by the sheriff
20 to the board of county commissioners or by the chief of police
21 to the governing body of the municipality, accompanied by a
22 written certification that the request complies with the
23 provisions of this subsection, and only upon appropriation to
24 the sheriff's office or police department by the board of county
25 commissioners or the governing body of the municipality.

26 (c) An agency or organization, other than the seizing
27 agency, that wishes to receive such funds shall apply to the
28 sheriff or chief of police for an appropriation and its
29 application shall be accompanied by a written certification that
30 the moneys will be used for an authorized purpose. Such requests
31 for expenditures shall include a statement describing
32 anticipated recurring costs for the agency for subsequent fiscal
33 years. An agency or organization that receives money pursuant to
34 this subsection shall provide an accounting for such moneys and
35 shall furnish the same reports as an agency of the county or
36 municipality that receives public funds. Such funds may be
37 expended in accordance with the following procedures:

38 1. Such funds may be used only for school resource officer,
39 crime prevention, safe neighborhood, drug abuse education, or



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40 drug prevention programs or such other law enforcement purposes
41 as the board of county commissioners or governing body of the
42 municipality deems appropriate.

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

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

55
56 Notwithstanding the drug abuse education, drug treatment, drug
57 prevention, crime prevention, safe neighborhood, or school
58 resource officer minimum expenditures or donations, the sheriff
59 and the board of county commissioners or the chief of police and
60 the governing body of the municipality may agree to expend or
61 donate such funds over a period of years if the expenditure or
62 donation of such minimum amount in any given fiscal year would
63 exceed the needs of the county or municipality for such
64 program(s). Nothing in this section precludes the expenditure or
65 donation of forfeiture proceeds in excess of the minimum amounts
66 established herein.

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



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69 However, if the seizing agency is:

70 (a) The Department of Law Enforcement, the proceeds accrued
71 pursuant to the provisions of the Florida Contraband Forfeiture
72 Act shall be deposited into the Forfeiture and Investigative
73 Support Trust Fund as provided in s. 943.362 or into the
74 department's Federal Law Enforcement Trust Fund as provided in
75 s. 943.365, as applicable.

76 (b) The Division of Alcoholic Beverages and Tobacco, the
77 proceeds accrued pursuant to the Florida Contraband Forfeiture
78 Act shall be deposited into the Alcoholic Beverage and Tobacco
79 Trust Fund or into the department's Federal Law Enforcement
80 Trust Fund as provided in s. 561.027, as applicable.

81 (c) The Department of Highway Safety and Motor Vehicles,
82 the proceeds accrued pursuant to the Florida Contraband
83 Forfeiture Act shall be deposited into the Department of Highway
84 Safety and Motor Vehicles Law Enforcement Trust Fund as provided
85 in s. 932.705(1)(a) or into the department's Federal Law
86 Enforcement Trust Fund as provided in s. 932.705(1)(b), as
87 applicable.

88 (d) The Fish and Wildlife Conservation Commission, the
89 proceeds accrued pursuant to the provisions of the Florida
90 Contraband Forfeiture Act shall be deposited into the State Game
91 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395 or
92 into the Marine Resources Conservation Trust Fund as provided in
93 s. 379.337.

94 (e) A state attorney's office acting within its judicial
95 circuit, the proceeds accrued pursuant to the provisions of the
96 Florida Contraband Forfeiture Act shall be deposited into the
97 State Attorney's Forfeiture and Investigative Support Trust Fund



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98 to be used for the investigation of crime and prosecution of
99 criminals within the judicial circuit.

100 (f) A school board security agency employing law
101 enforcement officers, the proceeds accrued pursuant to the
102 provisions of the Florida Contraband Forfeiture Act shall be
103 deposited into the School Board Law Enforcement Trust Fund.

104 (g) One of the State University System police departments
105 acting within the jurisdiction of its employing state
106 university, the proceeds accrued pursuant to the provisions of
107 the Florida Contraband Forfeiture Act shall be deposited into
108 that state university's special law enforcement trust fund.

109 (h) The Department of Agriculture and Consumer Services,
110 the proceeds accrued pursuant to the Florida Contraband
111 Forfeiture Act shall be deposited into the General Inspection
112 Trust Fund or into the department's Federal Law Enforcement
113 Trust Fund as provided in s. 570.205, as applicable.

114 (i) The Department of Military Affairs, the proceeds
115 accrued from federal forfeiture sharing pursuant to 21 U.S.C.
116 ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19 U.S.C.
117 s. 1616a shall be deposited into the Armory Board Trust Fund and
118 used for purposes authorized by such federal provisions based on
119 the department's budgetary authority or into the department's
120 Federal Law Enforcement Trust Fund as provided in s. 250.175, as
121 applicable.

122 (j) The Medicaid Fraud Control Unit of the Department of
123 Legal Affairs, the proceeds accrued pursuant to the provisions
124 of the Florida Contraband Forfeiture Act shall be deposited into
125 the Department of Legal Affairs Grants and Donations Trust Fund
126 to be used for investigation and prosecution of Medicaid fraud,



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127 abuse, neglect, and other related cases by the Medicaid Fraud
128 Control Unit.

129 (k) The Division of State Fire Marshal in the Department of
130 Financial Services, the proceeds accrued under the Florida
131 Contraband Forfeiture Act shall be deposited into the Insurance
132 Regulatory Trust Fund to be used for the purposes of arson
133 suppression, arson investigation, and the funding of anti-arson
134 rewards.

135 (l) The Division of Insurance Fraud of the Department of
136 Financial Services, the proceeds accrued pursuant to the
137 provisions of the Florida Contraband Forfeiture Act shall be
138 deposited into the Insurance Regulatory Trust Fund as provided
139 in s. 626.9893 or into the Department of Financial Services'
140 Federal Law Enforcement Trust Fund as provided in s. 17.43, as
141 applicable.

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete lines 27 - 42

146 and insert:

147 for its use; deleting an obsolete provision; providing
148 for