

CHAPTER 98-387

House Bill No. 4661

An act relating to trust funds; creating s. 943.365, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Law Enforcement; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carry-forward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 932.7055 and 943.362, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

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

Section 1. Section 943.365, Florida Statutes, is created to read:

943.365 Federal Law Enforcement Trust Fund.—

(1) The Federal Law Enforcement Trust Fund is created within the Department of Law Enforcement. The department may deposit into the trust fund receipts and revenues received as a result of federal criminal, administrative, or civil forfeiture proceedings and receipts and revenues received from federal asset-sharing programs. The trust fund is exempt from the service charges imposed by s. 215.20.

(2) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(3) Pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2002. Prior to its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. Paragraph (a) of subsection (5) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(5) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

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

Section 3. Subsection (1) of section 943.362, Florida Statutes, is amended to read:

943.362 Forfeiture and Investigative Support Trust Fund.—

(1) There is created the Forfeiture and Investigative Support Trust Fund into which the department may deposit revenues received as a result of state or federal criminal proceedings, other than revenues deposited into the department's Federal Law Enforcement Trust Fund under s. 943.365.

Section 4. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 30, 1998.

Filed in Office Secretary of State May 29, 1998.