

CHAPTER 98-391

House Bill No. 4717

An act relating to trust funds; creating s. 372.107, F.S.; creating the Federal Law Enforcement Trust Fund within the Game and Fresh Water Fish Commission; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 372.73, 372.9901, 372.9904, and 932.7055, F.S., relating to duties of the commission 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 372.107, Florida Statutes, is created to read:

372.107 Federal Law Enforcement Trust Fund.—

(1) The Federal Law Enforcement Trust Fund is created within the Game and Fresh Water Fish Commission. The commission 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. Section 372.73, Florida Statutes, is amended to read:

372.73 Confiscation and disposition of illegally taken game.—All game and freshwater fish seized under the authority of this chapter shall, upon conviction of the offender or sooner if the court so orders, be forfeited and given to some hospital or charitable institution and receipt therefor sent to the Game and Fresh Water Fish Commission. All furs or hides or fur-bearing animals seized under the authority of this chapter shall, upon conviction of the offender, be forfeited and sent to the commission, which shall sell the same and deposit the proceeds of such sale to the credit of the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable. If any such hides or furs are seized and the offender is unknown, the court shall order such hides or furs sent to the Game and Fresh Water Fish Commission, which shall sell such hides and furs and deposit the proceeds of such sale to the credit of the State

Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.

Section 3. Subsection (3) of section 372.9901, Florida Statutes, is amended to read:

372.9901 Seizure of illegal devices; disposition; appraisal; forfeiture.—

(3) Upon conviction of the violator, the property, if owned by the person convicted, shall be forfeited to the state under the procedure set forth in ss. 372.312 through 372.318, where not inconsistent with this section. All amounts received from the sale or other disposition of the property shall be paid into the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable. If the property is not sold or converted, it shall be delivered to the director of the Game and Fresh Water Fish Commission.

Section 4. Subsection (3) of section 372.9904, Florida Statutes, is amended to read:

372.9904 Seizure of illegal devices; disposition; appraisal; forfeiture.—

(3) Upon conviction of the violator, the property, if owned by the person convicted, shall be forfeited to the state under the procedure set forth in ss. 372.312-372.318, when not inconsistent with this section. All amounts received from the sale or other disposition of the property shall be paid into the State Game Trust Fund or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable. If the property is not sold or converted, it shall be delivered to the director of the Game and Fresh Water Fish Commission.

Section 5. Paragraph (e) 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:

(e) The Game and Fresh Water Fish Commission, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Game Trust Fund as provided in ss. 372.73, 372.9901, and 372.9904 or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.

Section 6. 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.