

By Senator Wise

5-129A-03

1 A bill to be entitled
2 An act relating to the disposition of proceeds
3 from the sale of forfeited property; amending
4 s. 932.7055, F.S.; authorizing a board of
5 county commissioners or governing body of a
6 municipality to use the proceeds from the sale
7 of forfeited property for drug court programs;
8 providing requirements for expending such
9 funds; increasing the funding requirements for
10 certain crime-prevention programs if a local
11 law enforcement agency receives more than a
12 specified amount under the Florida Contraband
13 Forfeiture Act; requiring that drug court
14 programs be included in those programs that
15 receive funds acquired under the Florida
16 Contraband Forfeiture Act; providing an
17 effective date.

18

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

20

21 Section 1. Paragraphs (a) and (c) of subsection (4) of
22 section 932.7055, Florida Statutes, are amended to read:

23 932.7055 Disposition of liens and forfeited
24 property.--

25 (4)(a) If the seizing agency is a county or municipal
26 agency, the remaining proceeds shall be deposited in a special
27 law enforcement trust fund established by the board of county
28 commissioners or the governing body of the municipality. Such
29 proceeds and interest earned therefrom shall be used for
30 school resource officers ~~officer~~, crime prevention, safe
31 neighborhood programs, drug abuse education and prevention

1 programs, drug court programs, or for other law enforcement
2 purposes, which include defraying the cost of protracted or
3 complex investigations, providing additional equipment or
4 expertise, and providing matching funds to obtain federal
5 grants. The proceeds and interest may not be used to meet
6 normal operating expenses of the law enforcement agency.

7 (c) An agency or organization, other than the seizing
8 agency, that wishes to receive such funds shall apply to the
9 sheriff or chief of police for an appropriation and its
10 application shall be accompanied by a written certification
11 that the moneys will be used for an authorized purpose. Such
12 requests for expenditures shall include a statement describing
13 anticipated recurring costs for the agency for subsequent
14 fiscal years. An agency or organization that receives money
15 pursuant to this subsection shall provide an accounting for
16 such moneys and shall furnish the same reports as an agency of
17 the county or municipality that receives public funds. Such
18 funds may be expended in accordance with the following
19 procedures:

20 1. Such funds may be used only for school resource
21 officers ~~officer~~, crime prevention, safe neighborhood
22 programs, drug abuse education, ~~or~~ drug prevention programs,
23 drug court programs, or such other law enforcement purposes as
24 the board of county commissioners or governing body of the
25 municipality deems appropriate.

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

28 3. After July 1, 1992, and during every fiscal year
29 thereafter, any local law enforcement agency that acquires at
30 least \$15,000 pursuant to the Florida Contraband Forfeiture
31 Act within a fiscal year must expend or donate no less than 25

1 ~~15~~ percent of such proceeds for the support or operation of
2 any drug treatment, drug abuse education, drug prevention,
3 drug court, crime prevention, safe neighborhood, or school
4 resource officer programs ~~program(s)~~. The local law
5 enforcement agency has the discretion to determine which
6 programs ~~program(s)~~ will receive the designated proceeds.

7
8 Notwithstanding the minimum expenditures or donations for drug
9 abuse education, drug treatment, drug prevention, drug court,
10 crime prevention, safe neighborhood, or school resource
11 officer programs ~~minimum expenditures or donations~~, the
12 sheriff and the board of county commissioners or the chief of
13 police and the governing body of the municipality may agree to
14 expend or donate such funds over a period of years if the
15 expenditure or donation of such minimum amount in any given
16 fiscal year would exceed the needs of the county or
17 municipality for such programs ~~program(s)~~. ~~Nothing in This~~
18 section does not preclude ~~precludes~~ the expenditure or
19 donation of forfeiture proceeds in excess of the minimum
20 amounts established in this section ~~herein~~.

21 Section 2. This act shall take effect July 1, 2003.

22
23 *****

24 SENATE SUMMARY

25 Provides for a board of county commissioners or governing
26 body of a municipality to fund drug court programs from
27 proceeds from the sale of forfeited property. Requires
28 that a local law enforcement agency expend at least 25
29 percent rather than 15 percent of proceeds received under
30 the Florida Contraband Forfeiture Act for drug treatment
31 and prevention, drug court programs, safe neighborhood
programs, or school resource officers. Includes drug
court programs in the programs eligible to receive funds
under the Florida Contraband Forfeiture Act.