

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

BILL: CS/SB 1624

INTRODUCER: Criminal and Civil Justice Appropriations Committee and Senator Crist

SUBJECT: Federal Law Enforcement Trust Fund / Department of Legal Affairs

DATE: March 3, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Butler	Sadberry	JA	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill creates the Federal Law Enforcement Trust Fund within the Department of Legal Affairs. The fund is established as a depository for receipts and revenues 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, F.S.

This bill creates section 16.558, F.S.

II. Present Situation:

The Department of Legal Affairs is eligible to receive funding from the U.S. Department of Justice (USDOJ) federal asset-sharing program. State or local participating law enforcement agencies must not commingle Department of Justice equitable sharing funds with funds from any other source. A separate trust fund must be created to allow the department to accept funding from the program.

III. Effect of Proposed Changes:

The bill creates the Federal Law Enforcement Trust Fund within the Department of Legal Affairs in s. 16.558, Florida Statutes. Funds and revenues received by the department from federal forfeiture actions pursuant to 21 U.S.C. and all federal criminal proceedings, including criminal, administrative, or civil forfeiture proceedings, will be deposited into this trust fund. This will allow the department to comply with federal guidelines which require the department to separately account for these federal funds. The U.S. Department of Justice and the Department of the Treasury require that the federal forfeiture funds be segregated from state funds.

Additionally, the general revenue service charge will not be charged against these funds in compliance with federal requirements. The trust fund shall, unless terminated sooner, be terminated on July 1, 2014, unless recreated by the Legislature prior to its termination date.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1), State Constitution, provides that no trust fund of the state or other public body may be created by law without three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal and Civil Justice Appropriations Committee on March 3, 2010:
Specifies that the act shall take effect July 1, 2010, if enacted by a three-fifths vote of the membership of each house of the Legislature.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
