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Section 1. Paragraph (a) of subsection (1) of section 932.703, Florida Statutes, is republished, and paragraph (c) of subsection (2) and paragraph (d) of subsection (3) of that section are amended, to read:

932.703 Forfeiture of contraband article; exceptions.—

(1)(a) A contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the Florida Contraband Forfeiture Act, or in, upon, or by means of which any violation of the Florida Contraband Forfeiture Act has taken or is taking place, may be seized and shall be forfeited subject to the Florida Contraband Forfeiture Act. A seizure may occur only if the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under s. 932.701, or one or more of the following circumstances apply:

1. The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified by means that are available to the employee or agent of the seizing agency at the time of the seizure;

2. The owner of the property is a fugitive from justice or is deceased;

3. An individual who does not own the property is arrested

51 for a criminal offense that forms the basis for determining that
52 the property is a contraband article under s. 932.701 and the
53 owner of the property had actual knowledge of the criminal
54 activity. Evidence that an owner received written notification
55 from a law enforcement agency and acknowledged receipt of the
56 notification in writing, that the seized asset had been used in
57 violation of the Florida Contraband Forfeiture Act on a prior
58 occasion by the arrested person, may be used to establish actual
59 knowledge;

60 4. The owner of the property agrees to be a confidential
61 informant as defined in s. 914.28. The seizing agency may not
62 use the threat of property seizure or forfeiture to coerce the
63 owner of the property to enter into a confidential informant
64 agreement. The seizing agency shall return the property to the
65 owner if criminal charges are not filed against the owner and
66 the active criminal investigation ends or if the owner ceases
67 being a confidential informant, unless the agency includes the
68 final forfeiture of the property as a component of the
69 confidential informant agreement; or

70 5. The property is a monetary instrument. For purposes of
71 this subparagraph, the term "monetary instrument" means coin or
72 currency of the United States or any other country; a traveler's
73 check; a personal check; a bank check; a cashier's check; a
74 money order; a bank draft of any country; an investment security
75 or negotiable instrument in bearer form or in other form such

76 | that title passes upon delivery; a prepaid or stored value card
77 | or other device that is the equivalent of money and can be used
78 | to obtain cash, property, or services; or gold, silver, or
79 | platinum bullion or coins.

80 | (2)

81 | (c) If the court finds that the requirements specified in
82 | paragraph (1)(a) were satisfied and that probable cause exists
83 | for the seizure, the forfeiture may proceed as set forth in the
84 | Florida Contraband Forfeiture Act, and no additional probable
85 | cause determination is required unless the claimant requests an
86 | adversarial preliminary hearing as set forth in the act. Upon
87 | such a finding, the court shall issue a written order finding
88 | probable cause for the seizure and order the property held until
89 | the issue of a determination of title is resolved pursuant to
90 | the procedures defined in the act. However, subsequent to the
91 | written order finding probable cause for the seizure, the
92 | forfeiture action must be stayed as provided in s.
93 | 932.704(6)(d).

94 | (3)

95 | (d) If the court determines that probable cause exists to
96 | believe that such property was used in violation of the Florida
97 | Contraband Forfeiture Act, the court shall order the property
98 | restrained by the least restrictive means to protect against
99 | disposal, waste, or continued illegal use of such property
100 | pending final disposition of the forfeiture proceeding. The

101 court may order the claimant to post a bond or other adequate
 102 security equivalent to the value of the property.

103 Section 2. Subsection (1) and paragraph (b) of subsection
 104 (6) of section 932.704, Florida Statutes, are amended, and
 105 paragraph (d) is added to subsection (6) of that section, to
 106 read:

107 932.704 Forfeiture proceedings.—

108 (1) It is the policy of this state that law enforcement
 109 agencies shall use ~~utilize the provisions of~~ the Florida
 110 Contraband Forfeiture Act to deter and prevent the continued use
 111 of contraband articles for criminal purposes, to protect while
 112 ~~protecting~~ the proprietary interests of innocent owners and
 113 lienholders, to respect the due process rights of the accused,
 114 and to authorize such law enforcement agencies to use the
 115 proceeds collected under the Florida Contraband Forfeiture Act
 116 as supplemental funding for authorized purposes. The potential
 117 for obtaining revenues from forfeitures must not override
 118 fundamental considerations such as public safety, the safety of
 119 law enforcement officers, or the investigation and prosecution
 120 of criminal activity. It is also the policy of this state that
 121 law enforcement agencies ensure that, in all seizures made under
 122 the Florida Contraband Forfeiture Act, their officers adhere to
 123 federal and state constitutional limitations regarding an
 124 individual's right to be free from unreasonable searches and
 125 seizures, including, but not limited to, the illegal use of

126 stops based on a pretext, coercive-consent searches, or a search
127 based solely upon an individual's race or ethnicity.

128 (6)

129 (b) The complaint must, in addition to stating that which
130 is required by s. 932.703(3) (a) and (b), as appropriate,
131 describe the property; state the county, place, and date of
132 seizure; state the name of the law enforcement agency holding
133 the seized property; ~~and~~ state the name of the court in which
134 the complaint will be filed; and, if available, state the
135 criminal case number and the name of the court in which any
136 criminal charge associated with the underlying activity forming
137 the basis for the forfeiture action is filed against any
138 claimant.

139 (d)1. A forfeiture action must be stayed:

140 a. If a criminal charge associated with the underlying
141 activity forming the basis for the forfeiture action is filed
142 against any claimant; or

143 b. While a prosecuting agency determines whether criminal
144 charges associated with the underlying activity forming the
145 basis for the forfeiture will be filed against any claimant.

146 2. If associated criminal charges are filed after the
147 complaint for forfeiture is filed, the attorney for the seizing
148 agency must notify, in writing, the court presiding over the
149 forfeiture action within 3 days after any such criminal charge
150 is filed.

151 3. A forfeiture action may only proceed after the claimant
152 is convicted of or pleads guilty or nolo contendere to,
153 regardless of adjudication, a criminal charge forming the basis
154 for the forfeiture action. The attorney for the seizing agency
155 must notify, in writing, the court presiding over the forfeiture
156 action of the final disposition of any associated criminal
157 charges within 3 days after a final judgment and sentence is
158 entered. The attorney for the seizing agency may notify the
159 court immediately upon the claimant's conviction or plea,
160 regardless of whether the claimant has been sentenced. Upon
161 written notification by the attorney for the seizing agency, the
162 stay shall be lifted and the forfeiture action may proceed as
163 set forth in the Florida Contraband Forfeiture Act.

164 4. If an associated criminal charge against a claimant is
165 disposed of by dismissal, nolle prosequi, or acquittal, or if
166 the prosecuting agency declines to file associated criminal
167 charges, the attorney for the seizing agency must notify, in
168 writing, the court presiding over the forfeiture action within 3
169 days after the associated criminal charge is disposed of by
170 dismissal, nolle prosequi, or acquittal, or a decision by the
171 prosecuting agency not to file associated criminal charges.

172 5. If all associated criminal charges against all
173 claimants are disposed of by dismissal, nolle prosequi,
174 acquittal, or a decision by the prosecuting agency not to file
175 associated criminal charges, the seizing agency must immediately

176 release the seized property to the person entitled to possession
 177 of the property as determined by the court presiding over the
 178 forfeiture action. Under such circumstances, the seizing agency
 179 may not assess any towing charges, storage fees, administrative
 180 costs, or maintenance costs against the claimant with respect to
 181 the seized property or the forfeiture action.

182
 183 This paragraph does not prohibit a forfeiture pursuant to a
 184 lawful plea agreement which resolves a criminal charge and a
 185 forfeiture action arising from the same activity. However,
 186 seized property may not be used in bargaining to dismiss or
 187 nolle prosequi criminal charges, obtain a guilty plea, or affect
 188 criminal sentencing recommendations.

189 Section 3. Section 932.7071, Florida Statutes, is created
 190 to read:

191 932.7071 Forfeiture adoption under federal law.—

192 (1) PROHIBITION OF FEDERAL ADOPTION.—A local, county, or
 193 state law enforcement agency or other seizing agency may not
 194 refer, transfer, or otherwise relinquish possession of property
 195 seized under state law to a federal agency by way of adoption of
 196 the seized property or other means by the federal agency for the
 197 purpose of the property's forfeiture under the federal
 198 Controlled Substances Act, Pub. L. No. 91-513, 21 U.S.C. ss. 801
 199 et seq.

200 (2) JOINT TASK FORCES.—

201 (a) In a case in which the aggregate net equity value of
 202 the property and currency seized is \$100,000 or less, excluding
 203 the value of contraband, a local, county, or state law
 204 enforcement agency or other seizing agency participating in a
 205 joint task force or other multijurisdictional collaboration with
 206 the federal government or an agency thereof shall transfer
 207 responsibility for the seized property to the local, county, or
 208 state seizing agency.

209 (b) If the federal government prohibits the transfer of
 210 seized property and currency to the local, county, or state
 211 seizing agency as required under paragraph (a) and instead
 212 requires that the property be transferred to the federal
 213 government for forfeiture under federal law, the local, county,
 214 or state seizing agency is prohibited from accepting payment of
 215 any kind or distribution of forfeiture proceeds from the federal
 216 government.

217 (c) Paragraphs (a) and (b) do not restrict a local,
 218 county, or state seizing agency from transferring responsibility
 219 to the federal government for forfeiture of seized property and
 220 currency that has an aggregate net equity value of greater than
 221 \$100,000, excluding the value of contraband.

222 (3) SEIZURE LAWS UNCHANGED.—Subsections (1) and (2) do not
 223 restrict a local, county, or state law enforcement agency or
 224 other seizing agency from seizing contraband or property if the
 225 agency would otherwise be lawfully permitted to do so.

CS/HB 1081

2023

226 (4) FEDERAL GOVERNMENT.—Subsections (1) and (2) do not
227 prohibit the federal government, acting without the involvement
228 of a local, county, or state law enforcement agency or other
229 seizing agency, from seizing property and seeking forfeiture
230 under federal law.

231 Section 4. This act shall take effect July 1, 2023.