

By Senator Oelrich

14-01235-09

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1                   A bill to be entitled  
2           An act relating to forfeiture; amending s. 932.704,  
3           F.S.; authorizing posting notice of a forfeiture  
4           complaint on an official government Internet site for  
5           a specified period as an alternative notice method;  
6           amending s. 932.7055, F.S.; providing additional uses  
7           for proceeds from forfeiture proceedings; providing an  
8           effective date.

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

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12           Section 1. Paragraph (a) of subsection (6) of section  
13   932.704, Florida Statutes, is amended to read:

14           932.704 Forfeiture proceedings.—

15           (6) (a) If the property is required by law to be titled or  
16   registered, or if the owner of the property is known in fact to  
17   the seizing agency, or if the seized property is subject to a  
18   perfected security interest in accordance with the Uniform  
19   Commercial Code, chapter 679, the attorney for the seizing  
20   agency shall serve the forfeiture complaint as an original  
21   service of process under the Florida Rules of Civil Procedure  
22   and other applicable law to each person having an ownership or  
23   security interest in the property. The seizing agency shall also  
24   publish, in accordance with chapter 50, notice of the forfeiture  
25   complaint once each week for 2 consecutive weeks in a newspaper  
26   of general circulation, as defined in s. 165.031, in the county  
27   where the seizure occurred or shall post the notice of the  
28   forfeiture complaint on an official government Internet site for  
29   at least 30 consecutive days and thereafter file a proof of

14-01235-09

20091178\_\_

30 publication affidavit indicating that publication was made by  
31 Internet posting and to which a printout of the notice as it  
32 appeared on the website, which shall be a true copy of the  
33 public notice for which proof is executed.

34 Section 2. Paragraph (a) of subsection (5) of section  
35 932.7055, Florida Statutes, is amended to read:

36 932.7055 Disposition of liens and forfeited property.-

37 (5) (a) If the seizing agency is a county or municipal  
38 agency, the remaining proceeds shall be deposited in a special  
39 law enforcement trust fund established by the board of county  
40 commissioners or the governing body of the municipality. Such  
41 proceeds and interest earned therefrom shall be used for school  
42 resource officer, crime prevention, safe neighborhood, drug  
43 abuse education and prevention, economic crime, gang crime, or  
44 sex offender programs, or for other law enforcement purposes,  
45 which include defraying the cost of protracted or complex  
46 investigations, providing additional equipment or expertise,  
47 purchasing automated external defibrillators for use in law  
48 enforcement vehicles, and providing matching funds to obtain  
49 federal grants. The proceeds and interest may not be used to  
50 meet normal operating expenses of the law enforcement agency.

51 Section 3. This act shall take effect July 1, 2009.