

HB 427

2009

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

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

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

13           932.704 Forfeiture proceedings.--

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

CODING: Words **stricken** are deletions; words **underlined** are additions.

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

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

35 932.7055 Disposition of liens and forfeited property.--

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

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