

1                                   A bill to be entitled  
 2           An act relating to contraband forfeiture; amending s.  
 3           932.703, F.S.; requiring that seizure or forfeiture of  
 4           property be incidental to an arrest under the Florida  
 5           Contraband Forfeiture Act; providing an effective  
 6           date.

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

10           Section 1. Subsection (1) of section 932.703, Florida  
 11           Statutes, is amended to read:

12           932.703 Forfeiture of contraband article; exceptions.—

13           (1) (a) Any contraband article, vessel, motor vehicle,  
 14           aircraft, other personal property, or real property used in  
 15           violation of any provision of the Florida Contraband Forfeiture  
 16           Act, or in, upon, or by means of which any violation of the  
 17           Florida Contraband Forfeiture Act has taken or is taking place,  
 18           may be seized and shall be forfeited subject to the provisions  
 19           of the Florida Contraband Forfeiture Act. For a seizure or  
 20           forfeiture to be lawful under the Florida Contraband Forfeiture  
 21           Act, the seizure or forfeiture must be incidental to an arrest  
 22           of the person involved in the criminal activity in violation of  
 23           the act.

24           (b) Notwithstanding any other provision of the Florida  
 25           Contraband Forfeiture Act, except the provisions of paragraph  
 26           (a), contraband articles set forth in s. 932.701(2)(a)7. used in

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27 | violation of any provision of the Florida Contraband Forfeiture  
28 | Act, or in, upon, or by means of which any violation of the  
29 | Florida Contraband Forfeiture Act has taken or is taking place,  
30 | shall be seized and shall be forfeited subject to the provisions  
31 | of the Florida Contraband Forfeiture Act.

32 |       (c) All rights to, interest in, and title to contraband  
33 | articles used in violation of s. 932.702 shall immediately vest  
34 | in the seizing law enforcement agency upon seizure.

35 |       (d) The seizing agency may not use the seized property for  
36 | any purpose until the rights to, interest in, and title to the  
37 | seized property are perfected in accordance with the Florida  
38 | Contraband Forfeiture Act. This section does not prohibit use or  
39 | operation necessary for reasonable maintenance of seized  
40 | property. Reasonable efforts shall be made to maintain seized  
41 | property in such a manner as to minimize loss of value.

42 |       Section 2. This act shall take effect July 1, 2015.