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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to contraband forfeiture; amending s. 932.701, F.S.; conforming a cross-reference to changes made by the act; amending s. 932.704, F.S.; requiring each state or local law enforcement agency that seizes property for the purpose of forfeiture to perform a specified periodic review at least annually and address deficiencies to ensure compliance with this act; prohibiting certain compensation or benefit to any law enforcement officer from being dependent upon attaining a quota of seizures; requiring a seizing agency to have certain written policies, procedures, and training to comply with specified legal requirements; requiring the probable cause for seizure to be promptly reviewed by supervisory personnel; requiring the seizing agency's legal counsel to be timely notified and to conduct a specified review; requiring each seizing agency to have specified written policies and procedures for the prompt release of seized property under certain circumstances; requiring that settlement of any forfeiture actions be consistent with certain mandates and with the seizing agency's policy or directives; requiring specified training and maintenance of records for such training; amending s. 932.7055, F.S.; deleting a provision authorizing a seizing agency to retain seized property for its use; deleting an obsolete provision; revising



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28 the distribution and the use of proceeds from the
29 sales of forfeited property seized by a county or
30 municipal agency; authorizing an agency or
31 organization, other than a seizing agency, to apply
32 for funds from specified proceeds; requiring that
33 funding requests be made in writing and include a
34 certification that the expenditure meets certain
35 requirements; specifying that such requests are public
36 records; deleting a provision relating to certain
37 expenditure or donation of forfeiture proceeds;
38 requiring certain proceeds to be deposited into the
39 Crimes Compensation Trust Fund, rather than the
40 General Revenue Fund; deleting provisions that exempt
41 certain state agencies from depositing proceeds from
42 seizures into the General Revenue Fund; providing for
43 the distribution and use of certain revenues received
44 from federal sources; requiring a law enforcement
45 agency participating in certain forfeiture proceedings
46 to submit a report to the Department of Law
47 Enforcement on a periodic basis detailing specified
48 information; making technical changes; creating s.
49 932.7061, F.S.; requiring each state or local law
50 enforcement agency that seizes property for the
51 purpose of forfeiture to complete an annual report;
52 requiring certain information to be included in the
53 annual report; requiring the report to be kept on file
54 with the seizing agency for public access; amending
55 ss. 322.34, 323.001, 328.07, and 817.625, F.S.;

56 conforming cross-references; reenacting ss. 27.3451



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57 and 874.08, F.S., relating to the State Attorney's
58 Forfeiture and Investigative Support Trust Fund, and
59 criminal gang activity, recruitment, and forfeiture,
60 respectively, to incorporate the amendment made to s.
61 932.704, F.S., in references thereto; reenacting ss.
62 381.0081(5)(b), 895.09(2)(c), and 932.703(6)(b), F.S.,
63 relating to the allocations of proceeds from the sales
64 of property in a migrant labor camp or residential
65 migrant housing, the disposition of funds obtained
66 through forfeiture proceedings, and the forfeiture of
67 contraband articles, respectively, to incorporate the
68 amendment made to s. 932.7055, F.S., in references
69 thereto; providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Subsection (1) of section 932.701, Florida
74 Statutes, is amended to read:

75 932.701 Short title; definitions.—

76 (1) Sections 932.701-932.7061 ~~932.706~~ shall be known and
77 may be cited as the "Florida Contraband Forfeiture Act."

78 Section 2. Subsection (11) of section 932.704, Florida
79 Statutes, is amended to read:

80 932.704 Forfeiture proceedings.—

81 (11)(a) The Department of Law Enforcement, in consultation
82 with the Florida Sheriffs Association and the Florida Police
83 Chiefs Association, shall develop guidelines and training
84 procedures to be used by state and local law enforcement
85 agencies and state attorneys in implementing the Florida



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86 Contraband Forfeiture Act. Each state or local law enforcement
87 agency that seizes property for the purpose of forfeiture shall
88 periodically review seizures of assets made by the agency's law
89 enforcement officers, settlements, and forfeiture proceedings
90 initiated by the agency, to determine whether such seizures,
91 settlements, and forfeitures comply with the Florida Contraband
92 Forfeiture Act and the guidelines adopted under this subsection.
93 Such review must occur at least annually. If the review suggests
94 deficiencies, the state or local law enforcement agency shall
95 promptly move to ensure the agency's compliance with this act.

96 (b) The determination of whether an agency will file a
97 civil forfeiture action must be the sole responsibility of the
98 head of the agency or his or her designee.

99 (c) ~~(b)~~ The determination of whether to seize currency must
100 be made by supervisory personnel. The agency's legal counsel
101 must be notified as soon as possible.

102 (d) The employment, salary, promotion, or other
103 compensation of any law enforcement officer may not depend on
104 attaining a quota of seizures.

105 (e) A seizing agency must ensure, through the use of
106 written policies, procedures, and training, compliance with all
107 applicable legal requirements regarding seizing, maintaining,
108 and forfeiting property under this act.

109 (f) When property is seized for forfeiture, the probable
110 cause supporting the seizure must be promptly reviewed by
111 supervisory personnel. The seizing agency's legal counsel must
112 be notified as soon as possible of all seizures and must conduct
113 a review to determine whether there is legal sufficiency to
114 proceed with a forfeiture action.



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115 (g) Each seizing agency must have written policies and
116 procedures promoting, when there is no other legitimate basis
117 for holding seized property, the prompt release of such property
118 as may be required by the act or by agency determination. To
119 help assure that property is not wrongfully held after seizure,
120 every law enforcement agency must have written policies and
121 procedures ensuring that all asserted claims of interest in
122 seized property are promptly reviewed for potential validity.

123 (h) The settlement of any forfeiture action must be
124 consistent with the mandates of this act and in compliance with
125 agency policy or directives.

126 (i) Law enforcement agency personnel involved in the
127 seizure of property for forfeiture shall receive basic training
128 and continuing education as required by this act. Each agency
129 shall maintain records documenting every law enforcement
130 officer's compliance with these training requirements. A portion
131 of such training must address the legal aspects of forfeiture,
132 including, but not limited to, search and seizure and other
133 constitutional considerations.

134 Section 3. Section 932.7055, Florida Statutes, is amended
135 to read:

136 932.7055 Disposition of liens and forfeited property.—

137 (1) When a seizing agency obtains a final judgment granting
138 forfeiture of real property or personal property, it may elect
139 to:

140 ~~(a) Retain the property for the agency's use;~~

141 (a) ~~(b)~~ Sell the property at public auction or by sealed bid
142 to the highest bidder, except for real property, which must
143 ~~should~~ be sold in a commercially reasonable manner after



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144 appraisal by listing on the market; or

145 ~~(b)(e)~~ Salvage, trade, or transfer the property to any
146 public or nonprofit organization.

147 (2) Notwithstanding subsection (1), a seizing agency must
148 destroy any image and the medium on which the image is recorded,
149 including, but not limited to, a photograph, video tape,
150 diskette, compact disc, or fixed disk made in violation of s.
151 810.145 when the image and the medium on which it is recorded is
152 no longer needed for an official purpose. The agency may not
153 sell or retain any image.

154 (3) If the forfeited property is subject to a lien
155 preserved by the court as provided in s. 932.703(6)(b), the
156 agency shall:

157 (a) Sell the property with the proceeds being used towards
158 satisfaction of any liens; or

159 (b) Have the lien satisfied prior to taking any action
160 authorized by subsection (1).

161 (4) The proceeds from the sale of forfeited property shall
162 be disbursed in the following priority:

163 (a) Payment of the balance due on any lien preserved by the
164 court in the forfeiture proceedings.

165 (b) Payment of the cost incurred by the seizing agency in
166 connection with the storage, maintenance, security, and
167 forfeiture of such property.

168 (c) Payment of court costs incurred in the forfeiture
169 proceeding.

170 ~~(d) Notwithstanding any other provision of this subsection,~~
171 ~~and for the 2014-2015 fiscal year only, the funds in a special~~
172 ~~law enforcement trust fund established by the governing body of~~



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173 ~~a municipality may be expended to reimburse the general fund of~~
174 ~~the municipality for moneys advanced from the general fund to~~
175 ~~the special law enforcement trust fund before October 1, 2001.~~
176 ~~This paragraph expires July 1, 2015.~~

177 (5) (a) If the seizing agency is a county or municipal
178 agency, at least 50 percent of the remaining proceeds shall be
179 deposited into ~~in~~ a special law enforcement trust fund
180 established by the board of county commissioners or the
181 governing body of the municipality. Such proceeds and interest
182 earned therefrom shall be used for school resource officer,
183 crime prevention, safe neighborhood, or drug abuse education and
184 prevention programs or the purchase of portable defibrillators.
185 Any remaining proceeds shall be deposited into the Crimes
186 Compensation Trust Fund, ~~or for other law enforcement purposes,~~
187 ~~which include defraying the cost of protracted or complex~~
188 ~~investigations, providing additional equipment or expertise,~~
189 ~~purchasing automated external defibrillators for use in law~~
190 ~~enforcement vehicles, and providing matching funds to obtain~~
191 ~~federal grants. The proceeds and interest may not be used to~~
192 ~~meet normal operating expenses of the law enforcement agency.~~

193 (b) These funds may be expended upon request by the sheriff
194 to the board of county commissioners or by the chief of police
195 to the governing body of the municipality, accompanied by a
196 written certification that the request complies with the
197 provisions of this subsection, and only upon appropriation to
198 the sheriff's office or police department by the board of county
199 commissioners or the governing body of the municipality.

200 (c) An agency or organization, other than the seizing
201 agency, which ~~that~~ wishes to receive such funds shall apply to



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202 the sheriff or chief of police for an appropriation. The ~~and its~~
203 application shall be accompanied by a written certification that
204 the moneys will be used for an authorized purpose. Such requests
205 for expenditures shall include a statement describing
206 anticipated recurring costs for the agency for subsequent fiscal
207 years. An agency or organization that receives money pursuant to
208 this subsection shall provide an accounting for such moneys and
209 shall furnish the same reports as an agency of the county or
210 municipality that receives public funds. Such funds may be
211 ~~expended in accordance with the following procedures:~~

212 ~~1. Such funds may be used only for school resource officer,~~
213 ~~crime prevention, safe neighborhood, drug abuse education, or~~
214 ~~drug prevention programs or the purchase of portable~~
215 ~~defibrillators such other law enforcement purposes as the board~~
216 ~~of county commissioners or governing body of the municipality~~
217 ~~deems appropriate.~~

218 ~~2. Such funds shall not be a source of revenue to meet~~
219 ~~normal operating needs of the law enforcement agency.~~

220 ~~(d)3. After July 1, 1992, and During each every fiscal year~~
221 ~~thereafter, any local law enforcement agency that acquires any~~
222 ~~property or assets at least \$15,000 pursuant to the Florida~~
223 ~~Contraband Forfeiture Act within that a fiscal year must expend~~
224 ~~or donate at least 50 ~~no less than 15~~ percent of such proceeds~~
225 ~~pursuant to the Florida Contraband Forfeiture Act for the~~
226 ~~support or operation of any drug treatment, drug abuse~~
227 ~~education, drug prevention, crime prevention, safe neighborhood,~~
228 ~~or school resource officer programs ~~program(s)~~. An agency or~~
229 ~~organization, other than the seizing agency, which wishes to~~
230 ~~receive such funds must apply to the seizing local law~~



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231 enforcement agency for an appropriation. Funding requests by
232 such agencies or organizations must be in writing and be
233 accompanied by a written certification stating that the moneys
234 will be used for an authorized purpose, detailing how the funds
235 will be used, and affirming that the expenditure will be used
236 for only the support of drug treatment, drug abuse education,
237 drug prevention, crime prevention, safe neighborhood, or school
238 resource officer programs. Such requests are public records as
239 defined in chapter 119. The local law enforcement agency has the
240 discretion to determine which programs ~~program(s)~~ will receive
241 the designated proceeds.

242 (e) Notwithstanding the drug abuse education, drug
243 treatment, drug prevention, crime prevention, safe neighborhood,
244 or school resource officer programs minimum expenditures or
245 donations, the sheriff and the board of county commissioners or
246 the chief of police and the governing body of the municipality
247 may agree to expend or donate such funds over a period of years
248 if the expenditure or donation of the ~~such~~ minimum amount in any
249 given fiscal year would exceed the needs of the county or
250 municipality for such programs ~~program(s)~~. ~~Nothing in this~~
251 ~~section precludes the expenditure or donation of forfeiture~~
252 ~~proceeds in excess of the minimum amounts established herein.~~

253 (6) If the seizing agency is a state agency, all remaining
254 proceeds shall be deposited into the Crimes Compensation Trust
255 Fund ~~General Revenue Fund. However, if the seizing agency is:~~

256 ~~(a) The Department of Law Enforcement, the proceeds accrued~~
257 ~~pursuant to the provisions of the Florida Contraband Forfeiture~~
258 ~~Act shall be deposited into the Forfeiture and Investigative~~
259 ~~Support Trust Fund as provided in s. 943.362 or into the~~



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260 ~~department's Federal Law Enforcement Trust Fund as provided in~~
261 ~~s. 943.365, as applicable.~~

262 ~~(b) The Division of Alcoholic Beverages and Tobacco, the~~
263 ~~proceeds accrued pursuant to the Florida Contraband Forfeiture~~
264 ~~Act shall be deposited into the Alcoholic Beverage and Tobacco~~
265 ~~Trust Fund or into the department's Federal Law Enforcement~~
266 ~~Trust Fund as provided in s. 561.027, as applicable.~~

267 ~~(c) The Department of Highway Safety and Motor Vehicles,~~
268 ~~the proceeds accrued pursuant to the Florida Contraband~~
269 ~~Forfeiture Act shall be deposited into the Department of Highway~~
270 ~~Safety and Motor Vehicles Law Enforcement Trust Fund as provided~~
271 ~~in s. 932.705(1)(a) or into the department's Federal Law~~
272 ~~Enforcement Trust Fund as provided in s. 932.705(1)(b), as~~
273 ~~applicable.~~

274 ~~(d) The Fish and Wildlife Conservation Commission, the~~
275 ~~proceeds accrued pursuant to the provisions of the Florida~~
276 ~~Contraband Forfeiture Act shall be deposited into the State Game~~
277 ~~Trust Fund as provided in ss. 379.338, 379.339, and 379.3395 or~~
278 ~~into the Marine Resources Conservation Trust Fund as provided in~~
279 ~~s. 379.337.~~

280 ~~(e) A state attorney's office acting within its judicial~~
281 ~~circuit, the proceeds accrued pursuant to the provisions of the~~
282 ~~Florida Contraband Forfeiture Act shall be deposited into the~~
283 ~~State Attorney's Forfeiture and Investigative Support Trust Fund~~
284 ~~to be used for the investigation of crime and prosecution of~~
285 ~~criminals within the judicial circuit.~~

286 ~~(f) A school board security agency employing law~~
287 ~~enforcement officers, the proceeds accrued pursuant to the~~
288 ~~provisions of the Florida Contraband Forfeiture Act shall be~~



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289 ~~deposited into the School Board Law Enforcement Trust Fund.~~

290 ~~(g) One of the State University System police departments~~
291 ~~acting within the jurisdiction of its employing state~~
292 ~~university, the proceeds accrued pursuant to the provisions of~~
293 ~~the Florida Contraband Forfeiture Act shall be deposited into~~
294 ~~that state university's special law enforcement trust fund.~~

295 ~~(h) The Department of Agriculture and Consumer Services,~~
296 ~~the proceeds accrued pursuant to the Florida Contraband~~
297 ~~Forfeiture Act shall be deposited into the General Inspection~~
298 ~~Trust Fund or into the department's Federal Law Enforcement~~
299 ~~Trust Fund as provided in s. 570.205, as applicable.~~

300 ~~(i) The Department of Military Affairs, the proceeds~~
301 ~~accrued from federal forfeiture sharing pursuant to 21 U.S.C.~~
302 ~~ss. 881(e) (1) (A) and (3), 18 U.S.C. s. 981(e) (2), and 19 U.S.C.~~
303 ~~s. 1616a shall be deposited into the Armory Board Trust Fund and~~
304 ~~used for purposes authorized by such federal provisions based on~~
305 ~~the department's budgetary authority or into the department's~~
306 ~~Federal Law Enforcement Trust Fund as provided in s. 250.175, as~~
307 ~~applicable.~~

308 ~~(j) The Medicaid Fraud Control Unit of the Department of~~
309 ~~Legal Affairs, the proceeds accrued pursuant to the provisions~~
310 ~~of the Florida Contraband Forfeiture Act shall be deposited into~~
311 ~~the Department of Legal Affairs Grants and Donations Trust Fund~~
312 ~~to be used for investigation and prosecution of Medicaid fraud,~~
313 ~~abuse, neglect, and other related cases by the Medicaid Fraud~~
314 ~~Control Unit.~~

315 ~~(k) The Division of State Fire Marshal in the Department of~~
316 ~~Financial Services, the proceeds accrued under the Florida~~
317 ~~Contraband Forfeiture Act shall be deposited into the Insurance~~



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318 ~~Regulatory Trust Fund to be used for the purposes of arson~~
319 ~~suppression, arson investigation, and the funding of anti-arson~~
320 ~~rewards.~~

321 ~~(1) The Division of Insurance Fraud of the Department of~~
322 ~~Financial Services, the proceeds accrued pursuant to the~~
323 ~~provisions of the Florida Contraband Forfeiture Act shall be~~
324 ~~deposited into the Insurance Regulatory Trust Fund as provided~~
325 ~~in s. 626.9893 or into the Department of Financial Services'~~
326 ~~Federal Law Enforcement Trust Fund as provided in s. 17.43, as~~
327 ~~applicable.~~

328 (7) Notwithstanding any other provision of law, any
329 revenues received from federal sources that are derived from
330 forfeitures are considered to be proceeds from the sale of
331 forfeited property acquired pursuant to the Florida Contraband
332 Forfeiture Act and shall be deposited as required by subsection
333 (5) if received by a county or municipal agency or as required
334 by subsection (6) if received by a state agency.

335 ~~(8)-(7)~~ If more than one law enforcement agency is acting
336 substantially to effect the forfeiture, the court having
337 jurisdiction over the forfeiture proceedings shall, upon motion,
338 equitably distribute all proceeds and other property among the
339 seizing agencies.

340 ~~(9)-(8)~~ Upon the sale of any motor vehicle, vessel,
341 aircraft, real property, or other property requiring a title,
342 the appropriate agency shall issue a title certificate to the
343 purchaser. Upon the request of any law enforcement agency which
344 elects to retain titled property after forfeiture, the
345 appropriate state agency shall issue a title certificate for
346 such property to said law enforcement agency.



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347 ~~(10)(9) A Neither the law enforcement agency, or nor the~~
348 entity having budgetary control over the law enforcement agency,
349 may not ~~shall~~ anticipate future forfeitures or the proceeds from
350 those forfeitures therefrom in the adoption and approval of the
351 agency's budget ~~for the law enforcement agency.~~

352 (11) A law enforcement agency participating in forfeiture
353 proceedings pursuant to this act shall submit a report to the
354 Department of Law Enforcement every 3 months detailing the items
355 seized through the forfeiture process and, if a final judgment
356 of forfeiture was issued for any seized property or assets, a
357 description of how the property or assets were disposed of.

358 Section 4. Section 932.7061, Florida Statutes, is created
359 to read:

360 932.7061 Each state or local law enforcement agency that
361 seizes property for the purpose of forfeiture must complete an
362 annual report indicating whether that agency has received or
363 forfeited property under this act. The report, to be submitted
364 on a form designed by the law enforcement agency, must, at a
365 minimum, specify the type of property, its approximate value,
366 the court case number, the type of offense for which the
367 property was seized, disposition of the property, and the dollar
368 amount of the proceeds received or expended in seizing the
369 property. This report must be kept on file with the seizing
370 agency for public access.

371 Section 5. Paragraph (a) of subsection (9) of section
372 322.34, Florida Statutes, is amended to read:

373 322.34 Driving while license suspended, revoked, canceled,
374 or disqualified.—

375 (9) (a) A motor vehicle that is driven by a person under the



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376 influence of alcohol or drugs in violation of s. 316.193 is
377 subject to seizure and forfeiture under ss. 932.701-932.7061
378 ~~932.706~~ and is subject to liens for recovering, towing, or
379 storing vehicles under s. 713.78 if, at the time of the offense,
380 the person's driver license is suspended, revoked, or canceled
381 as a result of a prior conviction for driving under the
382 influence.

383 Section 6. Subsection (4) of section 323.001, Florida
384 Statutes, is amended to read:

385 323.001 Wrecker operator storage facilities; vehicle
386 holds.-

387 (4) The requirements for a written hold apply when the
388 following conditions are present:

389 (a) The officer has probable cause to believe the vehicle
390 should be seized and forfeited under the Florida Contraband
391 Forfeiture Act, ss. 932.701-932.7061 ~~932.706~~;

392 (b) The officer has probable cause to believe the vehicle
393 should be seized and forfeited under chapter 379;

394 (c) The officer has probable cause to believe the vehicle
395 was used as the means of committing a crime;

396 (d) The officer has probable cause to believe that the
397 vehicle is itself evidence that tends to show that a crime has
398 been committed or that the vehicle contains evidence, which
399 cannot readily be removed, which tends to show that a crime has
400 been committed;

401 (e) The officer has probable cause to believe the vehicle
402 was involved in a traffic accident resulting in death or
403 personal injury and should be sealed for investigation and
404 collection of evidence by a vehicular homicide investigator;



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405 (f) The vehicle is impounded or immobilized pursuant to s.
406 316.193 or s. 322.34; or

407 (g) The officer is complying with a court order.

408 Section 7. Paragraph (b) of subsection (3) of section
409 328.07, Florida Statutes, is amended to read:

410 328.07 Hull identification number required.—

411 (3)

412 (b) If any of the hull identification numbers required by
413 the United States Coast Guard for a vessel manufactured after
414 October 31, 1972, do not exist or have been altered, removed,
415 destroyed, covered, or defaced or the real identity of the
416 vessel cannot be determined, the vessel may be seized as
417 contraband property by a law enforcement agency or the division,
418 and shall be subject to forfeiture pursuant to ss. 932.701-
419 932.7061 ~~932.706~~. Such vessel may not be sold or operated on the
420 waters of the state unless the division receives a request from
421 a law enforcement agency providing adequate documentation or is
422 directed by written order of a court of competent jurisdiction
423 to issue to the vessel a replacement hull identification number
424 which shall thereafter be used for identification purposes. No
425 vessel shall be forfeited under the Florida Contraband
426 Forfeiture Act when the owner unknowingly, inadvertently, or
427 neglectfully altered, removed, destroyed, covered, or defaced
428 the vessel hull identification number.

429 Section 8. Paragraph (c) of subsection (2) of section
430 817.625, Florida Statutes, is amended to read:

431 817.625 Use of scanning device or reencoder to defraud;
432 penalties.—

433 (2)



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434 (c) Any person who violates subparagraph (a)1. or
435 subparagraph (a)2. shall also be subject to the provisions of
436 ss. ~~932.701-932.7061~~ 932.706.

437 Section 9. For the purpose of incorporating the amendment
438 made by this act to section 932.704, Florida Statutes, in a
439 reference thereto, section 27.3451, Florida Statutes, is
440 reenacted to read:

441 27.3451 State Attorney's Forfeiture and Investigative
442 Support Trust Fund.—There is created for each of the several
443 state attorneys a trust fund to be known as the State Attorney's
444 Forfeiture and Investigative Support Trust Fund. Revenues
445 received by a state attorney as a result of forfeiture
446 proceedings, as provided under s. 932.704, shall be deposited in
447 such trust fund and shall be used, when authorized by
448 appropriation or action of the Executive Office of the Governor
449 pursuant to s. 216.181(11), for the investigation of crime,
450 prosecution of criminals, or other law enforcement purposes.

451 Section 10. For the purpose of incorporating the amendment
452 made by this act to section 932.704, Florida Statutes, in a
453 reference thereto, section 874.08, Florida Statutes, is
454 reenacted to read:

455 874.08 Criminal gang activity and recruitment; forfeiture.—
456 All profits, proceeds, and instrumentalities of criminal gang
457 activity and all property used or intended or attempted to be
458 used to facilitate the criminal activity of any criminal gang or
459 of any criminal gang member; and all profits, proceeds, and
460 instrumentalities of criminal gang recruitment and all property
461 used or intended or attempted to be used to facilitate criminal
462 gang recruitment are subject to seizure and forfeiture under the



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463 Florida Contraband Forfeiture Act, s. 932.704.

464 Section 11. For the purpose of incorporating the amendment
465 made by this act to section 932.7055, Florida Statutes, in a
466 reference thereto, paragraph (b) of subsection (5) of section
467 381.0081, Florida Statutes, is reenacted to read:

468 381.0081 Permit required to operate a migrant labor camp or
469 residential migrant housing; penalties for unlawful
470 establishment or operation; allocation of proceeds.—

471 (5) SEIZURE.—

472 (b) After satisfying any liens on the property, the
473 remaining proceeds from the sale of the property seized under
474 this section shall be allocated as follows if the department
475 participated in the inspection or investigation leading to
476 seizure and forfeiture under this section:

477 1. One-third of the proceeds shall be allocated to the law
478 enforcement agency involved in the seizure, to be used as
479 provided in s. 932.7055.

480 2. One-third of the proceeds shall be allocated to the
481 department, to be used for purposes of enforcing the provisions
482 of this section.

483 3. One-third of the proceeds shall be deposited in the
484 State Apartment Incentive Loan Fund, to be used for the purpose
485 of providing funds to sponsors who provide housing for
486 farmworkers.

487 Section 12. For the purpose of incorporating the amendment
488 made by this act to section 932.7055, Florida Statutes, in a
489 reference thereto, paragraph (c) of subsection (2) of section
490 895.09, Florida Statutes, is reenacted to read:

491 895.09 Disposition of funds obtained through forfeiture



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492 proceedings.-

493 (2)

494 (c) Any funds distributed to an investigating law
495 enforcement agency under paragraph (a) shall be deposited in the
496 applicable law enforcement trust fund established for that
497 agency pursuant to s. 932.7055 and expended for the purposes and
498 in the manner authorized in that section. In addition, any funds
499 distributed to an investigating law enforcement agency pursuant
500 to this section may be used to pay the costs of investigations
501 of violations of this chapter and the criminal prosecutions and
502 civil actions related thereto, pursuant to s. 932.7055. Such
503 costs may include all taxable costs; costs of protecting,
504 maintaining, and forfeiting the property; employees' base
505 salaries and compensation for overtime; and such other costs
506 directly attributable to the investigation, prosecution, or
507 civil action.

508 Section 13. For the purpose of incorporating the amendment
509 made by this act to section 932.7055, Florida Statutes, in a
510 reference thereto, paragraph (b) of subsection (6) of section
511 932.703, Florida Statutes, is reenacted to read:

512 932.703 Forfeiture of contraband article; exceptions.-

513 (6)

514 (b) A bona fide lienholder's interest that has been
515 perfected in the manner prescribed by law prior to the seizure
516 may not be forfeited under the Florida Contraband Forfeiture Act
517 unless the seizing agency establishes by a preponderance of the
518 evidence that the lienholder had actual knowledge, at the time
519 the lien was made, that the property was being employed or was
520 likely to be employed in criminal activity. If a lienholder's



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521 interest is not subject to forfeiture under the requirements of
522 this section, such interest shall be preserved by the court by
523 ordering the lienholder's interest to be paid as provided in s.
524 932.7055.

525 Section 14. This act shall take effect July 1, 2015.