

By Senator Bean

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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.

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

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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
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,

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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.