



323058

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2016	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

1 **Senate Substitute for Amendment (448030) (with title**
2 **amendment)**

3
4 Delete lines 44 - 49

5 and insert:

6 the state acquires provisional title to the seized property.

7 Property may not be seized under the Florida Contraband

8 Forfeiture Act until the owner of such property is arrested for

9 a criminal offense that renders the property a contraband

10 article. However, property may be seized if the owner of the



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11 property is a confidential informant in lieu of an arrest. The
12 confidential informant status must be agreed upon between the
13 seizing agency and the property owner, and the property owner
14 must actively participate as a confidential informant in
15 gathering criminal intelligence or investigative information for
16 an active criminal investigation. The seizing agency may not use
17 the threat of property seizure or forfeiture when offering the
18 property owner the status of confidential informant in lieu of
19 an arrest. If charges are not brought against the property
20 owner, the property must be returned to the owner at the
21 conclusion of the active criminal investigation or the cessation
22 of the status of criminal informant. Final forfeiture of
23 property may be included as a component of the agreement to
24 serve as a confidential informant. A forfeiture under the
25 Florida Contraband Forfeiture Act is not final, and title or
26 other indicia of ownership, other than provisional title, does
27 not pass to the state or jurisdiction seeking forfeiture until
28 the owner of the seized property is prosecuted and convicted of
29 or pleads guilty or nolo contendere to a criminal offense,
30 without regard to whether adjudication is withheld, that renders
31 the

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete lines 5 - 8

36 and insert:

37 circumstances; prohibiting the seizure of property
38 under the Florida Contraband Forfeiture Act until the
39 owner of such property is arrested for a criminal



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40 offense that renders the property a contraband
41 article; providing an exception; prohibiting the
42 seizing law enforcement agency from threatening a
43 property owner with property seizure or forfeiture
44 under certain circumstances; requiring the return of
45 property by the seizing law enforcement agency to the
46 property owner under certain circumstances;
47 prohibiting a forfeiture under the Florida Contraband
48 Forfeiture Act from being final until the owner of the
49 seized property is prosecuted and convicted of or
50 pleads guilty or nolo contendere to a criminal offense
51 that renders the