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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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03/03/2016 11:31 AM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete lines 151 - 177

and insert:

1. The owner was arrested under paragraph (1) (a), and if not, whether an exception to the arrest requirement specified in paragraph (1) (a) applies; and

2. Probable cause exists for the property seizure under the Florida Contraband Forfeiture Act.

(c) If the court finds that the requirements specified in paragraph (1) (a) were satisfied and that probable cause exists



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12 for the seizure, the forfeiture may proceed as set forth in the  
13 Florida Contraband Forfeiture Act, and no additional probable  
14 cause determination is required unless the claimant requests an  
15 adversarial preliminary hearing as set forth in the act. Upon  
16 such a finding, the court shall issue a written order finding  
17 probable cause for the seizure and order the property held until  
18 the issue of a determination of title is resolved pursuant to  
19 the procedures defined in the act.

20 (d) If the court finds that the requirements in paragraph  
21 (1)(a) were not satisfied or that probable cause does not exist  
22 for the seizure, any forfeiture hold, lien, lis pendens, or  
23 other civil encumbrance must be released within 5 days.

24 (e) The court may seal any portion of the application and  
25 the record of any proceeding under the Florida Contraband  
26 Forfeiture Act which is exempt or confidential and exempt from  
27 s. 119.07(1) and s. 24(a), Art. I of the State Constitution or  
28 may otherwise be sealed pursuant to Rule 2.420, Florida Rules of  
29 Judicial Administration.

30  
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 19

34 and insert:

35 circumstances; amending s.