



797394

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
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The Committee on Fiscal Policy (Bradley) recommended the following:

1 **Senate Amendment to Amendment (681256) (with title**
2 **amendment)**

3
4 Delete lines 20 - 54
5 and insert:

6 may be seized and shall be forfeited subject to the provisions
7 of the Florida Contraband Forfeiture Act. A seizure may occur
8 only if the owner of the property is arrested or if one or more
9 of the following circumstances apply:

- 10 1. The owner of the property cannot be identified after a



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11 diligent search;

12 2. The owner of the property is a fugitive from justice or
13 is deceased;

14 3. An individual who does not own the property is arrested
15 for the criminal violation that renders the property a
16 contraband article and the owner of the property had actual
17 knowledge of the criminal activity. Evidence that an owner
18 received written notification from a law enforcement agency and
19 acknowledged receipt of the notification in writing, that the
20 seized asset had been used in violation of the Florida
21 Contraband Forfeiture Act on a prior occasion by the arrested
22 person, may be used to establish actual knowledge;

23 4. The owner of the property agrees to be a confidential
24 informant as defined in s. 914.28. The seizing agency may not
25 use the threat of property seizure or forfeiture to coerce the
26 owner of the property into entering a confidential informant
27 agreement. The seizing agency shall return the property to the
28 owner if criminal charges are not filed against the owner and
29 the active criminal investigation ends or if the owner ceases
30 being a confidential informant, unless the agency includes the
31 final forfeiture of the property as a component of the
32 confidential informant agreement; or

33 5. The property is a monetary instrument. For purposes of
34 this sub-subparagraph, the term "monetary instrument" means coin
35 or currency of the United States or any other country; a
36 traveler's check; a personal check; a bank check; a cashier's
37 check; a money order; a bank draft of any country; an investment
38 security or negotiable instrument in bearer form or in other
39 form such that title passes upon delivery; a prepaid or stored



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40 value card or other device that is the equivalent of money and
41 can be used to obtain cash, property, or services; or gold,
42 silver, or platinum bullion or coins.

43

44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete line 394

47 and insert:

48 property may be seized only under certain
49 circumstances; defining the term "monetary
50 instrument";