

By Senator Diaz

36-01399A-19

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1                   A bill to be entitled  
2       An act relating to contraband forfeiture; creating s.  
3       932.7071, F.S.; prohibiting transfer of possession of  
4       property seized under state law to the Federal  
5       Government for the purpose of the property's  
6       forfeiture under federal law under certain  
7       circumstances; providing guidelines relating to state  
8       participation in joint task forces which results in  
9       property seizures; providing construction; providing  
10      an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Section 932.7071, Florida Statutes, is created  
15 to read:

16       932.7071 Forfeiture adoption under federal law.-

17       (1) PROHIBITION OF FEDERAL ADOPTION.-A local, county, or  
18 state law enforcement agency may not refer, transfer, or  
19 otherwise relinquish possession of property seized under state  
20 law to a federal agency by way of adoption of the seized  
21 property or other means by the federal agency for the purpose of  
22 the property's forfeiture under the federal Controlled  
23 Substances Act, Pub. L. No. 91-513 Oct. 27, 1970, 21 U.S.C. ss.  
24 801 et seq.

25       (2) JOINT TASK FORCES.-

26       (a) In a case in which the aggregate net equity value of  
27 the property and currency seized is \$100,000 or less, excluding  
28 the value of contraband, a local, county, or state law  
29 enforcement agency or a participant in a joint task force or

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30 other multijurisdictional collaboration with the Federal  
31 Government or an agency thereof shall transfer responsibility  
32 for the seized property to the state prosecuting authority for  
33 forfeiture under state law.

34 (b) If the Federal Government prohibits the transfer of  
35 seized property and currency to the state prosecuting authority  
36 as required under paragraph (a) and instead requires that the  
37 property be transferred to the Federal Government for forfeiture  
38 under federal law, the agency is prohibited from accepting  
39 payment of any kind or distribution of forfeiture proceeds from  
40 the Federal Government.

41 (c) Paragraphs (a) and (b) do not restrict an agency from  
42 transferring responsibility to the Federal Government for  
43 forfeiture of seized property and currency that has an aggregate  
44 net equity value of greater than \$100,000, excluding the value  
45 of contraband.

46 (3) NO CHANGE TO SEIZURE LAWS.—Subsections (1) and (2) do  
47 not restrict a local, county, or state law enforcement agent  
48 from seizing contraband or property if the agent would otherwise  
49 be lawfully permitted to do so.

50 (4) FEDERAL GOVERNMENT.—Subsections (1) and (2) do not  
51 prohibit the Federal Government, acting without the involvement  
52 of local, county, or state law enforcement agents, from seizing  
53 property and seeking forfeiture under federal law.

54 Section 2. This act shall take effect July 1, 2019.