

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1556

INTRODUCER: Senator Perry

SUBJECT: Contraband Forfeiture

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1556 amends s. 932.703, F.S., authorizing a stay of proceedings subsequent to a written order finding probable cause for the seizure.

The bill amends s. 932.704, F.S., to provide that a complaint must state the criminal case number and the name of the court in which any criminal charge associated with the underlying activity forming the basis for the forfeiture action are filed against any claimant, if such information is available.

Additionally, the bill revises policy relating to forfeiture proceedings by providing that if an associated criminal charge is:

- Filed, the forfeiture action must be stayed by the court presiding over the forfeiture action until the disposition of the underlying criminal case. If charges are filed after the complaint for forfeiture is filed, the attorney for the seizing agency must notify the court presiding over the forfeiture action;
- Filed, the forfeiture action may only proceed after the claimant is convicted of or pleads guilty or nolo contendere to, regardless of adjudication, a criminal charge forming the basis for the forfeiture action. The attorney for the seizing agency must notify the court presiding over the forfeiture action of the final disposition; and
- Disposed of by dismissal, nolle prosequi, or acquittal, the attorney for the seizing agency must notify the court presiding over the forfeiture action.

The bill requires the return of seized property if all associated criminal charges are disposed of by dismissal, nolle prosequi, or acquittal.

The bill does not prohibit a forfeiture pursuant to a lawful plea agreement which resolves a criminal charge and a forfeiture action arising from the same activity. Seized property may not be used in bargaining to dismiss or nolle prosequi criminal charges, obtain a guilty plea, or affect criminal sentencing recommendations.

The bill creates s. 932.7071, F.S., prohibiting specified agencies from referring, transferring, or otherwise relinquishing possession of property seized under state law to a federal agency for a specified purpose and provides guidelines relating to state participation in joint task forces.

The bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill shall take effect July 1, 2023.

II. Present Situation:

Sections 932.701-932.7062, F.S., comprise the Florida Contraband Forfeiture Act (Act), which provides for the seizure and civil forfeiture of property related to criminal and noncriminal violations of law. The forfeiture procedure advances primarily by a two-step process: the seizure or other initial restraint on the property is applied, and the forfeiture itself occurs once it is determined in court that the property can be legally forfeited.

A contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the Act, or in, upon, or by means of which any violation of the Act has taken or is taking place, may be seized and shall be forfeited subject to the Act.^{1, 2}

¹ Section 932.703(1)(a), F.S.

² Section 932.701(2)(a)1.-12., F.S., defines “Contraband article” to mean:

1. Any controlled substance as defined in ch. 893, F.S., or any substance, device, paraphernalia, or currency or other means of exchange that was used, was attempted to be used, or was intended to be used in violation of any provision of ch. 893, F.S., if the totality of the facts presented by the state is clearly sufficient to meet the state’s burden of establishing probable cause to believe that a nexus exists between the article seized and the narcotics activity, whether or not the use of the contraband article can be traced to a specific narcotics transaction.
2. Any equipment, gambling device, apparatus, material of gaming, proceeds, substituted proceeds, real or personal property, Internet domain name, gambling paraphernalia, lottery tickets, money, currency, or other means of exchange which was obtained, received, used, attempted to be used, or intended to be used in violation of the gambling laws of the state, including any violation of ch. 24, F.S., part II of ch. 285, F.S., ch. 546, F.S., ch. 550, F.S., ch. 551, F.S., or ch. 849, F.S.
3. Any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used in violation of the beverage or tobacco laws of the state.
4. Any motor fuel upon which the motor fuel tax has not been paid as required by law.
5. Any personal property, including, but not limited to, any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, whether or not comprising an element of the felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.
6. Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which was used, is being used, or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.
7. Any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, currency, or any vessel, aircraft, item, object, tool, substance, device, weapon, machine, or vehicle of any kind in the possession of or belonging to any person who takes aquaculture products in violation of s. 812.014(2)(c), F.S.
8. Any motor vehicle offered for sale in violation of s. 320.28, F.S.
9. Any motor vehicle used during the course of committing an offense in violation of s. 322.34(9)(a), F.S.
10. Any photograph, film, or other recorded image, including an image recorded on videotape, a compact disc, digital tape, or fixed disk, that is recorded in violation of s. 810.145, F.S., and is possessed for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.

A seizure may occur only if the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under s. 932.701, F.S., or one or more of the following circumstances apply:

- The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified by means that are available to the employee or agent of the seizing agency at the time of the seizure.³
- The owner of the property is a fugitive from justice or is deceased.⁴
- An individual who does not own the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under s. 932.701, F.S., and the owner of the property had actual knowledge of the criminal activity.⁵

11. Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which is acquired by proceeds obtained as a result of Medicaid fraud under s. 409.920 or s. 409.9201, F.S.; any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, or currency; or any vessel, aircraft, item, object, tool, substance, device, weapon, machine, or vehicle of any kind in the possession of or belonging to any person which is acquired by proceeds obtained as a result of Medicaid fraud under s. 409.920, F.S., or s. 409.9201, F.S.

12. Any personal property, including, but not limited to, any vehicle, item, object, tool, device, weapon, machine, money, security, book, or record, that is used or attempted to be used as an instrumentality in the commission of, or in aiding and abetting in the commission of, a person's third or subsequent violation of s. 509.144, F.S., whether or not comprising an element of the offense.

(b) "Bona fide lienholder" means the holder of a lien perfected pursuant to applicable law.

(c) "Promptly proceed" means to file the complaint within 45 days after seizure.

(d) "Complaint" is a petition for forfeiture filed in the civil division of the circuit court by the seizing agency requesting the court to issue a judgment of forfeiture.

(e) "Person entitled to notice" means any owner, entity, bona fide lienholder, or person in possession of the property subject to forfeiture when seized, who is known to the seizing agency after a diligent search and inquiry.

(f) "Adversarial preliminary hearing" means a hearing in which the seizing agency is required to establish probable cause that the property subject to forfeiture was used in violation of the Florida Contraband Forfeiture Act.

(g) "Forfeiture proceeding" means a hearing or trial in which the court or jury determines whether the subject property shall be forfeited.

(h) "Claimant" means any party who has proprietary interest in property subject to forfeiture and has standing to challenge such forfeiture, including owners, registered owners, bona fide lienholders, and titleholders.

³ Section 932.703(1)(a)1., F.S.

⁴ Section 932.703(1)(a)2., F.S.

⁵ Section 932.703(1)(a)3., F.S. Evidence that an owner received written notification from a law enforcement agency and acknowledged receipt of the notification in writing, that the seized asset had been used in violation of the Act on a prior occasion by the arrested person, may be used to establish actual knowledge.

- The owner of the property agrees to be a confidential informant.^{6, 7} The seizing agency may not use the threat of property seizure or forfeiture to coerce the owner of the property to enter into a confidential informant agreement.⁸
- The property is a monetary instrument.^{9, 10}

Seizure Process

Personal property may be seized at the time of the violation or subsequent to the violation, if the person entitled to notice is notified at the time of the seizure or by certified mail that there is a right to an adversarial preliminary hearing after the seizure. Such hearing determines whether probable cause exists to believe that such property has been or is being used in violation of the FCFA. A seizing agency must make a diligent effort to notify the person entitled to notice. If a person requests an adversarial preliminary hearing, such hearing must be held within 10 days of the request or as soon as practicable thereafter.¹¹

In contrast to personal property, real property may not be seized or restrained, other than by *lis pendens*, until the person who is entitled to notice is afforded the opportunity to attend the pre seizure adversarial preliminary hearing. The purpose of the adversarial preliminary hearing is to determine whether probable cause exists to believe that such property has been used in violation of the FCFA. The pre seizure adversarial preliminary hearing must be held within 10 days of the filing of *lis pendens* or as soon as practicable.¹²

If the court determines that probable cause exists to believe that such property was used in violation of the FCFA, the court must authorize the seizure or continued seizure of the contraband.¹³

Upon proof beyond a reasonable doubt that the contraband article was being used in violation of the FCFA, the court must order the seized property forfeited to the seizing law enforcement

⁶ Section 914.28(2)(a), F.S., defines “Confidential informant” to mean a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency’s intelligence gathering or investigative efforts and:

1. Seeks to avoid arrest or prosecution for a crime, or mitigate punishment for a crime in which a sentence will be or has been imposed; and
2. Is able, by reason of his or her familiarity or close association with suspected criminals, to:
 - a. Make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;
 - b. Supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
 - c. Otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

⁷ Section 932.703(1)(a)4., F.S.

⁸ Section 932.703(1)(a)4., F.S. The seizing agency shall return the property to the owner if criminal charges are not filed against the owner and the active criminal investigation ends or if the owner ceases being a confidential informant unless the agency includes the final forfeiture of the property as a component of the confidential informant agreement.

⁹ Section 932.703(1)(a)5., F.S.

¹⁰ For purposes of this subparagraph, the term “monetary instrument” means coin or currency of the United States or any other country; a traveler’s check; a personal check; a bank check; a cashier’s check; a money order; a bank draft of any country; an investment security or negotiable instrument in bearer form or in other form such that title passes upon delivery; a prepaid or stored value card or other device that is the equivalent of money and can be used to obtain cash, property, or services; or gold, silver, or platinum bullion or coins.

¹¹ Section 932.703(3)(a), F.S.

¹² Section 932.703(3)(b), F.S.

¹³ Section 932.703(3)(c), F.S.

agency. The final order of forfeiture by the court perfects in the seizing law enforcement agency right, title, and interest in and to such property, subject only to the rights and interests of bona fide lienholders.¹⁴

Under current law, a civil forfeiture action under s. 932.704, F.S., can proceed during the pendency of a related criminal case and the outcome of the forfeiture is not dependent on the outcome of the criminal case. As a result, a defendant may have his or her property forfeited under the FCFA to the seizing law enforcement agency, but later be found not guilty or have charges dismissed in the related criminal action.¹⁵

Forfeiture Process

If the person entitled to notice does not request an adversarial preliminary hearing, the seizing law enforcement agency must promptly proceed¹⁶ against the contraband article.¹⁷ It does so by filing a complaint¹⁸ in the civil division of the circuit court and requesting that the court issue a judgment of forfeiture. The court must enter an order showing a finding of probable cause before a complaint can be served upon the claimant.¹⁹ A claimant contesting the forfeiture has 20 days after receiving the complaint and the probable cause finding to file any responsive pleadings.²⁰

A trial on the ultimate issue of forfeiture shall be decided by a jury unless such right is waived by the claimant through a written waiver or on the record before the court conducting the forfeiture proceedings.²¹ Property may not be forfeited under the Act unless the seizing agency shows by the preponderance of the evidence that the owner or any co-owner knew or should have known after reasonable inquiry, that the property was being used in criminal activity.²²

If the court orders that the property be forfeited to the seizing law enforcement agency, the final order of forfeiture perfects in the agency right, title, and interest in and to the property, subject only to the rights and interest of bona fide lienholders, and relates back to the date of seizure.²³

Disposition of Forfeited Property

Section 932.7055, F.S., provides for the disposition of liens and forfeited property under the Act. The seizing agency may do any of the following when a final judgment of forfeiture is granted:

¹⁴ Office of the State Courts Administrator, *2023 Judicial Impact Statement* (March 10, 2023) at 2, (on file with the Senate Committee on Criminal Justice).

¹⁵ *Id.*

¹⁶ Section 932.701(2)(a)12.(c), F.S., defines “Promptly proceed” to mean to file the complaint within 45 days after seizure.

¹⁷ Section 932.704(4), F.S., states “the seizing agency shall promptly proceed against the contraband article by filing a complaint in the circuit court within the jurisdiction where the seizure or the offense occurred, paying a filing fee of at least \$1,000 and depositing a bond of \$1,500 to the clerk of the court. Unless otherwise expressly agreed to in writing by the parties, the bond shall be payable to the claimant if the claimant prevails in the forfeiture proceeding and in any appeal.”

¹⁸ Section 932.701(2)(a)12.d., F.S., defines “complaint” as a petition for forfeiture filed in the civil division of the circuit court by the seizing agency requesting the court to issue a judgment of forfeiture.

¹⁹ Section 932.701(2)(h), F.S., defines a “claimant” as any party who has proprietary interest in the seized property who has standing to challenge the forfeiture.

²⁰ Section 932.704(5), F.S.

²¹ Section 932.704(3), F.S.

²² Section 932.703(7)(a), F.S.

²³ Section 932.704(8), F.S.

- Retain the property for the agency's use;
- Sell the property at a public auction or by sealed bid to the highest bidder; or
- Salvage, trade, or transfer the property to any public or nonprofit organization.²⁴

If the forfeited property is subject to a lien preserved by the court as provided in s. 932.703(7)(b), F.S., the agency shall:

- Sell the property with the proceeds being used towards satisfaction of any liens; or
- Have the lien satisfied prior to taking any action authorized by subsection (1).²⁵

The proceeds of the sale are to be distributed in this order:

- Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.
- Payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property.
- Payment of court costs incurred in the forfeiture proceeding.²⁶

The proceeds which remain after all liens and debts against the forfeited property are paid are then deposited into a special law enforcement trust fund and may be used to fund school resource officers, crime prevention, safe neighborhood, drug abuse education, and prevention programs, or other law enforcement purposes, including defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for law enforcement vehicles, and providing matching funds to obtain federal grants. These proceeds and interest may not be used to meet normal operation expenses.²⁷

These funds may be expended upon request by the sheriff to the board of county commissioners or by the chief of police to the governing body of the municipality, accompanied by a written certification that the request complies with the provisions of this subsection, and only upon appropriation to the sheriff's office or police department by the board of county commissioners or the governing body of the municipality.²⁸

An agency or organization, other than the seizing agency, that wishes to receive such funds shall apply to the sheriff or chief of police for an appropriation and its application shall be accompanied by a written certification that the moneys will be used for an authorized purpose. Such requests for expenditures shall include a statement describing anticipated recurring costs for the agency for subsequent fiscal years. An agency or organization that receives money pursuant to this subsection shall provide an accounting for such moneys and shall furnish the same reports as an agency of the county or municipality that receives public funds. Such funds may be expended in accordance with the following procedures:

- Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate.

²⁴ Section 932.7055(1), F.S.

²⁵ Section 932.7055(3)(a)-(b), F.S.

²⁶ Section 932.7055(4)(c), F.S.

²⁷ Section 932.7055(5)(a), F.S.

²⁸ Section 932.7055(5)(b), F.S.

- Such funds shall not be a source of revenue to meet normal operating needs of the law enforcement agency.
- Any local law enforcement agency that acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 25 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program or programs. The local law enforcement agency has the discretion to determine which program or programs will receive the designated proceeds.²⁹

If the seizing agency is a state agency, the remaining proceeds are deposited into the General Revenue Fund, except for the following agencies:

- FDLE,³⁰
- Department of Environmental Protection;³¹
- Division of Alcoholic Beverages and Tobacco;³²
- Department of Highway Safety and Motor Vehicles;³³
- Fish and Wildlife Conservation Commission;³⁴
- State Attorney's Office;³⁵
- School Board Security Agency;³⁶
- State University System Police Departments;³⁷
- Department of Agriculture and Consumer Service;³⁸
- Department of Military Affairs;³⁹
- Medicaid Fraud Control Unit of the Department of Legal Affairs;⁴⁰ and
- Division of Investigative and Forensic Services in the Department of Financial Services^{41, 42}

III. Effect of Proposed Changes:

A contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the Florida Contraband Forfeiture Act (Act), or in, upon, or by means of which any violation of the Act has taken or is taking place, may be seized and shall be forfeited subject to the Act.

The bill amends s. 932.703, F.S., authorizing a stay of proceedings subsequent to a written order finding probable cause for the seizure.⁴³

²⁹ Section 932.7055(5)(c)1.-3., F.S.

³⁰ Section 932.7055(6)(a), F.S.

³¹ Section 932.7055(6)(b), F.S.

³² Section 932.7055(6)(c), F.S.

³³ Section 932.7055(6)(d), F.S.

³⁴ Section 932.7055(6)(e), F.S.

³⁵ Section 932.7055(6)(f), F.S.

³⁶ Section 932.7055(6)(g), F.S.

³⁷ Section 932.7055(6)(h), F.S.

³⁸ Section 932.7055(6)(i), F.S.

³⁹ Section 932.7055(6)(j), F.S.

⁴⁰ Section 932.7055(6)(k), F.S.

⁴¹ Section 932.7055(6)(l), F.S.

⁴² Section 932.7055(6)(m), F.S.

⁴³ Section 932.703(1)(a), F.S.

The bill amends s. 932.704, F.S., to respect the due process rights of the accused, and to provide that a complaint must state the criminal case number and the name of the court in which any criminal charge associated with the underlying activity forming the basis for the forfeiture action are filed against any claimant, if such information is available.

- If a criminal charge associated with the underlying activity forming the basis for the forfeiture action is filed against any claimant, the forfeiture action must be stayed by the court presiding over the forfeiture action until the disposition of the underlying criminal case. If associated criminal charges are filed after the complaint for forfeiture is filed, the attorney for the seizing agency must notify, in writing, the court presiding over the forfeiture action within 3 days after any such criminal charge is filed.
- If an associated criminal charge is filed, the forfeiture action may only proceed after the claimant is convicted of or pleads guilty or nolo contendere to, regardless of adjudication, a criminal charge forming the basis for the forfeiture action. The attorney for the seizing agency must notify, in writing, the court presiding over the forfeiture action of the final disposition of any associated criminal charges within 3 days after a final judgment and sentence is entered, but may notify the court immediately upon the claimant's conviction or plea, regardless of whether the claimant has been sentenced. Upon written notification by the attorney for the seizing agency, the stay shall be lifted and the forfeiture action may proceed as set forth in the Florida Contraband Forfeiture Act.
- If an associated criminal charge against a claimant is disposed of by dismissal, nolle prosequi, or acquittal, the attorney for the seizing agency must notify, in writing, the court presiding over the forfeiture action within 3 days after the associated criminal charge is disposed of by dismissal, nolle prosequi, or acquittal.
- If all associated criminal charges against all claimants are disposed of by dismissal, nolle prosequi, or acquittal, the seizing agency must immediately release the seized property to the person entitled to possession of the property as determined by the court presiding over the forfeiture action. Under such circumstances, the seizing agency may not assess any towing charges, storage fees, administrative costs, or maintenance costs against the claimant with respect to the seized property or the forfeiture action.

A forfeiture pursuant to a lawful plea agreement which resolves a criminal charge and a forfeiture action arising from the same activity is not prohibited. However, seized property may not be used in bargaining to dismiss or nolle prosequi criminal charges, obtain a guilty plea, or affect criminal sentencing recommendations.

The bill creates s. 932.7071, F.S., prohibiting specified agencies from referring, transferring, or otherwise relinquishing possession of property seized under state law to a federal agency for a specified purpose.

A local, county, or state law enforcement agency or other seizing agency may not refer, transfer, or otherwise relinquish possession of property seized under state law to a federal agency by way of adoption of the seized property or other means by the federal agency for the purpose of the

property's forfeiture under the Federal Controlled Substances Act, Pub. L. No. 91-513, 21 U.S.C. ss. 801 et seq.⁴⁴

The bill provides guidelines relating to state participation in joint task forces. The guidelines are as follows:

- In a case in which the aggregate net equity value of the property and currently seized is \$100,000 or less, excluding the value of contraband, a local, county, or state law enforcement agency or other seizing agency participating in a joint task force or other multijurisdictional collaboration with the Federal Government or an agency thereof shall transfer responsibility for the seized property to the local, county, or state seizing agency.
- If the Federal Government prohibits the transfer of seized property and currency to the local, county, or state seizing agency as required above and instead requires that the property be transferred to the Federal Government for forfeiture under federal law, the local, county or state seizing agency is prohibited from accepting payment of any kind of distribution of forfeiture proceeds from the Federal Government.
- A local, county, or state seizing agency is not restricted from transferring responsibility to the Federal Government for forfeiture of seized property and currency that has an aggregate net equity value of greater than \$100,000, excluding the value of contraband.

The bill provisions do not restrict a local, county, or state law enforcement agency or other seizing agency from seizing contraband or property if the agency would otherwise be lawfully permitted to do so.

Additionally, the bill does not prohibit the Federal Government, acting without the involvement of a local, county, or state law enforcement agency or other seizing agency, from seizing property and seeking forfeiture under federal law.

This bill shall take effect July 1, 2023

⁴⁴ Congressional findings and declarations: controlled substances The Congress makes the following findings and declarations:

- (1) Many of the drugs included within this subchapter have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.
- (2) The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.
- (3) A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because—
 - (A) after manufacture, many controlled substances are transported in interstate commerce,
 - (B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and
 - (C) controlled substances possessed commonly flow through interstate commerce immediately prior to such possession.
- (4) Local distribution and possession of controlled substances contribute to swelling the interstate traffic in such substances.
- (5) Controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate. Thus, it is not feasible to distinguish, in terms of controls, between controlled substances manufactured and distributed interstate and controlled substances manufactured and distributed intrastate.
- (6) Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic.
- (7) The United States is a party to the Single Convention on Narcotic Drugs, 1953, and other international conventions designed to establish effective control over international and domestic traffic in controlled substances.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of this legislation is indeterminate due to the unavailability of data needed to quantifiably establish the increase in judicial time and workload as a result of fewer plea bargains in criminal cases and potential backlog of cases associated with inactive civil division cases. Trial court judicial workload is measured using a case weighting system that calculates the amount of time that it takes for a judge to dispose of a case. Passage of this bill may impact the case weighting system. The number of case filings using the case weighting system is used to determine the needs for additional judicial resources each year. Any judicial workload increases in the future as a result of this bill will be reflected in the Supreme Court's annual opinion.⁴⁵

A filing fee of \$1 is levied on all circuit and county civil proceedings to fund mediation and arbitration services, including civil filings brought under the Florida Contraband

⁴⁵ Office of the State Courts Administrator, *2023 Judicial Impact Statement* (March 10, 2023) at 3, (on file with the Senate Committee on Criminal Justice).

Forfeiture Act. The revenues collected from the \$1 filing fee is remitted to the State Courts Revenue Trust Fund (SCRTF). Any changes in civil filings as a result of this bill may impact the revenues remitted to the SCRTF.⁴⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 932.703 and 932.704.

This bill creates section 932.7071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

B. (Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

C. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴⁶ *Id.*