

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 547 Reports Concerning Seized or Forfeited Property
SPONSOR(S): Criminal Justice Subcommittee; Killebrew
TIED BILLS: **IDEN./SIM. BILLS:** SB 1678

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	8 Y, 0 N, As CS	Jones	Sumner
2) Judiciary Committee	17 Y, 0 N	Jones	Poche

SUMMARY ANALYSIS

The Florida Contraband Forfeiture Act allows law enforcement agencies to seize certain property that is being used for criminal purposes. Every law enforcement agency must submit an annual report to the Florida Department of Law Enforcement (FDLE) indicating whether the agency has seized or forfeited property under the Florida Contraband Forfeiture Act and detailing the type and value of the property. The report is due by October 10 of each year, and failure to timely file the report can result in fines.

CS/HB 547 changes the due date for a law enforcement agency to file the annual forfeiture report with FDLE to December 1.

The bill does not appear to have a fiscal impact on state or local governments.

The effective date of the bill is July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Florida Contraband Forfeiture Act¹ (Act) allows law enforcement agencies to seize certain types of property being used for criminal purposes, including controlled substances, currency used to violate Florida's gambling laws, property used to violate Florida's beverage or tobacco laws, untaxed motor fuel, vehicles or other property used to commit any felony, and other enumerated items.² Such seizure generally occurs when the property owner is arrested for a criminal offense making the property contraband subject to seizure.³ The seizing agency must file a complaint in circuit court stating why the property is subject to forfeiture.⁴ If the court ultimately finds proof beyond a reasonable doubt that the property was being used in violation of the Act, the court must order the seized property forfeited to the law enforcement agency making the seizure.⁵

Under the Act, every law enforcement agency⁶ must submit an annual report to the Florida Department of Law Enforcement (FDLE) indicating whether the agency has seized or forfeited property under the Florida Contraband Forfeiture Act.⁷ The annual report must, at a minimum, specify the type of property, approximate value, court case number, type of offense, disposition of property received, and amount of any proceeds received or expended. The annual report must be submitted annually in an electronic form by October 10. Failure to timely submit the report may result in a civil fine of \$5,000.⁸

FDLE is required to compile the information and data collected from the seizure and forfeiture reports and submit to the Office of Program Policy Analysis and Government Accountability a report listing the agencies who failed to meet the reporting requirements and a summary of any action taken against the noncomplying agency by the Chief Financial Officer.⁹

Some agencies subject to the Act end their fiscal year on September 30, giving them only ten days to submit the seizure and forfeiture report to FDLE.

Effect of the Bill

CS/HB 547 changes the deadline for law enforcement agencies to submit their seizure and forfeiture reports to FDLE from October 10 to December 1.

B. SECTION DIRECTORY:

Section 1: Amends s. 932.7061, F.S., relating to reporting seized property for forfeiture.

Section 2: Provides an effective date of July 1, 2018.

¹ The "Florida Contraband Forfeiture Act" is composed of ss. 932.701 - 932.7062, F.S.

² SS. 932.701(2), 932.703, F.S.

³ S. 932.703, F.S.

⁴ S. 932.704, F.S.

⁵ S. 932.704(8).

⁶ According to FDLE, over 400 law enforcement agencies are subject to s. 932.7061, F.S.

⁷ S. 932.7061, F.S.

⁸ S. 932.7062, F.S.

⁹ S. 932.7061(2), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 24, 2018, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment changed the due date for the annual seizure and forfeiture reports from 30 days after the end of the agency's fiscal year to December 1 of each year.

The analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.