



808958

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 91 - 112
5 and insert:

6 (2) (a) When a seizure of property is made under the Florida
7 Contraband Forfeiture Act, the seizing agency shall apply,
8 within 10 business days after the date of the seizure, to a
9 court of competent jurisdiction for an order determining whether
10 probable cause exists for the seizure of the property. The



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11 application for the probable cause determination must be
12 accompanied by a sworn affidavit and may be filed electronically
13 by reliable electronic means.

14 (b) The court must determine whether:

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

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

20 (c) If the court finds that the requirements in paragraph
21 (1)(a) were met and that probable cause exists for the seizure,
22 the forfeiture may proceed as set forth in the Florida
23 Contraband Forfeiture Act, and no further probable cause
24 determination is required unless the claimant requests an
25 adversarial preliminary hearing as set forth in the act. Upon
26 such a finding, the court shall issue a written order finding
27 probable cause for the seizure and order the property held until
28 the issue of a determination of title is resolved pursuant to
29 the procedures defined in the act.

30 (d) If the court finds that no probable cause exists for
31 the seizure, any forfeiture hold, lien, lis pendens, or other
32 civil encumbrance must be released within 5 days.

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

39 (f) The provisions of this subsection do not affect any



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40 other requirement or right set forth in the Florida Contraband
41 Forfeiture Act.

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

44 And the title is amended as follows:

45 Delete lines 399 - 400

46 and insert:

47 expenses; requiring the seizing agency to apply for an
48 order, within a certain timeframe, making a probable
49 cause determination after the agency seizes property;
50 providing application requirements; requiring a court
51 to make specified determinations; providing procedures
52 upon certain court findings; authorizing the court to
53 seal any portion of the application and of specified
54 proceedings under certain circumstances; providing
55 construction; amending s. 932.704, F.S.; providing