

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 547	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Reports Concerning Seized or Forfeited Property	114	Y's 0	N's
SPONSOR(S):	Killebrew	GOVERNOR'S ACTION:		Approved
COMPANION BILLS:	CS/CS/SB 1678			

SUMMARY ANALYSIS

CS/HB 547 passed the House on February 21, 2018, and subsequently passed the Senate on March 8, 2018.

The Florida Contraband Forfeiture Act (the Act) allows law enforcement agencies to seize certain property used for criminal purposes. Every law enforcement agency must submit an annual report to the Department of Law Enforcement (FDLE) indicating whether the agency has seized or forfeited property under the 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 up to \$5,000.

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 bill was approved by the Governor on March 23, 2018, ch. 2018-92 L.O.F., and will become effective on July 1, 2018.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

The Florida Contraband Forfeiture Act¹ (the 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 Department of Law Enforcement (FDLE) indicating whether the agency has seized or forfeited property under the 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 Proposed Changes

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.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

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.

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.