

IN CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 3.501-3/19*

IN RE: PROCEDURE FOR FORFEITURE PROCEEDINGS

The Florida Contraband Forfeiture Act was revised effective July 1, 2016. The Act gives persons who own, possess, or otherwise have a claim to the property to be seized or which has been seized certain rights, including the opportunity to be heard at an adversarial preliminary hearing. The Act refers to proceedings involving the Court, the Office of the Clerk of Courts, the seizing agency, and others in the forfeiture process for whom it is necessary to have a uniform procedure throughout the Fifteenth Judicial Circuit in order to implement the provisions of the Act.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

The procedures set forth in this administrative order shall be followed whenever property has been seized or is the subject of an application for seizure under the Act.

A. APPLICATION FOR EX PARTE PROBABLE CAUSE ORDER

1. Florida Statute 932.703(2)(a) requires a seizing agency to apply, within 10 business days after the date it has seized property under the Florida Contraband Forfeiture Act, to a court of competent jurisdiction for an order determining whether probable cause exists for the seizure of the property.
2. A seizing agency or its counsel within the jurisdiction of the Fifteenth Judicial Circuit will bring the application for a probable cause determination and a sworn affidavit to the assigned duty judge during normal business hours. The Duty Judge shall review the application in accordance with Florida Statute 932.703(1)(2).
3. If probable cause is found, the Duty Judge will return the signed probable cause order to the officer or attorney requesting the order. A form Order on Application for Probable Cause Pursuant to the Florida Contraband Forfeiture Act is attached as Exhibit A (finding probable cause) and Exhibit B (finding that statutory requirements have not been met or there is no probable cause).
4. If probable cause is not found, any amended application filed within the statutory time period will state "Amended Application" and list the dates of all previous submissions and the name of the judge to whom the submission was made.


B. CASE FILING

Upon the filing of the Notice of Forfeiture, Complaint, Seizure Warrant or Lis Pendens by the seizing agency, the Clerk shall randomly assign the forfeiture case to one of the judges of the **Circuit Civil Division**.

C. ADVERSARIAL PRELIMINARY HEARING

1. Any request for an adversarial preliminary hearing will be made in accordance with Florida Statute s. 932.703(3).
2. If a request for an adversarial preliminary hearing is made prior to the seizing agency filing a pleading or document that creates a civil case, the Clerk of Court will open a civil case filing, assign a case number, and randomly assign the case to a circuit civil division.
3. **The Circuit Civil Filing Fee of \$401.00 will be charged when opening a case for the Adversarial Preliminary Hearing. If after the adversarial preliminary hearing the Notice of Forfeiture, Complaint, Seizure Warrant or Lis Pendens is filed, the remaining forfeiture filing fee and bond pursuant to Florida Statute 932.704(4) will be due to the Clerk of Court.**
4. Within ten (10) days or as soon as practicable from the date of notification of a request for an adversarial preliminary hearing, the assigned judge's office will set the matter for hearing in accordance with Florida Statute s. 932.703(3).
 - a. If the assigned judge's calendar is suspended, the seizing agency or its attorney is to contact the assigned judge's alternate, as set forth in Administrative Order 11.106, to set the matter for hearing before the alternate judge.
 - b. If the alternate judge's calendar is suspended, or if the alternate judge is not able to provide a hearing date within the statutorily required time period, the seizing agency or its attorney is to contact the office of the administrative judge of the circuit civil division to determine if another judge is available to hear the matter within the statutorily required time period.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida,
on this 8th day of March 2019.



Krista Marx
Chief Judge

* supersedes admin. order no. 3.501-7/16

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE THE FORFEITURE OF: (describe property)

_____ /

**EX-PARTE ORDER GRANTING APPLICATION FOR PROBABLE CAUSE
PURSUANT TO THE FLORIDA CONTRABAND FORFEITURE ACT**

THIS CAUSE came before the Court on (seizing agency's)

Application for Probable Cause pursuant to Florida Statute 932.703(2)(a) to forfeit (describe property) . The Court has reviewed the seizing agency's Application for Probable Cause and the accompanying sworn affidavit. The Court finds as follows:

1. The seizing agency filed the Application for Probable Cause within ten (10) business days from the date of seizure.

2. After a review of the Application for Probable Cause the Court has determined, pursuant to 932.703(2)(b), that at least one of the following has taken place (check all that apply):

_____ The owner of the property was arrested for a criminal offense that forms the basis for determining that the property is a contraband article under s. 932.701 (Fla. Stat. s. 932.703(1)(a));

_____ 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 (Fla. Stat. s. 932.703(1)(a)1);

_____ The owner is a fugitive from justice or is deceased (Fla. Stat. s. 932.703(1)(a)2);

_____ 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 932.701 and the owner of the property had actual knowledge of the criminal activity. (Fla. Stat. s. 932.703(1)(a)3);

_____ The owner of the property agrees to be a confidential informant as defined in s. 914.28. (Fla. Stat. s. 932.703(1)(a)4);

_____ The property is a monetary instrument (Fla. Stat. s. 932.703(1)(a)5).

3. The Court finds that probable cause exists for the forfeiture of the above described property. The property will be held by the seizing agency until the issue of a determination of title is resolved pursuant to the procedures set forth in the Florida Contraband Forfeiture Act.

DONE AND ORDERED in Chambers in West Palm Beach, Palm Beach County, Florida
this _____ day of _____, 2016.

Circuit/County Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE THE FORFEITURE OF: (describe property)

**EX-PARTE ORDER DENYING APPLICATION FOR PROBABLE CAUSE
PURSUANT TO THE FLORIDA CONTRABAND FORFEITURE ACT**

THIS CAUSE came before the Court on (seizing agency's)

Application for Probable Cause pursuant to Florida Statute 932.703(2)(a) to forfeit (describe property). The Court has reviewed the seizing agency's Application for Probable Cause and the accompanying sworn affidavit. The Court finds as follows: (check all that apply):

The seizing agency did not apply for the probable cause determination within ten (10) business days after the date of seizure.

After a review of the Application for Probable Cause the Court has determined, pursuant to 932.703(2)(b), none of the statutory requirements set forth in s. 932.703(1)(a) have been met. The owner of the property has not been arrested nor have any of the exceptions set forth in s. 932.703(1)(a) apply.

Probable cause does not exist for the property seizure under the Florida Contraband Forfeiture Act.

Pursuant to Florida Statute s. 932.703(2)(d), since there has been a finding that the requirements in s. 932.703(1)(a) have not been satisfied or that no probable cause has been found to exist for the seizure, the seizing agency will release any hold, lien, lis pendens, or other civil encumbrance on the above described property within five (5) days from the date of this order.

DONE AND ORDERED in Chambers in West Palm Beach, Palm Beach County, Florida
this day of , 2016.

Circuit/County Judge