

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

ADMINISTRATIVE ORDER NO. 4.913-3/26*

IN RE: FORFEITURE AND DISPOSAL OF
SEIZED FISH AND WILDLIFE EVIDENCE

Section 379.338 (1), Florida Statutes, permits, in accordance with a court order, the forfeiture and disposal of such contraband by the investigating law enforcement agency, prior to conviction. Additionally, Section 379.3381, Florida Statutes, permits a properly authenticated photograph to be substituted for any alleged contraband seized by law enforcement officers and for the photographs to be admitted into evidence to the same extent that the contraband itself would be admissible. Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

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

A. DEFINITIONS

1. "Authentication" means (1) photographs of the evidence; (2) the name of the law enforcement officer who collected the evidence; (3) a written description of the fish or wildlife evidence, (4) the name of the suspected violator/defendant, (5) the date the photograph is taken, (6) the name of the photographer, (7) signed by the photographer, (8) in a sworn, written report, along with any other requirements of section 379.3381, Florida Statutes, as amended from time to time.
2. "Contraband" means all alleged illegal or illegally taken wildlife, freshwater fish, and saltwater fish, or parts thereof.
3. "Statutory authority" means the provisions of Chapter 379 of the Florida Statutes and the rules of the Florida Administrative Code made by the Fish and Wildlife Conservation Commission pursuant to that Chapter, as same may be amended from time to time.

B. APPLICATION

1. The law enforcement officers (hereinafter, referred to as "Officers") of the Florida Fish and Wildlife Conservation Commission (FWC), are charged with enforcing

all laws, rules, and regulations relating to wildlife, freshwater fish, and saltwater fish. Although reference is made to FWC Officers because they are the law enforcement personnel most likely to be involved in seizures of living or dead wildlife, freshwater fish, and saltwater fish, the provisions of this order are equally applicable to any certified law enforcement officer and law enforcement agency.

2. When an arrest is made pursuant to statutory authority and contraband is seized, the law enforcement agency that seized the contraband is authorized to dispose of it, immediately or as soon as practicable, when it is necessary to prevent spoilage, contamination, damage or unnecessary expense to keep perishable fish or wildlife, in accordance with section 379.3381, Florida Statutes, and the rules of the Florida Administrative Code made by the Fish and Wildlife Conservation Commission pursuant to Chapter 379, as amended from time to time, and paragraph three below. The evidence may be donated to a non-profit organization, sold or otherwise disposed as provided in section 379.338(1), Florida Statutes.
3. The law enforcement agency must photograph the evidence from all angles, including taking measurements when the size of the fish or wildlife is an evidentiary fact at issue. All photographs of contraband must be authenticated as required by section 379.3381, Florida Statutes, as amended from time to time, and this Administrative Order. After authentication, the photographs shall be filed with the law enforcement agency and the prosecuting agency within 15 days.
4. If perishable wildlife, freshwater or saltwater fish have been retained as evidence in a case and the case has been delayed for more than 12 months or a capias has been issued for the defendant for failure to appear, and the evidence is deteriorating, the seizing agency shall first notify the prosecuting agency and the defendant's attorney in writing so that they may demand to inspect or test the evidence within 30 business days from the date the letter is mailed. If the Defendant is pro se, the seizing agency shall notify the Defendant at their last known address. If notice is returned by mail for an insufficient address, the seizing agency shall retain the evidence until thirty days after notice is mailed to a sufficient address. In all situations, the agency must photograph the perishable evidence as required by section 379.3381. Once the evidence is photographed, the evidence may then be destroyed and disposed appropriately. The seizing agency shall not destroy or dispose of any fish or wildlife that requires DNA testing as evidence prior to such DNA testing being conducted and results received.

DONE AND SIGNED in Chambers, at West Palm Beach, Palm Beach County, Florida, this 23rd day of March 2026.



Glenn D. Kelley
Chief Judge