


FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT CONTRABAND SEIZURE AND FORFEITURE	POLICY NUMBER 12.03
		ISSUE DATE 02/01/96
		REVISION DATE 09/26/18
		TOTAL PAGES 15

12.03.01 PURPOSE

This chapter establishes procedures in regard to seizing, reporting, and processing items subject to forfeiture. No vehicle, currency, or other property shall be seized pursuant to this chapter unless the property is subject to forfeiture under state or federal law, and the forfeiture of the property would deter or prevent the use of such property for criminal purposes.

12.03.02 AUTHORITY

Chapters 321, 322, 893 and 932, Florida Statutes;

The Division of Florida Highway Patrol adopts by reference the:

“U.S. Department of Justice: Guide to Equitable Sharing for State and Local Law Enforcement Agencies”; and

“U.S. Department of Treasury: Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies”; and

‘Guidelines and Training Procedures to be Used by State and Local Law Enforcement Agencies and State Attorneys in Implementing the Florida Contraband Forfeiture Act’ developed by the Florida Department of Law Enforcement pursuant to Section 932.704, Florida Statutes.

12.03.03 POLICY

It is the policy of The Florida Highway Patrol to ensure that in all seizures made under the Florida Contraband Forfeiture Act (“the Act”), Sections 932.701-7062, Florida Statutes, that members adhere to federal and state constitutional limitations regarding an individual's right to be free from unreasonable searches and seizures. This includes the use of illegal stops, coercive consent or biased policing.

The Florida Highway Patrol will actively seize contraband to include vehicles, currency and other property that is subject to forfeiture under state and federal law when the forfeiture of such property would deter or prevent criminal activity. The seizure of such contraband is authorized and mandated in Chapter 321, Florida Statutes. For the purpose of seizures, this policy is applicable to motor vehicles, vessels and aircraft.

12.03.04 DEFINITIONS

- A. **ADVERSARIAL PRELIMINARY HEARING** – An initial hearing in which the court determines whether probable cause existed to seize the contraband article because it was being employed or likely to be employed in criminal activity in violation of the Florida Contraband Forfeiture Act.
- B. **BONA FIDE LIENHOLDER** – Means the holder of a lien perfected pursuant to applicable law.
- C. **CLAIMANT** – Any party who had proprietary interest in property subject to forfeiture and has standing to challenge such forfeiture, including owners, registered owners, bona fide lienholders, and titleholders.
- D. **CONTRABAND ARTICLE** – Currency or other property, including any controlled substances, employed or likely to be employed in criminal activity or acquired by proceeds of criminal activity.
- E. **FORFEITURE PROCEEDING** – A hearing or trial in which the circuit court or jury determines whether the rights to, interest in and title to the contraband article(s) seized shall be forfeited to the seizing agency.
- F. **INNOCENT OWNER** – A claimant/owner of a contraband article who establishes that he or she had no actual knowledge that the property seized was being employed or was likely to be employed in criminal activity.
- G. **MONETARY INSTRUMENT** – Is coins or currency; a traveler's check; a personal check; a bank check; a cashier's check; a money order; a bank draft; an investment security or negotiable instrument in bearer form or in other form such that title passes upon delivery; a prepaid or stored value card or other device that is the equivalent of money and can be used to obtain cash, property, or services; or gold, silver or platinum bullion or coins.
- H. **PERSON ENTITLED TO NOTICE** – Any owner, entity, bona fide lienholder, or person in possession of the property subject to forfeiture when seized, who is known to the seizing agency after a diligent search and inquiry.

12.03.05 OBJECTIVES

To establish procedures and to ensure uniformity for the processing and handling of items seized and subject to forfeiture and ensure that the Division adheres to the provisions of the Florida Contraband Forfeiture Act.

12.03.06 PROCEDURES

A. CONTRABAND SEIZURE

To be considered contraband article(s), the seizing member must have probable cause to believe the property to be seized was used, attempted to be used, or intended to be used in violation of the Act, Florida Statutes. Other than a violation of Section 322.34(9), Florida Statutes, the seizure is based on the violation of an applicable statute prohibiting felony criminal conduct where an

arrest for the offense had occurred, such as: VIN, title, or odometer fraud; drug felonies; driver license felonies (e.g., DWLSR permanent or lifetime revocations); DUI felonies (e.g., 3 DUI within 10 years, 4th DUI, DUI Manslaughter); Leaving the Scene of a Crash with Injury/Death; Fleeing and Eluding; Aggravated Battery with a Vehicle; etc. Ultimately, to prevail, the agency will have to prove its case beyond a reasonable doubt.

1. A seizure may occur if the owner of the property is **arrested** for a felony criminal offense that forms the basis for determining that the property is a contraband article under Sections 932.701, or 322.34(9), Florida Statutes, **or one or more of the following circumstances apply**:
 - 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 seizure;
 - b. The owner of the property is a fugitive from justice or is deceased;
 - c. 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 Section 932.701, Florida Statutes, and the owner of the property had actual knowledge of the criminal activity;
 - d. The owner of the property agrees to be a confidential informant as defined in Section 914.28, Florida Statutes; or
 - e. The property is a monetary instrument as defined in Section 932.703, Florida Statutes.
2. When a member believes that a vehicle or property was used, was attempted to be used, or was intended to be used in violation of the Act, and the member intends to seize such property, the member will immediately notify a supervisor. The member will then contact a Troop Legal Advisor to determine if there is probable cause to seize the property.
3. If the Troop Legal Advisor and member determine there is probable cause to believe the property was used, attempted to be used, or was intended to be used in violation of the Act as outlined above, the property shall be seized, unless it meets an exception listed under section 12.03.06(B)(6) relating to inoperable vehicles, or 12.03.06(C)(1) relating to the minimum amount of currency to be seized.
4. If a vehicle is seized, it will be towed and stored in accordance with section 12.03.06(B)(7).
5. If property is seized, it shall be submitted to the Evidence/Property (E/P) control function in accordance with the Florida Highway Patrol Evidence/Property Procedures Manual.

6. By end of the member's shift, an email notification, including all documentation pertaining to the contraband article(s) seized must be made by the seizing member to the:
 - a. Member's chain of command up to and including the Deputy Director;
 - b. The Troop Legal Advisor who determined that probable cause existed for the seizure.
7. The email notification being sent prior to the end of the member's shift need only to include the following:
 - a. FHP case number
 - b. Date of initial seizure
 - c. Any criminal charges at time of seizure
 - d. Detailed description of the property seized
 - e. Total amount or value of the seized contraband item
 - f. County in which the seizure occurred
 - g. All known partners of seized property
8. If a preliminary determination is made to proceed with the forfeiture, a Felony Forfeiture Report Checklist (HSMV 61074) and associated documents must be completed **within 72 hours following the seizure** of property. A supervisor must ensure that this preliminary report packet is forwarded to the Office of General Counsel. The appropriate Chief, in consultation with the Office of General Counsel will determine, as discussed below, whether to institute a forfeiture action.
9. The following documents/items must also be attached to the completed Forfeiture Report:
 - a. Arrest Report (HSMV 60005) and/or Offense Report (HSMV 60009), documenting a nexus of the contraband to criminal activity;
 - b. Photos of contraband article and/or vehicle; and
 - c. For ongoing investigations, if the contraband property is seized before the investigation is completed, a copy of the Probable Cause Affidavit must be forwarded as an attachment.
10. The seizing member will ensure that copies of the applicable forms are attached as outlined on the Felony Forfeiture Report Checklist (HSMV 61074). The checklist will serve as the cover page for the packet. The packet will consist of the following:
 - a. Case number.

- b. Name of the seizing member. Include contact information for follow-up questions from the Office of General Counsel.
- c. Date and time of seizure. This refers to the time the contraband article was actually taken into custody and must be exact, being cognizant of time and date changes at the midnight hour; it must also include whether it is eastern or central time.
- d. Reports, including all booking reports, probable cause packets, DUI packets, etc.
- e. Type of property seized. Property must be described in detail. For vehicles, provide the year, make, model, VIN, current odometer reading and condition. If currency, indicate the exact amount; the E/P receipt must have two signatures verifying the amount of currency. If deposited, a copy of the deposit slip must also be attached to the case report that includes the FHP case number and E/P control number.
- f. Forfeiture Report – Items to be included (only if applicable), if not previously submitted:
 - (1) Inventory and Vehicle Storage Receipt (HSMV 61801)
 - (2) Evidence/Property Receipt (HSMV 61802)
 - (3) Arrest or Offense Report Sworn Narrative (HSMV 60005, 60009, or local county sworn narrative)
 - (4) Seized US Currency Inventory (HSMV 60089)
 - (5) Documentation of controlled substances weight
 - (6) Drug Interdiction Reporting Form (HSMV 60105)
 - (7) Drug/Contraband discovery location drawing or photos
 - (8) FHP Consent to Search Form (HSMV 61061). If a search is conducted pursuant to consent, this form should be completed prior to the search. When possible, obtaining consent to search should be documented on MVR.
 - (9) FHP Waiver of Claim to Assets and Waiver of Right to Notice of Seizure Form(s) (HSMV 61076). If a person waives rights to any of the seized property, this form must be completed and attached as part of the forfeiture packet.
 - (10) Criminal histories of all involved persons. Includes the owner, driver and all passengers and anyone else linked, directly or indirectly, to the seizure. The FCIC/NCIC criminal history and any active wants/warrants should be requested from the Regional Communications Center (RCC). The criminal history should be saved/uploaded as

an encrypted file to the designated forfeiture related folder on the Troop network, with the rest of the case file.

- (11) Interview of "Owner". If the driver or person in possession of the seized property is not the owner, the seizing member must investigate whether the owner had actual knowledge that the property was being employed or likely to be employed in criminal activity. If possible, the owner must be interviewed the same day. Information gleaned from the investigation of the owner must be attached as part of the Sworn Narrative or as a Supplemental Report.
 - (12) Pictures of the property. A digital camera should be used. Attach copies to the case report.
 - (13) Estimated value of property. Office of General Counsel will research the trade-in value of a vehicle or other property.
 - (14) Registration/Owner Information. For vehicles, request the vehicle registration record from the Regional Communications Center and attach it to the case report. It should list the name and address of the registered owner. In addition, the owner's contact phone number should be added if available. If found in the vehicle or in possession of the suspect, copies of the Bill of Sale, registration certificate, and rental/lease agreement should be attached to the case report. If immediately available, lienholder information must also be provided. Otherwise, Office of General Counsel will research.
 - (15) Copy of the vehicle towing bill. It needs to be a copy of the actual tow bill, whether paid or outstanding, indicating amount owed, name of towing company, address and phone number. Attach it to the case report.
- g. Other witness officers/agencies or those involved and contact information.
11. A District Supervisor must promptly review, save/upload an electronic or scanned copy of the packet to the designated forfeiture related folder on the Troop's network drive, and send a notification email to the Office of General Counsel at FHPForfeiture@flhsmv.gov. The original documents will be retained in the district office.
 12. When any of the documents listed in the case report section above are applicable to the case, but not initially submitted (and indicated as such on the Forfeiture Report Checklist), the member will promptly forward the missing items to the District Lieutenant. Upon receipt, the lieutenant will promptly place the items on the forfeiture related Troop network drive, and notify the Office of General Counsel as well as the remaining chain of command up to the Chief.

13. As designated by the Director, the appropriate Chief, in consultation with the Office of General Counsel, will make the final decision whether to initiate a forfeiture action. If the decision is made to proceed with forfeiture, the Chief will promptly notify the Troop Legal Advisor.
14. Upon notification to institute an action, the Troop Legal Advisor will provide Notice of Seizure and Right to Adversarial Preliminary Hearing Form (HSMV 61023) to all persons entitled to notice.
 - a. The form will be completed and sent via certified mail, return receipt requested, within five (5) working days of the seizure to all persons entitled to notice.
 - b. The Troop Legal Advisor will make a diligent effort to identify all persons entitled to notice.
 - c. The notice must be mailed to each person entitled to notice. If two or more persons reside at the same address, a separate notice must be sent to each person.
 - d. The Office of General Counsel will keep all "return receipt requested" cards.
 - e. The Office of General Counsel will notify the Division of Motorist Services **within 24 hours** of a vehicle seizure, via the Division of Motorist Services Seizure Notification Form (HSMV 61073). This form will be emailed to DMV-Enforcement@flhsmv.gov in order to place a hold on a vehicle's registration and title.
15. The Troop Legal Advisor will file a motion for an order finding probable cause with the appropriate circuit court. If the court finds that there is probable cause to continue with the seizure, the Troop Legal Advisor will commence forfeiture proceedings.
16. When the appropriate Chief elects to pursue forfeiture, the Office of General Counsel is required to file a Verified Complaint in circuit court within **45 days from the date of seizure**. The Verified Complaint adopts and incorporates, by reference, the sworn affidavit from the arresting member. It is critical that the complete forfeiture packet be provided to the appropriate Chief and the Office of General Counsel without delay to ensure that the Office of General Counsel has sufficient time to prepare all of the necessary pleadings to be filed in the circuit court.
 - a. The Troop Legal Advisor who prepares the Verified Complaint will forward the Complaint and the Verified Affidavit to the member for his/her review and notarized signature on the Verified Affidavit. The member will immediately return it by email to the Troop Legal Advisor.
 - b. If the member has any questions about the Verified Affidavit, the member shall contact counsel and discuss the document.

- c. The member primarily responsible for the seizure of the property must cooperate with the Office of General Counsel toward the favorable disposition of the case.
17. During the pendency of the case, the Troop Legal Advisor will keep the appropriate Chief apprised of any pertinent events.
- a. If a settlement is proposed, the Troop Legal Advisor will notify the appropriate Chief. The Chief and Troop Legal Advisor will obtain approval from the Director or designee for all settlements.
 - b. Once approved by the Director, the Office of General Counsel or a Chief will obtain approval from the Executive Director or designee for all settlements.
 - c. Approval of settlements will be in the form of an agreement prepared by the Troop Legal Advisor and signed by the Director and the Executive Director.
 - d. If, at the conclusion of a case, a court order directs that currency is to be returned to a claimant, the appropriate Chief will, by memorandum, direct the Bureau of Accounting, Fixed Assets and Inventory Section, to obtain a state warrant from the Office of the Comptroller for payment.

B. SEIZED VEHICLES

The following shall be considered in recommending forfeiture of vehicles, and apply to vehicles seized by the Florida Highway Patrol:

1. Was the vehicle used, attempted to be used or intended to be used in violation of the Florida Contraband Forfeiture Act, where the vehicle's dealer trade-in value is \$5,000.00 or more, unless extenuating circumstances exist (values from internet estimate sites are acceptable).
2. Extenuating circumstances must be determined by contacting the Troop Legal Advisor, who will subsequently notify the appropriate Chief.
3. Was the vehicle driven by a person charged with any traffic-related felony that would create a threat to the public safety if the vehicle is not seized (e.g., felony DWLSR, permanent revocations, 3 DUI within 10 years, 4th or subsequent DUI, manslaughter, etc.), regardless of value.
4. Is there vehicle identification number (VIN), title, or odometer fraud, as vehicles in such conditions are legally classified as "contraband" per the statutory definition, regardless of value.
 - a. If there is a contemporaneous felony arrest in VIN, title, or odometer fraud cases, the vehicle may be seized for forfeiture. If no contemporaneous felony arrest is made, then the vehicle may only be seized as evidence and the Office of General Counsel should be notified of the seizure.

- b. Where no contemporary felony arrest is made, vehicles seized for vehicle identification number (VIN), title, or odometer fraud should be seized as evidence only and the Troop Legal Advisor notified of the seizure (No forfeiture paperwork needs to be completed in these cases).
 - c. Members should be aware that a seizure warrant may be obtained prior to the seizure of any vehicle for vehicle identification number (VIN), title, or odometer fraud in advance of the seizure.
- 5. Vehicles that meet the requirements for seizure pursuant to Florida DUI law will be processed for forfeiture regardless of value.
- 6. Generally, any vehicle that is inoperable and damaged to the extent of being considered "totaled" (i.e., the repairs will be more expensive than the value of the vehicle itself) will not be seized or considered for forfeiture.
- 7. In accordance with towing and storage fee requirements of Section 323.001, Florida Statutes, all seized vehicles should be towed to a Vehicle Impound Facility (VIF) or another governmental agency's secure storage facility when possible, to prevent storage costs and multiple towing fees.
 - a. In the event the vehicle is initially towed to a wrecker operator's impound lot, a hold will be placed on the vehicle; however, the hold shall not continue beyond five (5) working days (excluding holidays and weekends). Within that timeframe, the vehicle must be either moved to a VIF, no-fee government-owned secure storage facility, or released to the owner if it is determined that forfeiture will not be pursued.
 - b. If the vehicle is moved to a designated no-fee storage facility within five (5) working days, the owner is responsible only for towing and storage fees incurred within the initial five (5) working day period (excluding holidays and weekends).
 - c. If the vehicle was initially towed to a private wrecker operator impound lot, and forfeiture is subsequently pursued, the district supervisor will ensure that the wrecker operator tows the vehicle to the designated VIF within 72 hours of seizure.
 - d. The tow bill will be paid to the towing company in accordance with local custom and practice. If the property is awarded to FHP, the tow bill will be paid at the district level.
- 8. Vehicles will not be released to the owner from an FHP authorized storage facility, without proof of payment of the towing and storage fees or a court order provided from the Office of General Counsel. If a court orders the vehicle's return, the owner does not have to pay any fees or costs.

9. If forfeiture is not being pursued, the five (5) day hold will be released, and the seizing member and appropriate E/P Custodian will be promptly informed that the property will be released.
10. If contact with the owner cannot be made by telephone, written notification of the release, by certified mail, return receipt requested, will be sent to the owner advising that the vehicle hold has been released, along with the location and telephone number of where the property is being stored. Rental vehicles should be released to the rental company. Leased vehicles will be returned to the leasing company after consultation with the Office of General Counsel.
11. The seizing member shall complete all appropriate reports and forms for submission to the E/P control function.
12. Following seizure and inventory of a vehicle, the E/P Custodian shall make a good faith effort to release to the lawful owner or personal representative all personal property that is not retained as evidence or for forfeiture.
13. The seized vehicle shall not be placed in service for any law enforcement purpose or Division use unless awarded to the Department at the conclusion of the forfeiture proceedings. The E/P Custodian shall inspect and maintain the vehicle as to reasonably ensure that the vehicle remains in the same condition as when it was seized to minimize loss of value and to avoid Department liability for damages in the event the vehicle is returned to a Claimant.
14. After receiving written notification of the court order that a vehicle has been awarded to the Division, the appropriate Chief will prepare a memorandum to the Fleet and Property Management Section advising them as to whether the vehicle is to be used by the Division, or disposed of in accordance with Section 932.7055, Florida Statutes.
 - a. Any seized vehicle forfeited to the Department, whether or not it is used by the Department, shall be disposed in accordance with Section 932.7055, Florida Statutes.
 - b. The vehicle will be reported to the Division of State Fleet Management & Federal Property Assistance, Department of Management Services within thirty (30) days following the determination that the vehicle will not be used by the Department, or will no longer be used by the Department.
 - c. If the seized vehicle is awarded to the Department but will not be used by the agency, a "Request for Disposal of Mobile Equipment" (DMS Form MP-6401) will be completed by the HSMV Office of Automotive Records, Fixed Assets and Inventory Section in the Bureau of Accounting, who will then forward to the Division of State Fleet Management & Federal Property Assistance, Department of Management Services, for appropriate disposal of the vehicle. If the seized vehicle is awarded to the Department and placed in service for agency use, the vehicle will be titled and

registered appropriately by the HSMV Office of Automotive Records. At the end of the vehicle's useful life, the Troop Office Operations Consultant will complete a "Request for Disposal of Mobile Equipment" (DMS Form MP-6401) and forward to the HSMV Office of Automotive Records, who will then forward to the Division of State Fleet Management & Federal Property Assistance, Department of Management Services, for appropriate disposal of the vehicle.

- d. Office Operations Consultants (OOCs) will complete the FHP "Vehicle Turn-In" Form for each vehicle turned in for disposal. The original form will be maintained by the OOC for a minimum of two years.
15. In order to seize a vehicle for DUI forfeiture pursuant to Section 322.34(9), Florida Statutes, the driver must be arrested for DUI in violation of Section 316.193, Florida Statutes. In addition, the driver's license must be currently revoked as a result of a prior DUI conviction for a violation of Section 316.193. If a driver has a previous DUI and has not sought the reinstatement of the license, the driver's license is still considered revoked for the prior DUI.
 16. The DUI Forfeiture Packet, including the DUI checklist, will be reviewed and processed in the same manner as a Felony Forfeiture Packet.

C. SEIZED CURRENCY

Pursuant to Chapters 705, 717, 893, and 932, Florida Statutes, seized currency will be treated as follows:

1. The amount of currency seized shall be at least \$5,000.00 in order to pay the cost of litigation, unless extenuating circumstances exist.
2. When currency is discovered in a vehicle, the member should attempt to question the occupants separately concerning the source of the money and to whom the money belongs. The member must be mindful of all constitutional rights that may apply. If the owner is not present, the member will immediately attempt to contact the owner to determine the source of the money.
3. If currency is discovered, and no one claims it, the member will seize the currency, regardless of the amount, which may be disposed of as unclaimed or abandoned property, unclaimed evidence, or which may be pursued through forfeiture. The member must ensure that any person in possession of currency who disavows ownership of the currency and waives any claim to the currency, completes the Waiver of Claim to Assets and Waiver of Right to Notice of Seizure Form (HSMV 61076) or such denial is documented. A supervisor and Troop Legal Advisor must be contacted when currency is discovered under circumstances that may warrant forfeiture.
4. In order to seek lawful forfeiture of currency, the member must establish a nexus between the currency and felony criminal activity. It is

recommended that if available, a Contraband Interdiction Unit (CIU) team member assist the investigating member who suspects the currency is involved in illegal drug activity. If the member has probable cause to believe that the currency is contraband, the member will seize the currency as outlined above.

5. In all cases involving seized currency with criminal charges, the investigating member, shall contact the appropriate State Attorney's Office to determine whether the currency needs to be held as evidence or may be deposited.
6. If no criminal charges are made, or the currency is considered unclaimed or abandoned property, no prior consultation with the State Attorney's Office is necessary in order to deposit the currency into an FHP authorized account. In either case, the seizing member shall identify or make a record of the currency; to include at a minimum, noting the exact number of each denomination/dollar increments and photographing the money at the time of the seizure or by the end of the member's shift.
7. In cases involving seized currency and criminal charges where the State Attorney's Office requests the currency not be deposited, the currency shall be secured inside the E/P room, in a safe or other secured container.

D. UNCLAIMED EVIDENCE OR PROPERTY

In the case of unclaimed evidence or property, DHSMV Policy 10.01 shall be followed. Currency shall be deposited in an FHP authorized account after all the procedures for unclaimed currency has been followed and the Troop Legal Advisor has been contacted.

E. FINAL COURT ACTION

If at the adversarial preliminary hearing or at the conclusion of the judicial process the claimant prevails, the seized property shall be released to the lawful owner. No administrative or maintenance costs shall be assessed against the claimant. If a vehicle or other property is released to the lawful owner, the actual costs of towing, storage, and maintenance of the property shall be borne by the Division. In any instance where the property is released, the E/P Custodian shall ensure that a property release memorandum has been secured from the Office of General Counsel. Upon final disposition of forfeiture proceedings, the Office of General Counsel will send a memorandum and the court order to:

1. The appropriate Chief
2. Troop Commander (Copies will be provided to the respective District Commander, E/P Custodian, and arresting/seizing member).
3. If the case is drug related, copies will also be provided to the Criminal Interdiction Unit Coordinator.
4. Bureau of Accounting.

F. FEDERAL ASSET SHARING

When assets are seized in a joint law enforcement venture with federal agencies, the following guides should be consulted:

1. For forfeitures shared with agencies of the U. S. Department of Justice: *Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies.*
2. For forfeitures shared with agencies of the U. S. Department of the Treasury: *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies.*
3. When asset sharing is anticipated, the investigating member will notify the appropriate Chief of the forfeiture, via the chain of command. In consultation with the Office of General Counsel, the Chief will ensure the following forms (electronic when applicable) are completed:
 - a. For forfeitures shared with the U.S. Department of Justice: the DAG-71 form, or
 - b. For forfeitures shared with the U. S. Department of the Treasury: the TD F 92-22.46 form.
4. The form(s), the FHP Forfeiture Packet Checklist if available, and a brief statement of the case describing in detail the Division's involvement and the basis of the seizure are to be forwarded via the Troop Commander to the appropriate Chief within **ten (10) days** of the seizure. The form(s) and reports will be returned to the appropriate Chief for final signature after which, the form(s) will be sent to the appropriate federal agency.
5. A log of the requested shared forfeitures will be maintained by the appropriate Chief. The log will be kept current and will contain at a minimum:
 - a. A consecutive numbering system for control purposes.
 - b. Seizure type (property or currency).
 - c. Amount of the seizure.
 - d. Share amount requested.
 - e. Amount received.
 - f. Date share of forfeiture was received.
6. Any federal sharing checks should be sent directly to the appropriate Chief. The check is to be immediately forwarded utilizing next day delivery. Any Federal Sharing check will then be forwarded to the Chief in the Bureau of Accounting.

G. EXPENDITURE OF FUNDS

For tracking purposes, the Bureau of Accounting will identify all funds received for deposit into the forfeiture account. All expenditures of forfeiture funds obtained through the federal asset sharing agreement will be in accordance with the guidelines set forth by the U.S. Department of Justice and the U.S. Department of the Treasury. Approval of the Director or Deputy Director is required prior to the expenditure of any funds obtained through the Federal Asset Sharing Program.

H. RETURN OF PROPERTY

1. It is the Division's policy to provide for the prompt release of seized property (i.e., vehicles, currency, etc.) when a legitimate claim has been determined.
2. If it is determined that a forfeiture proceeding will not be pursued or the claimant prevails at an adversarial preliminary hearing or in a forfeiture trial, prompt arrangements must be made for the return of the property. The appropriate Chief will notify the Troop Commander and the District Commander shall instruct the E/P Custodian to make the following arrangements:
 - a. Request that the claimant and their attorney, if the claimant has one, sign and return the Owner Release Agreement (HSMV 61916) for the return of any type of property. If the request is by mail, send it by certified mail, return receipt requested. No such agreements are necessary when the claimant prevails in a forfeiture hearing. Before returning a vehicle, the claimant will be responsible for any towing or storage fees.
 - b. Upon receipt of the completed release form, email a copy to the appropriate Chief and respective Troop Commander. For currency that had been deposited in the bank, a request for a warrant will also be attached to the release form. The appropriate Chief will then forward the warrant request to the Bureau of Accounting for payment to the claimant.
 - c. If the claimant does not respond, or if the notice is returned unclaimed, treat the property as abandoned property or if appropriate, unclaimed evidence, and follow the procedures outlined in the Florida Highway Patrol Evidence/Property Procedures Manual and DHSMV Policy number 10.01.
3. If the claimant prevails at an adversarial preliminary hearing or in a forfeiture trial, the property must be released within five (5) days. The Office of General Counsel will notify the appropriate Chief and copy the Troop Commander of this order. The Office of General Counsel and the E/P custodian will make the necessary arrangements to release the property within five (5) days.

I. TRAINING

Members involved in seizing property for forfeiture under the Florida Contraband Forfeiture Act shall receive basic recruit training and annual continuing education training as required by the Act, and this policy.

1. A portion of such training must address legal aspects of forfeiture, including, search and seizure, and other constitutional considerations.
2. The Chief Training Officer or designee, shall coordinate with the Office of General Counsel, and Learning and Development Office, to ensure the maintenance of the training curriculum and records demonstrating compliance with these training requirements.

J. ANNUAL REPORT

1. The Office of General Counsel shall submit an annual report to the Florida Department of Law Enforcement and the Deputy Director by December 1st of each year, indicating whether the agency has seized or forfeited property under the Florida Contraband Forfeiture Act.
2. The report shall be in electronic form and at a minimum specify:
 - a. The type.
 - b. Approximate value.
 - c. Court case number.
 - d. Type of offense.
 - e. Disposition of property received.
 - f. Amount of any proceeds received or expended.