

PROCEDURES FOR APPLICATION FOR EX PARTE  
PROBABLE CAUSE DETERMINATION  
UNDER FLORIDA STATUTE 932.701  
(FLORIDA CONTRABAND FORFEITURE)  
(Effective July 1, 2016)

Effective July 1, 2016, in accord with changes enacted by the Florida Legislature regarding Florida Statute 932.701, the 17th Judicial Circuit Civil Division will be implementing the following procedures for any law enforcement agency making application for ex parte probable cause orders within ten (10) business days after the date of the seizure, and prior to the filing of the verified forfeiture complaint:

1. Any application for an ex parte probable cause determination and any affidavits or attachments thereto shall be sent electronically to [forfeiture@17th.flcourts.org](mailto:forfeiture@17th.flcourts.org) no later than 10 business days following the date of seizure.
2. The email shall be from the email address registered for criminal warrants. If the email is sent from a non-registered email address it will not be opened or any action taken on the application and sworn affidavit.
3. After review, an order will be returned electronically to the email address from the agency making application.
4. If the initial application is denied for lack of probable cause, and any subsequent application is made within the (10) business day period, the new application shall be an "Amended Application" and indicate in the body of the text the dates of all previous submissions and the name of the judge to whom the original submission was made.
5. The attached proposed order regarding the petition is attached and shall be provided with the application for an ex parte probable cause determination.

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE FORFEITURE OF:

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ORDER ON APPLICATION FOR PROBABLE CAUSE  
UNDER THE FLORIDA CONTRABAND AND FORFEITURE ACT

THIS CAUSE is before the Court on the Application for Probable Cause filed by \_\_\_\_\_ to  
forfeit \_\_\_\_\_.

After review of the Application for Probable Cause the Court finds:

- ☐ the owner of the property was arrested for a criminal offense that forms the basis for determining the property is a contraband article under s. 932.701
- ☐ the owner of the property cannot be identified after a diligent search
- ☐ the person in possession of the property denies ownership and the owner of the property cannot be identified by means that were available to the employee or agent of the seizing agency at the time of the seizure
- ☐ the owner of the property is a fugitive from justice or is deceased
- ☐ an individual who does not own 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 and the owner of the property had actual knowledge of the criminal activity
- ☐ the owner of the property agreed to be a confidential informant as defined in s. 914.28
- ☐ the property is a monetary instrument

The Court based upon the above finding(s) determines:

- ☐ probable cause exists for the forfeiture of \_\_\_\_\_. Said property shall be held by \_\_\_\_\_ until the issue of a determination of title is resolved pursuant to the procedures set forth in the Florida Contraband Forfeiture Act.
- ☐ probable cause does not exist for the forfeiture of \_\_\_\_\_

DONE and ORDERED at Fort Lauderdale, Broward County, Florida on \_\_\_\_\_, 20\_\_\_\_.

Circuit Judge