

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

Administrative Order No. 2020-88-Civ

FORFEITURE PROCEDURES

(a) 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.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the Chief Judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) The Florida Contraband Forfeiture 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 Clerk of Courts, the seizing agency, and others in the forfeiture process for whom it is necessary to have a uniform procedure throughout the Seventeenth Judicial Circuit in order to implement the provisions of the Act.

(d) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective November 1, 2020:**

I. Assignment of Judges

(1) The assignment of judges for determination of probable cause for Chapter 932, Florida Statutes, civil forfeiture proceedings duty shall be by memorandum from the Chief Judge and will be available in Court Administration.

(2) The assigned judge shall be available for a one (1) week period commencing Monday at 8:30 a.m., as needed, to hear or review these matters.

(3) If a judge should resign, retire, or be re-assigned, the judge assuming the division will be responsible for the week for that division.

(4) In the event a judge is not able to preside for his or her assigned week, the judge is responsible for securing a replacement judge and advising the Administrative Judge of the Circuit Civil Division and Trial Court Administrator, in writing, of his or her replacement.

II. Application for Ex Parte Probable Cause Order

(1) Section 932.703(2)(a), Florida Statutes, requires a seizing agency to apply, within ten (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) Any application for an ex parte probable cause determination and any affidavit or attachments thereto shall be sent electronically to forfeiture@17th.flcourts.org no later than ten (10) business days following the date of seizure. The email shall be sent from an email address registered for criminal warrants. If the email is sent from a non-registered email address, it will not be opened and no action will be taken on the application.

(3) After review of the application by the assigned duty judge, an order will be returned electronically to the seizing agency. If the initial application is denied for lack of probable cause, and any subsequent application is made within the ten (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.

III. Case Filing

(1) 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 a judge assigned to the Circuit Civil Division.

IV. Adversarial Preliminary Hearing

(1) Any request for an adversarial preliminary hearing (APH) shall be made in accordance with section 932.703(3), Florida Statutes.

(2) If a request for an APH is made prior to the seizing agency filing a pleading that creates a civil case, the seizing agency shall so notify the Clerk of Courts who

shall 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 only for an APH. If after the APH the notice of forfeiture, complaint, seizure warrant or lis pendens is filed, the remaining forfeiture filing fee and bond pursuant to section 932.704(4), Florida Statutes, will be due to the Clerk of Court.

(4) Upon assignment of the case to a circuit civil division judge, the seizing agency shall set and notice the APH. The hearing shall be held within ten (10) days or as soon as practicable thereafter from the date of notification of a request for an adversarial hearing. If the judge assigned to the forfeiture action is unavailable to conduct the hearing within the statutorily requirement timeline, the seizing agency shall contact the forfeiture duty judge to secure a hearing date and time within the statutorily prescribed limits. In the event the forfeiture duty judge is unavailable to hold a hearing within the statutorily prescribed limits, the seizing agency shall contact the Administrative Judge of the Circuit Civil Division, and, in his or her absence, the Chief Judge.

This Administrative Order supersedes and vacates Administrative Order 2018-7-Civ on November 1, 2020.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 27th day of October, 2020.

/s/ Jack Tuter
Jack Tuter, Chief Judge