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WHAT DOES FORFEITURE MEAN?

Forfeiture is a criminal, civil, or administrative procedure used by the state to seize and dispose of property used in the commission of an offense.

Florida has several forfeiture statutes:

(1) **Motor and Other Fuel Taxes.** All conveyances, boats, and other vehicles of transportation used in the illegal transportation or delivery of motor fuel to evade or avoid any gas tax, and all other personal property related to the illegal evading may be seized and forfeited to the state. § 206.205

(2) **Tax on Cigarettes.** This statute provides for the seizure and forfeiture of cigarettes and vending machines for unpaid cigarette taxes. § 210-12

(3) **Wildlife.** Any vehicle, vessel, animal, gun, light, or other hunting device used in the commission of an offense prohibited by the chapter may be seized and forfeited to the state. § 373.9901

(4) **Alcoholic Beverages and Tobacco.** It is unlawful for any person to have in his possession, custody, or control, or to own make, construct, or repair any still, still piping, still apparatus, or any piece thereof, designed for the manufacture of an alcoholic beverage, unless such possession, custody, or control is authorized by law. Any illegal raw materials, vehicles, vessels, aircraft or equipment may be seized and forfeited to the state. § 562.27

(5) **Chop Shops.** The following property may be seized and forfeited to the state if found in violation of the statute:

(a) Any stolen motor vehicle or major component part found at the site of a chop shop or any motor vehicle or major component part for which there is probable cause to believe that it is stolen but for which the true owner cannot be identified;

(b) Any engine, tool, machine, implement, device, chemical, or substance used or designed for altering, dismantling, reassembling, or in any other way concealing or disguising the identity of a motor vehicle or any major component part.

(c) A wrecker, car hauler, or other motor vehicle that is knowingly used or has been used to convey or transport a stolen motor vehicle or major component part.

§ 812.16

(6) Forgery and Counterfeiting. Any personal property, including any item, object, tool, machine, or vehicle of any kind, employed to violate the statute may be seized and forfeited by the state. § 831.03

Florida enacted the Contraband Forfeiture Act to deter and prevent the continued use of contraband articles for criminal purposes. Chapter 932

“Contraband article” means:

(1) Any controlled substance, device, paraphernalia, or currency or other means of exchange which was used, is being used, was attempted, or is intended to be used in violation of law;

(2) Any gambling paraphernalia, lottery tickets, money, currency, or other means of exchange which was used, was attempted, or intended to be used in violation of the gambling laws;

(3) Any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used in violation of the beverage or tobacco laws of the state;

(4) Any motor fuel upon which the motor fuel tax has not been paid as required by law;

(5) Any personal property, including, but not limited to, any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, whether or not comprising an element of the felony or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

(6) Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which was used, is being used, or was attempted to be used as an instrumentality in the commission of any felony, or which is acquired by proceeds, obtained as a result of a violation of the Florida Contraband Forfeiture Act.

§ 932.701(2)

This is not a substitute for legal advice. An attorney must be consulted.