

Florida Department of Law Enforcement

Civil Asset Forfeiture Application Frequently Asked Questions



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Section 1: Getting Started

QUESTION: My agency has NO seized or forfeited property to report for the fiscal year reporting cycle. Do we still have to submit an annual report?

ANSWER: Yes. Every law enforcement agency shall submit an annual report to FDLE indicating whether the agency has seized or forfeiture properly under the Florida Contraband Act as required by Section (s.) 932.7061, Florida Statutes (F.S.). The agency is required to submit the annual report using the Civil Asset Forfeiture web application.

QUESTION: How do I report if my agency does not have access to CJNet?

ANSWER: Does your agency have a written agreement with a neighboring agency to run your FCIC/NCIC records?

- If **YES** – Ask that neighboring agency to use a computer connected to CJNET to submit your annual report.
- If **NO** – Contact the FDLE Customer Support Center at (800) 292-3242 to request to have CJNet connectivity set up. Explain to the help desk representative that your call is related to CJNet connectivity and not related to a Civil Asset Forfeiture application access issue.

QUESTION: Does the Chief of Police, Sheriff, or State Attorney have to complete the report?

ANSWER: No. It is up to your agency head to choose who will complete the annual report. The person accessing the Civil Asset Forfeiture web application must have access to a CJNet computer.

QUESTION: Can an agency have multiple user accounts?

ANSWER: Yes. Multiple users can be registered to one agency. Please note that any changes made by a user will update the entire annual report.

Note: Once the annual report has been submitted, users will be unable to make additional edits. You will need to contact the FDLE via the ForfeitureReports@fdle.state.fl.us email address to request in writing to have the annual report returned to the agency for modifications.

QUESTION: I cannot find my agency in the drop-down list on the registration page. What do I do?

ANSWER: Please check variations of your agency name.

For example: All “City of...” or “Town of...” titles have been simplified to just the city or town name.

City of Tallahassee Police Department = Tallahassee Police Department.

If you still do not see your agency name, please send an email to ForfeitureReports@fdle.state.fl.us to have your agency added to the list. Please include your agency ORI number in the email.

QUESTION: Help! When I log in, I see the wrong Law Enforcement Agency information listed on my screen. What do I do?

ANSWER: Please send an email to ForfeitureReports@fdle.state.fl.us to request a correction.

Section 2: Donations

QUESTION: Are donations mandatory?

ANSWER: Yes. Per s. 932.7055(5)(c)(3), F.S., any local law enforcement agency that acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 25 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program or programs. The local law enforcement agency has the discretion to determine which program or programs will receive the designated proceeds.

QUESTION: My agency has NO seized or forfeited property to report for the fiscal year reporting cycle; however, we donated from our forfeiture account. How do I report?

ANSWER: You will select the attestation option **Our Agency has one or more of the following to report** for the fiscal year reporting cycle. Additional questions will populate on the screen soliciting information needed to complete the annual report.

For example: To report donations, you would select **YES** to the question **Did you receive Forfeiture Funds?** A subsequent screen will populate to solicit information specific to the amount and to whom the funds were donated.

QUESTION: We donated proceeds to multiple charities, how do we report this information?

ANSWER: Select the **ADD** button to enter multiple donations by Forfeiture Program category type available in the drop-down list. You can use a generic description if you made multiple donations within the same category. In the comments field, identify the individual charities for the particular category selected and the total dollar amount donated.

Section 3: Funds Received

QUESTION: My agency has NO seized or forfeited property to report for the fiscal year reporting cycle; however, we earned interest on the forfeiture funds. How do I report?

ANSWER: You will select the attestation option **Our Agency has one or more of the following to report** for the fiscal year reporting cycle. Additional questions will populate on the screen soliciting information needed to complete the annual report.

For example: To report interest earned, you would select **YES** to the question **Did you receive Forfeiture Funds?** A subsequent screen will populate to solicit information specific to entering interest income.

QUESTION: My agency received seized or forfeited property as a part of a task force. How do I report them?

ANSWER: Agencies involved as a part of the task force would list the funds received in Table A: Funds Received from Other Agencies. Funds transferred to other agencies would be listed in Table B: Transfers to Other Agencies.

Note: The primary agency (that pursued the legal forfeiture proceedings) would list the case as their forfeiture in the seizure-forfeiture actions section.

QUESTION: Do I need to list funds from the federal Equitable Sharing program?

ANSWER: No. The web application captures State of Florida forfeiture information only. You can learn more about the United State Department of Justice Equitable Sharing Program at <https://www.justice.gov/criminal-mlars/equitable-sharing-program>.

QUESTION: Do I list restitution paid to our agency?

ANSWER: No. The Civil Asset Forfeiture annual report identifies **only** seized or forfeited property.

QUESTION: My agency has sold seized or forfeited property that was previously purchased with forfeiture funds. How do I report the money received from the sale?

ANSWER: The funds should be listed as part of forfeiture funds received as a direct forfeiture. You will list this information in the **Seizure-Forfeiture Actions Table**.

Section 4: Expenditures

QUESTION: My agency has NO seized or forfeited property to report for the fiscal year reporting cycle; however, we expended funds from the forfeiture account. How do I report?

ANSWER: You will select the attestation option **Our Agency has one or more of the following report** for the fiscal year reporting cycle. Additional questions will populate on the screen soliciting information needed to complete the annual report.

For example: To report expenditures, you would select **YES** to the question **Did you receive Forfeiture Funds?** A subsequent screen will populate to solicit information specific to identifying your expenditures.

QUESTION: Does my agency need to report expenditures for the current fiscal year reporting cycle only? If we report more expenditures than we received, is it a problem?

ANSWER: You must report all expenditures that occurred during the current fiscal year reporting cycle even if the funds were earned in a previous year.

QUESTION: If we report more expenditures than we received, is it a problem?

ANSWER: No. You must report all expenditures that occurred during the current fiscal year reporting cycle even if the funds were earned in a previous year.

QUESTION: Can the FDLE provide guidance on which category to list expenditures under?

ANSWER: No. We recommend that you consult with your agency's legal advisor. You can find more information on disposition of liens and forfeited property in s. 932.7055, F.S.

Section 5: Forfeiture Actions

QUESTION: My agency seized or forfeited property in a case but did not proceed with the forfeiture process. Do I still have to list the seized property?

ANSWER: Yes. You must identify all seized property as required in s. 932.7061, F.S.

For example: If the property was seized but later returned to the owner with no forfeiture proceedings pursued, you would list the forfeiture action outcome as **Returned to Owner**. The forfeiture date would be the date the item was returned to the owner.

QUESTION: We have large amounts of forfeiture actions to report. Can we email our spreadsheet in lieu of entering the information into the Civil Asset Forfeiture web application?

ANSWER: No. All seized or forfeiture property under the Florida Contraband Act must be reported using the Civil Asset Forfeiture application.

QUESTION: We seized or forfeited property under the Florida Contraband Forfeiture Act during the last fiscal year reporting cycle and listed the case as pending on our annual report. Do I have to list the seized or forfeited property again once the asset has been disposed?

ANSWER: Yes. Identify the seizure date based on when the seized or forfeited property were seized. The outcome date would reflect the date of disposition. You will be able to import any forfeiture actions that were reported as pending in the previous fiscal year annual report. You must use the **Transfer pending actions from previous fiscal year** button in the **Seizure-Forfeiture Actions** section.

For example: Property seized in September 2017 with a final court disposition date in July 2018, would have previously been identified as a pending case on the FY17-18 annual report. In the FY18-19 annual report you would identify the seizure date as September 2017 and the forfeiture date as July 2018.

QUESTION: If seized or forfeited property was evidence but later turned over to my agency as a part of a settlement agreement, would I list that as a forfeiture?

ANSWER: Only seized or forfeited property under the Florida Contraband Forfeiture Act should be reported.

Section 6: Reports

QUESTION: Will my agency automatically receive confirmation from the FDLE that our agency report was received?

ANSWER: No. A message will appear on the screen indicating that the report was successfully submitted identifying the date and time. If you need a copy for your records, you may print or save a copy of your report after submission.

Note: The submitted date and time will also appear on the top of your screen once you select the fiscal year reporting cycle.

For example:



QUESTION: After submitting my agency's annual report, a mistake in the reporting information was identified. Can we modify the annual report?

ANSWER:

- If the fiscal year reporting cycle is **OPEN**, the FDLE can unlock the annual report. Please send an email to ForfeitureReports@fdle.state.fl.us to request in writing that your report be unlocked. We will notify you via email once the request has been completed.

Note: It is imperative that once the edits have been made, you ensure the annual report has been resubmitted before the deadline.

- If the fiscal year reporting cycle is **CLOSED**, you are not able to modify the annual report. We recommend that you issue a memorandum to file documenting any discrepancies identified to keep for your records.

QUESTION: My PDF report does not match the information I entered on the screen. What do I do?

ANSWER: Please send an email to ForfeitureReports@fdle.state.fl.us with an explanation of the situation along with the PDF report and a screenshot depicting the contradictory information that was not saved in the system. An FDLE member will research the problem and notify you once a resolution has been achieved.

Section 7: Miscellaneous Questions

QUESTION: Our agency is unable to complete the annual report by the deadline for various reasons. Can we get an extension or an exemption in reporting?

ANSWER: No. Reporting requirements are set by s. 932.7061, F.S. We are unable to make exceptions.

QUESTION: What happens if we do not complete the annual report by the deadline identified in statute?

ANSWER: Per s. 932.7062, F.S., a seizing agency that fails to comply with the reporting requirements in s. 932.7061 is subject to a civil fine of \$5,000, to be determined by the Chief Financial Officer and payable to the General Revue Fund. However, such agency is not subject to the fine if, within 60 days after receipt of written notification from the Department of Law Enforcement of noncompliance with the reporting requirements of the Florida Contraband Act, the agency substantially complies with those requirements.

QUESTION: The Civil Asset Forfeiture web application is too hard to use. Can you make it easier?

ANSWER: We welcome your suggestions to make the process better. Email your ideas to the FDLE at ForfeitureReports@fdle.state.fl.us for consideration.

QUESTION: The fiscal year reporting cycle is closed. When will my agency be able to enter in information for the upcoming reporting cycle?

ANSWER: System-wide updates can only be made once the entire reporting cycle has been closed. As a result, typically these updates are made during the summer months. Once this process has been completed, the upcoming reporting cycle will be open approximately at the end of September. Account users in the Civil Asset Forfeiture web application will see an alert in the web application once the reporting cycle has been open. In addition, an email notification will be sent to all application users.

QUESTION: I still have more questions. Who can I talk to?

ANSWER: You may contact the FDLE ForfeitureReports@fdle.state.fl.us.