

**IN THE THIRD JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2006-021

**IN RE: CONFISCATION, SEIZURE, FORFEITURE, AND
DISPOSITION OF PERISHABLE FRESH AND SALTWATER
FISH, SALTWATER PRODUCTS, AND GAME**

WHEREAS, it is necessary for the proper and efficient administration of justice within the Third Judicial Circuit of Florida, to set forth a procedure for the proper administration of justice while at the same time to prevent waste and allow the use of illegally taken fish and game to be utilized in an efficient and beneficial manner,

IT IS THEREFORE ORDERED:

1. When an arrest is made or a citation is issued pursuant to the provision of Chapters 370 and 372, Florida Statutes, and perishable items, either fish or game, are taken into custody by a law enforcement officer, the law enforcement agency shall be authorized to destroy or otherwise dispose of minor amounts of such fish or game without the necessity of obtaining individual court orders for each such case. For the purpose of this order, "minor amounts" shall be defined as those having no appreciable commercial or other value.

2. Pursuant to section 370.061(5), Florida Statutes, when an arrest is made or a citation issued pursuant to the provisions of Chapter 370, Florida Statutes, and illegal, perishable saltwater fish or saltwater products illegally taken are confiscated, the defendant may post a bond or cash deposit in an amount to be determined by the judge to be the fair value of such confiscated items. Upon the posting of such bond or cash deposit, such

saltwater fish or saltwater products shall be returned to the Defendant; however, they must be transported within 24 hours outside the State of Florida for sale or other disposition. Should no bond or cash deposit be posted within the time fixed by the judge, the judge may order the sale of the confiscated saltwater fish or saltwater products at the highest bid obtainable. Such bond, cash deposit, and or sale proceeds as are referred to herein shall be processed as set forth in section 370.061, Florida Statutes.

3. Pursuant to section 372.73, Florida Statutes, game and freshwater fish seized under the authority of Chapter 372, Florida Statutes, shall be forfeited prior to resolution of the charge(s) and given to a hospital, governmental, or charitable institution, and a receipt for those items shall be provided to the to the Florida Fish and Wildlife Conservation Commission.

4. With regard to all of the foregoing paragraphs herein, the following shall apply:

a. Any evidentiary problem arising from the forfeiture of such game and/or fish may be remedied by proper authentication by Florida Fish and Wildlife Conservation Commission officers and proof of receipt by the hospital, government, or charitable institution, pursuant to the Florida Rules of Evidence.

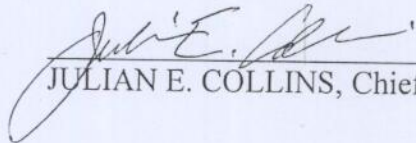
b. The evidence shall be preserved by the use of secondary evidence (e.g., photographs, tissue sample, etc.) with proper authentication by the law enforcement agency.

c. Nothing contained herein shall prevent the retention of such fish or game for evidentiary purposes where special circumstances warrant such action. Any decision to dispose of or retain the items shall be made by the applicable law enforcement agency in

consultation with the State Attorney of the Third Judicial Circuit or his authorized designee.

d. In addition to the foregoing, in such matters in which the gender or other identifier, such as DNA, is required for evidentiary purposes, a representative sample shall be taken, preserved, and retained by the arresting agency until such evidentiary purpose no longer exists.

DONE AND ORDERED in Chambers in Lake City, Columbia County, Florida, on this 15th day of August, 2006.



JULIAN E. COLLINS, Chief Judge

Copies to:

All Third Circuit Judges
All Third Circuit Clerks of Court
All Third Circuit Sheriffs
All Third Circuit Municipal Police
Departments
State Attorney
Public Defender
Florida Department of Law Enforcement
Florida Highway Patrol
Florida Fish and Wildlife Conservation Commission
Motor Carrier Compliance

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