

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON, FRANKLIN, GADSDEN, JEFFERSON, LIBERTY AND
WAKULLA COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 2021-03

**IN RE: Forfeiture/Disposal of Illegally
Taken Fish and Wildlife**

WHEREAS, the law enforcement officers, (the "Officers"), of the Florida Fish and Wildlife Conservation Commission, ("FWC"), are charged with enforcing all laws, rules, and regulations relating to wild animal life, marine life, and freshwater aquatic life, and

WHEREAS, in the course of carrying out their duties, from time to time the Officers must seize "wildlife," "saltwater products" and "freshwater fish" (hereafter, collectively, the "contraband") which is alleged to have been taken illegally, and

WHEREAS, it is more economical and practical to promptly dispose of minor amounts of dead contraband instead of storing it during the pendency of prosecutions, and

WHEREAS, §379.338(1), Florida Statutes, permits, in accordance with a court order if the court so orders, the forfeiture and disposal of such contraband by the investigating law enforcement agency, prior to conviction, and

WHEREAS, §379.3381, Florida Statutes, permits a properly authenticated photograph to be substituted for any contraband seized by Officers and for the photographs to be admitted into evidence to the same extent that the contraband itself would be admissible, and

WHEREAS, Officers frequently seize contraband at times when and locations where it is not practical for them to obtain a court order for the purpose of selling or otherwise disposing of contraband, although the prompt sale or other disposition of contraband is in the best interests of all

THEREFORE, IT IS ORDERED THAT:

1. When minor amounts of contraband are seized by a law enforcement agency, such agency is authorized by this Administrative Order to elect to retain the wildlife, freshwater fish, or saltwater fish for the agency's official use; transfer it to another unit of state or local government for official use; donate it to a charitable organization; sell it at a public sale pursuant to s. 705.103; or destroy the wildlife, freshwater fish, or saltwater fish if none of the other options is practicable or if the

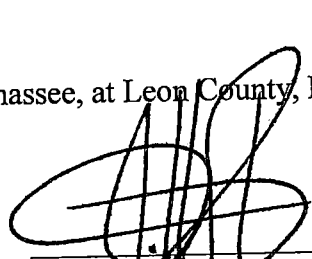
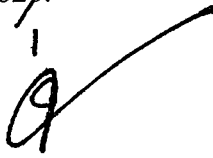
wildlife, freshwater fish, or saltwater fish is unwholesome or otherwise not of appreciable value.

2. Although reference is made to FWC Officers because they are the law enforcement personnel most likely to be involved in seizures of living or dead wildlife, saltwater products/fish, and freshwater fish, the provisions of this order are equally applicable to any certified law enforcement officer and law enforcement agency.

3. For the purpose of this Administrative Order, "minor amounts" of contraband shall be defined as amounts having no appreciable commercial value.

4. The order shall be recorded in the Official Records of Leon County, with certified copies going to the Clerks of Franklin, Gadsden, Jefferson, Liberty and Wakulla Counties for recording in those counties.

DONE AND ORDERED in Tallahassee, at Leon County, Florida, this 12th day of April, 2020.



Honorable Jonathan Sjostrom
Chief Judge