

M E M O R A N D U M

To: Mayor Schneier and Town Commissions

From: Maggie D. Mooney, Esq., Town Attorney
Daniel P. Lewis, Attorney

Date: September 1, 2023

Subject: Ratification and Approval of Filing of Forfeiture Litigation
In Re: Forfeiture of \$7,859.62, Case No. 2023 CA 6287 NC
(Pending in the Twelfth Judicial Circuit in and for Sarasota County
and filed on August 17, 2023)

A forfeiture action in Florida allows a government entity to acquire goods or chattels as a punishment associated with a felony that took place in the government’s jurisdiction as a form of compensation. It is a hybrid type action that implicates both criminal and civil laws, even though the suits is fully litigated in civil court before Circuit Court judges.

On July 15, 2023, the Town of Longboat Key Police Department made a traffic related stop that led to an arrest and discovery of prohibited contraband (cash and drugs) within the vehicle. The value of the contraband is \$7,859.62 in U.S. currency. On August 17, 2023, attorney Daniel (“Dan”) Lewis with our law firm filed a forfeiture Complaint on behalf of the Town of Longboat Key’s Police Department in the Twelfth Judicial Circuit in Sarasota County pursuant to the Florida Contraband Forfeiture Act as set forth in Florida Statutes §§ 932.701-932.7062. Attorney Dan Lewis is a former State Attorney, has experience pursuing forfeiture actions for other local governments, and is qualified to litigate such actions on the Town’s behalf. The Complaint that was filed seeks the recovery of the currency seized on July 15, 2023. A general memorandum dated August 17, 2023, outlining forfeiture proceedings is attached for information purposes.

While our office has traditionally sought authorization from the Town Commission pursuant to Town Code in advance of filing litigation, because forfeiture actions are statutorily driven and have strict filing deadlines and processes, it was necessary to file a forfeiture Complaint before the Town Commission returned from their summer recess or the Town would lose its ability to pursue a forfeiture claim. Accordingly, in consultation with the Town Manager and Police Chief, our collective recommendation was that the Town file the forfeiture action and request ratification of the suit by the Town Commission

at the September Regular Meeting. Should the Town Commission reject this recommendation, our office would withdraw the Complaint (and cease efforts to recover the seized cash) and the Town would lose the court filing fees and posted bond.

Consequently, this consent agenda item requests Town Commission approval and ratification pursuant to Section 30.09 of the Town Code of the filing and pursuit of the forfeiture action captioned above. If there are any questions or concerns regarding the authorization requested in the Memorandum, please do not hesitate to contact me.

Recommended Motion: Ratify and approve the Town Attorney office’s filing of the forfeiture complaint in the lawsuit captioned, *In Re: Forfeiture* of \$7,859.62, Case No. 2023 CA 6287 NC (pending the Twelfth Judicial Circuit Court) and authorize the Town Attorney’s office to continue to pursue the litigation on the Town’s behalf.

Att.: (1) Memorandum dated August 17, 2023, from the Town Attorney’s Office to Mayor Schneier and Town Commissioners providing a “General Overview of the Civil Forfeiture Process in Florida and the Florida Twelfth Judicial Circuit.” (Available in Town Clerk’s Office)

End of Agenda Item