

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2016 FEB -3 P11 5:01

IN RE:

FORFEITURE OF COLLATERAL SCHEDULE
GOVERNING LAWS AND REGULATIONS
ENFORCED BY THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY,
FEDERAL PROTECTIVE SERVICES

CASE NO. 8:16-mc- *17-7-23*

ORDER

THIS CAUSE comes before the Court upon the Government's Application for a Court Order to adopt the Forfeiture of Collateral Schedule for laws and regulations enforced by the United States Department of Homeland Security, Federal Protective Services.

This Order establishes a plan known as the Forfeiture of Collateral System for the United States Department of Homeland Security, Federal Protective Services. From the date of this Order, all forfeitures of collateral on violations of petty offenses defined in Federal Management Regulation, Title 41, Code of Federal Regulations, Part 102-74, Subpart C, or in 18 U.S.C. §§ 1036(a) & (b)(2) shall be handled in accordance with the schedule attached to this Order.

Under this plan, collateral may be posted in lieu of the personal appearance of a person charged with certain petty offenses under the laws and/or regulations of the United States. Upon the failure of the person charged with a petty offense violation to appear before the United States Magistrate Judge for trial of the offense, collateral in the appropriate amount, as shown on the attached schedule, shall be forfeited to the United States and serve as the fine for said offense. The posting of collateral shall

signify that the person accused does not contest the charge or request a hearing.

Forfeiture of collateral shall constitute an admission of guilt.

Nothing herein shall prohibit a United States Magistrate Judge or law enforcement officer, from requiring the personal appearance of the person accused before the Magistrate Judge, whether the offense to be charged appears in the schedule or does not appear.

Offenses for which collateral may be posted in lieu of appearance and the amount of said collateral shall be as shown on the schedule of violations and fines attached hereto.

DONE AND ORDERED in Tampa, Florida, this 3RD day of February, 2016.



STEVEN D. MERRYDAY
Chief United States District Judge

Copies to:

All United States Magistrate Judges
Middle District of Florida

Rachelle DesVaux Bedke, AUSA
Chief, Criminal Division (South)

Roger B. Handberg, AUSA
Chief, Criminal Division (North)

FPS Collateral Forfeiture Schedule for the US Courts Middle District of Florida

Description of Violation	CFR Title	CFR Section	Collateral amount
Admission to Government Property 41 CFR 102-74.375			
Unauthorized entry during hours when the facility is closed (trespass)	41	102-74.375 (a)	\$250.00 or Mandatory
Unauthorized entry into restricted areas when the building is open (trespass)	41	102-74.375 (b)	Mandatory
Failure to register or failure to display gov't. ID upon request by FPS Police	41	102-74.375 (c)	Mandatory
Opening or attempted opening of locks or card operated barrier mechanisms.	41	102-74.375 (c)	\$500.00 or Mandatory
Entry by False Pretense 18 USC 1036			
Entry by false pretense (Entering by false or misleading representation of purpose of Business to conduct unauthorized activities).	18 USC	1036	Mandatory
Entry by false pretense (Use of fake or fraudulent credentials or Identification to gain entry for any purpose) areas open to the public	18 USC	1036	Mandatory
Entry by false pretense with the intent to commit any felony.	18 USC	1036	Mandatory
Preservation of Property 41 CFR 102-74.380			
Improperly disposing of rubbish, (littering)	41	102-74.380 (a)	\$200.00 or Mandatory
Willfully destroying or damaging of property	41	102-74.380 (b)	\$500.00 or Mandatory
Tampering with, removal, marring or destruction of posted signs	41	102-74.380 (b)	\$150.00 or Mandatory
Theft or removal of government property	41	102-74.380 ©	\$500.00 or Mandatory
Creating a hazard to person(s) or things (includes spitting on property/body fluids)	41	102-74.380 (d)	\$150.00 or Mandatory
Throwing articles from or at a building	41	102-74.380 (e)	\$150.00 or Mandatory
Climbing of statues or fountains on government property	41	102-74.380 (e)	\$50.00 or Mandatory
Climbing on any part of government buildings	41	102-74.380 (e)	\$50.00 or Mandatory
Conformity with Official Signs and Directions 41 CFR 102-74.385			
Failure to comply with signs of a prohibitory or regulatory nature	41	102-74.385	\$50.00 or Mandatory
Failure to comply with lawful directions of a law enforcement officer	41	102-74.385	\$250.00 or Mandatory
Failure to comply directions of other authorized individual (PBS Manager, Designated Official, Guard)	41	102-74.385	\$250.00 or Mandatory
Failure to comply with signs of a restrictive or safety nature	41	102-74.385	\$50.00 or Mandatory
Disturbances 41 CFR 102-74.390			
Disorderly or other conduct which causes a loud or unusual noise or a nuisance	41	102-74.390 (a)	\$250.00 or Mandatory
Unreasonably obstructs the use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots	41	102-74.390 (b)	\$250.00 or Mandatory
Unauthorized demonstrations	41	102-74.390 (c)	\$250.00 or Mandatory
Unauthorized loitering, assembly or sleeping on property	41	102-74.390 (d)	\$150.00 or Mandatory
Gambling 41 CFR 102-74.395			
Gambling, Participating in games for money or other personal property	41	102-74.395 (a)	\$200.00 or Mandatory
Gambling, operating gambling devices	41	102-74.395 (b)	\$200.00 or Mandatory
Gambling, conducting a lottery or pool	41	102-74.395 (c)	\$200.00 or Mandatory
Gambling, selling or purchasing of numbers tickets or betting	41	102-74.395 (d)	\$200.00 or Mandatory
Possession of Narcotics, etc... 41 CFR 102-74.400			
Controlled Substances, Possession or use of (small amounts)	41	102-74.400 (a)	\$350.00 or Mandatory
Controlled Substances, Under the influence of	41	102-74.400 (a)	\$250.00 or Mandatory

Description of Violation	CFR Title	CFR Section	Collateral amount
Operating a motor vehicle under the influence of a controlled substances	41	102-74.400 (b)	Mandatory
Use of Alcohol 41 CFR 102-74.405			
Alcohol, under the influence of or use of (public intoxication/consumption)	41	102-74.405	\$250.00 or Mandatory
Alcohol, Unauthorized use of alcoholic beverages	41	102-74.405	\$250.00 or Mandatory
Alcohol, Unauthorized introduction of alcohol beverages to property	41	102-74.405	\$500.00 or Mandatory
Operating a motor vehicle under the influence of alcoholic beverages	41	102-74.405	\$500.00 or Mandatory
Soliciting, Vending and Debt collection 41 CFR 102-74.410			
Unauthorized soliciting commercial, political donations, vending merchandise	41	102-74.410	\$100.00 or Mandatory
Unauthorized display or distributing commercial advertisement or collecting debts	41	102-74.410	\$100.00 or Mandatory
Soliciting for, or the act of Prostitution	41	102-74.410	\$250.00 or Mandatory
Posting or Distributing Materials 41 CFR 102-74.415			
Unauthorized distribution of tobacco products in and around Federal buildings	41	102-74.415 (a)	\$25.00 or Mandatory
Unauthorized posting or affixing pamphlets, handbills or flyers, unauthorized (display of signs)	41	102-74.415 (b)	\$150.00 or Mandatory
Unauthorized distribution of materials, pamphlets, handbills, flyers without permit	41	102-74.415 (c)	\$150.00 or Mandatory
Photography for News, Commercial, Advertising or Other Purposes 41 CFR 102-74.420			
Unauthorized taking of photos on premises without permit or agency permission (Except in building entrances, lobbies, foyers, corridors or auditoriums)	41	102-74.420	\$150.00 or Mandatory
Animals on Government Property 41 CFR 102-74.425			
Dogs or other animals other than seeing eye dogs or service animals	41	102-74.425	\$50.00 or Mandatory
Vehicular and Pedestrian Traffic 41 CFR 102-74.430			
Operating a motor vehicle in an unsafe manner	41	102-74.430 (a)	\$150.00 or Mandatory
Failure to yield to a vehicle	41	102-74.430 (a)	\$50.00
Creating excessive noise by muffler cutout, excessive use of horn or other means	41	102-74.430 (a)	\$50.00
Failure to use seatbelt or have child in restraint seat or seat belt	41	102-74.430 (a)	\$100.00
Failure to comply with signals and directions of an Officer, Guard or other Authorized Official	41	102-74.430 (b)	\$250.00 or Mandatory
Disobeyed posted traffic sign: no parking, unauthorized parking only, tow away zone	41	102-74.430 (c)	\$25.00
Disabled parking only	41	102-74.430 (c)	\$150.00 or Mandatory
Exceeded posted speed limit by up to 10 mph	41	102-74.430 (c)	\$25.00
Exceeded posted speed limit by up to 20 mph	41	102-74.430 (c)	\$50.00
Exceeded posted speed limit by over 20 mph	41	102-74.430 (c)	\$100.00 or Mandatory
Failure to come to complete stop at STOP sign	41	102-74.430 (c)	\$50.00
Driving wrong direction on posted one way street	41	102-74.430 (c)	\$50.00
Failure to yield to pedestrian in marked and posted crosswalk	41	102-74.430 (c)	\$50.00
Failure to comply with additional traffic directives issued by GSA Administrator	41	102-74.430 (d)	\$25.00
Blocking an entrance	41	102-74.430 (e)	\$50.00
Blocking a fire exit	41	102-74.430 (e)	\$50.00
Blocking a fire hydrant or stand pipe	41	102-74.430 (e)	\$50.00
Blocking a driveway	41	102-74.430 (e)	\$50.00
Blocking a walkway	41	102-74.430 (e)	\$50.00
Blocking loading platform or dock	41	102-74.430 (e)	\$50.00
Parking without a permit , authority or locations reserved for others	41	102-74.430 (f)	\$50.00

Description of Violation	CFR Title	CFR Section	Collateral amount
Explosives 41 CFR 102-74.435			
Introduction or possession of explosives or explosive devices which fire may fire projectile, ammunition or other combustibles	41	102-74.435	Mandatory Appearance
Firearms or Other Dangerous Weapons 41 CFR 102-74.440			
Possession of firearms, carried either openly or concealed whether loaded or unloaded (except by Federal or State Law Enforcement personnel on Official Business)	41	102-74.440	\$500.00 or Mandatory
Possession of knife which blade length exceeds 2", switchblade knives, any variety of hatchets, clubs and hand held weapons, or brass knuckles.	41	102-74.440	\$300.00 or Mandatory
Unauthorized possession of any type of incapacitating liquid or gas emitting weapons	41	102-74-440	\$200.00 or Mandatory