

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING RESOLUTION NO. R-2017-066 TO INCREASE THE EXPENDITURE OF STATE LAW ENFORCEMENT FORFEITURE FUNDS TO DEFRAY EXPENSES/COSTS ASSOCIATED WITH THE SEIZURE AND PROCESSING OF FORFEITURE CASES FROM \$20,181.18 TO \$70,181.18; AND AMENDING THE FISCAL YEAR 2017 OPERATING BUDGET (R-2016-284) AS OUTLINED IN EXHIBIT 1.

WHEREAS, Sections 932.701 through 932.707, Florida Statutes, constitutes the Florida Contraband Forfeiture Act (the "Act"); and

WHEREAS, the Act sets forth the procedure whereby funds may be expended from a contraband forfeiture trust fund for certain purposes contingent upon the Police Chief's recommendation that a request for expenditure of such funds complies with the Act and City Commission approval of such expenditure; and

WHEREAS, Section 932.7055(5)(a), Florida Statutes, expressly states that proceeds shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, *or for other law enforcement purposes*, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants, however, the proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency; and

WHEREAS, as part of the forfeiture proceedings, there are pre-suit costs as well as court costs associated with initiating and pursuing forfeiture actions; and

WHEREAS, in accordance with Section 932.7055(5)(a), Florida Statutes, and Florida Attorney General Opinion 96-62, use of state law enforcement trust funds to defray such costs falls within other law enforcement purposes and appears to be an appropriate expenditure of such funds; and

WHEREAS, on March 15, 2017, the City Commission passed and adopted Resolution No. R-2017-066 which authorized the expenditure of State Law Enforcement Funds in the amount of \$20,181.18 to defray the expenses/costs associated with the seizure and processing of forfeiture cases; and

WHEREAS, since the passage and adoption of Resolution No.R-2017-066, there has been an increase in forfeiture cases which requires authorization for

additional expenditure of funds in an amount of \$50,000.00 for a total aggregate amount of \$70,181.18; and

WHEREAS, funding is available in the Law Enforcement Forfeiture Fund (Fund 12) Account No. 12.2000.25229.521.004959 – Seizure and Processing Costs (State), which is to be authorized for the specific permissible uses as described above; and

WHEREAS, pursuant to Resolution R-2016-291, adopted and approved by the City Commission on October 5, 2016, said law enforcement forfeiture funds were reappropriated and reallocated to the FY 2017 Operating Budget for the Law Enforcement Forfeiture Fund (12) in the above line item account number; and

WHEREAS, the Chief of Police recommends that the expenditure of State Law Enforcement Forfeiture Funds to defray expenses/costs associated with the seizure and processing of forfeiture cases be increased from \$20,181.18 to \$70,181.18;

WHEREAS, the Fiscal Year 2017 Operating Budget of the City of Hollywood was adopted and approved by the City Commission pursuant to Resolution R-2016-284 at the 2nd Public Budget Hearing on September 28, 2016; and

WHEREAS, this Resolution seeks to authorize the recognition, appropriation and transfer of Law Enforcement Forfeiture Funds as detailed in the attached Exhibit 1;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Resolution No. R-2017-066 is hereby amended to increase the expenditure of State Law Enforcement Forfeiture Funds to defray expenses/costs associated with the seizure and processing of forfeiture cases from \$20,181.18 to \$70,181.18

Section 2: That it hereby authorizes the Department of Financial Services to create certain accounts to recognize revenue and appropriate program funding as detailed in the attached Exhibit 1.

Section 3: That the Amendments, Adjustments and Transfers to the Operating Budget of the City of Hollywood for the Fiscal Year beginning October 1, 2016, relating to the Law Enforcement Forfeiture Trust Fund (Fund 12), are hereby approved, adopted and accepted as Amendments to the Operating Budget of the City of Hollywood, Florida for the Fiscal Year 2017.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

A RESOLUTION AMENDING RESOLUTION NO. R-2017-066 TO INCREASE THE EXPENDITURE OF STATE LAW ENFORCEMENT FORFEITURE FUNDS TO DEFRAID EXPENSES/COSTS ASSOCIATED WITH THE SEIZURE AND PROCESSING OF FORFEITURE CASES FROM \$20,181.18 TO \$70,181.18; AND AMENDING THE FISCAL YEAR 2017 OPERATING BUDGET (R-2016-284) AS OUTLINED IN EXHIBIT 1.

PASSED AND ADOPTED this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

ALAN FALLIK, ACTING CITY ATTORNEY