

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING AN EXPENDITURE OF LAW ENFORCEMENT FORFEITURE FUNDS TO DEFRAY EXPENSES/COSTS ASSOCIATED WITH THE SEIZURE AND PROCESSING OF FORFEITURE CASES IN THE AMOUNT OF \$20,181.18.

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 for 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, 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 an amount not to exceed \$20,181.18 be expended from the Law Enforcement Forfeiture Fund to defray expenses/costs associated with the seizure and processing of forfeiture cases;

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

Section 1: That it hereby approves and authorizes the expenditure of Law Enforcement Forfeiture Funds to defray expenses/costs associated with the seizure and processing of forfeiture cases in an amount not to exceed \$20,181.18.

Section 2: That this Resolution shall be in full force and effect as of October 5, 2016.

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.

JEFFREY P. SHEFFEL, CITY ATTORNEY