

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 \$30,000.00; AMENDING THE FISCAL YEAR 2016 ADOPTED OPERATING BUDGET (R-2015-294) FOR THE LAW ENFORCEMENT FORFEITURE FUND 12, REVISING OPERATING REVENUES, AUTHORIZING BUDGETARY ADJUSTMENTS, EXPENDITURES, AND TRANSFERS AS DETAILED IN EXHIBIT 1; AND AUTHORIZING THE DEPARTMENT OF FINANCIAL SERVICES TO ESTABLISH ACCOUNT(S) AS MAY BE NEEDED.

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, pursuant to Resolution R-2015-294, adopted and approved by the City Commission on September 28, 2015, the Fiscal Year 2016 Adopted Budget was adopted and approved by the City Commission to recognize operating revenues, provide appropriations, and permit authorized budgetary adjustments and transfers; and

WHEREAS, funding is available in the Fund Balance of the Law Enforcement Forfeiture Fund (Fund 12) which is to be recognized and appropriated for the specific permissible uses as described above and detailed in the attached Exhibit 1; and

WHEREAS, the Chief of Police recommends that \$30,000.00 be made available 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 \$30,000.00.

Section 2: That it hereby approves and authorizes the Amendments, Adjustments and Transfers to the Operating Budget of the City of Hollywood for the Fiscal Year beginning October 1, 2015, relating to the Law Enforcement Forfeiture Fund, Fund 12, as set forth in detail in Exhibit 1, attached hereto and by this reference made a part hereof, are hereby approved, adopted and accepted as Amendments to the Operating Budget of the City of Hollywood, Florida for the Fiscal Year 2016 and the identified funds therein.

Section 3: That it hereby authorizes the Department of Financial Services to create certain accounts to recognize revenue and appropriate program funding.

RESOLUTION AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT FORFEITURE FUNDS TO DEFRAY EXPENSES/COSTS ASSOCIATED WITH THE SEIZURE AND PROCESSING OF FORFEITURE CASES IN THE AMOUNT OF \$30,000.00.

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

PASSED AND ADOPTED this _____ day of _____, 2015.

PETER BOBER, 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