CITY OF OVIEDO
BUDGET TRANSFER/AMENDMENT DETAIL FORM

For Accounting use:

Fiscal Year: 2014-2015 **Accounting Approval:**
Period: **Entered By:**
Transaction Date: **Group Number:**

Department/Division Police Department - Replc Motorcyles with Vehicles - Traffic Control

Dept. Authorization

Account Number	Fund / Account Description	Increase	Decrease
106-0000-389.90-00	Other Sources/Prior Year Budgetary C/F	$ 80,000	
106-9000-581.91-13	Transfer to Vehicle Equip	$ 80,000	
302-0000-381.10-60	Transfer from Law Enforce -Federal	$ 80,000	
302-2201-521.64-40	Purchase Vehicles	$ 80,000	
Count	**TOTAL**	**$320,000**	**$0**

------Must Balance-----
(Do not use cents)

Notes / Comments

Funded from Fed Law Enforcement Fund for the purchase of traffic police vehicles.

Approved By: Check Appropriate Box			
	City Council: Exceeds $35,000	Informational Note Only:	Resolution # 2906-14
	City Manager: Less than $35,000	Programs/Capital not budgeted	Approval Date: 10/06/2014
	Mgt Srvc Director: Internal	must be presented to Council	BA # - 2015-004
OK DW 10/8/14	Signature:	[Date Signed:	

Robert Hayes 10/8/14

AGENDA
MEMORANDUM

TO:	Honorable Mayor and City Council Members
FROM:	Bryan Cobb, City Manager
DATE:	October 6, 2014
SUBJECT:	**Resolution No. 2906-14,** Expenditure of Federal Equitable Sharing Funds

Introduction: This is a request for the City Council to approve the expenditure not to exceed $80,000 from the Federal Law Enforcement Trust Fund (i.e. confiscated funds) for the purchase of specialized traffic enforcement vehicles.

Discussion: The continuing increase in the City's population as well as to the unincorporated area to the east of the City's boundaries has increased the amount of traffic traversing the City. As traffic volume increases, the potential for vehicle crashes also increases, as well as the possibilities of fatalities, injuries, and property damage caused by these crashes.

Although voluntary compliance to all traffic laws, along with prudent and careful driving habits is preferred, traffic enforcement does become necessary to assist in keeping City roads as safe as possible from drivers who ignore traffic laws and drive in a willfully negligent manner.

The utilization of these specialized traffic enforcement vehicles will assist in enforcement when and where necessary to help support compliance to traffic laws and thus reduce the number of crashes. These vehicles will replace the police motorcycles which have been approved for surplus and are currently in the surplus process.

Budget Impact: Exhibit 1 represents the adjustment to the budget reflecting the use of fund balance from the Federal Law Enforcement Trust Fund 106 and the transfer of those funds to the Vehicle Replacement Fund 302 to purchase the traffic enforcement vehicles.

Strategic Impact: Maintaining traffic safety

Recommendation: It is recommended that City Council adopt Resolution No. 2906-14.

Attachment: Section 932.7055, Florida Statutes

Prepared by: Jeffrey Chudnow, Chief of Police
Reviewed by: Robin R. Hayes, Management Services Director

RESOLUTION NO. 2906-14

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, APPROVING EXPENDITURE NOT TO EXCEED $80,000 FROM THE FEDERAL LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF SPECIALIZED TRAFFIC ENFORCEMENT POLICE VEHICLES; PROVIDING CERTIFICATION OF SUFFICIENT FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City Council recognizes that traffic safety is an important aspect of the overall well being for city residents, visitors, and business owners; and

WHEREAS, City Council recognizes the reduction of vehicle crashes also reduces the possibilities of fatalities, injuries, and property damage is beneficial to the safety of the public; and

WHEREAS, the Oviedo Police Department is initiating the use of specialized traffic vehicles for use to enforcement of traffic laws; and

WHEREAS, The Police Chief has determined that this expenditure is an eligible use of the Federal Law Enforcement Trust Fund monies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. Approval of Expenditure. The City Council approves the expenditure not to exceed $80,000 from the Federal Law Enforcement Trust Fund (i.e. confiscated funds) for the purchase of specialized traffic vehicles.

SECTION 2. Certification of Sufficient Funds. The City Manager certifies that sufficient funds are available within the Federal Law Enforcement Trust Fund (106) Fund to meet the aforementioned expenditure.

SECTION 3. Approval of Budget Amendment. The City Council approves the budget amendment provided in Exhibit 1.

SECTION 4. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 5. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 6th day of October, A.D., 2014.

_____
DOMINIC PERSAMPIERE
MAYOR of the City of Oviedo, Florida

ATTEST:

_____
BARBARA J. BARBOUR
CITY CLERK

Select Year: 2010 Go

The 2010 Florida Statutes(including Special Session A)

Title XLVII	Chapter 932	View Entire Chapter
CRIMINAL PROCEDURE AND CORRECTIONS	PROVISIONS SUPPLEMENTAL TO CRIMINAL PROCEDURE LAW	

932.7055 Disposition of liens and forfeited property.–

(1) When a seizing agency obtains a final judgment granting forfeiture of real property or personal property, it may elect to:

(a) Retain the property for the agency's use;

(b) Sell the property at public auction or by sealed bid to the highest bidder, except for real property which should be sold in a commercially reasonable manner after appraisal by listing on the market; or

(c) Salvage, trade, or transfer the property to any public or nonprofit organization.

(2) Notwithstanding subsection (1), a seizing agency must destroy any image and the medium on which the image is recorded, including, but not limited to, a photograph, video tape, diskette, compact disc, or fixed disk made in violation of s. 810.145 when the image and the medium on which it is recorded is no longer needed for an official purpose. The agency may not sell or retain any image.

(3) If the forfeited property is subject to a lien preserved by the court as provided in s. 932.703(6)(b), the agency shall:

(a) Sell the property with the proceeds being used towards satisfaction of any liens; or

(b) Have the lien satisfied prior to taking any action authorized by subsection (1).

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(a) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(b) Payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property.

(c) Payment of court costs incurred in the forfeiture proceeding.

[1](d) Notwithstanding any other provision of this subsection, and for the 2010-2011 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2011.

(5)(a) If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom 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. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

(b) These funds may be expended upon request by the sheriff to the board of county commissioners or by the chief of police to the governing body of the municipality, accompanied by a written certification that the request complies with the provisions of this subsection, and only upon appropriation to the sheriff's office or police department by the board of county commissioners or the governing body of the municipality.

(c) An agency or organization, other than the seizing agency, that wishes to receive such funds shall apply to the sheriff or chief of police for an appropriation and its application shall be accompanied by a written certification that the moneys will be used for an authorized purpose. Such requests for expenditures shall include a statement describing anticipated recurring costs for the agency for subsequent fiscal years. An agency or organization that receives money pursuant to this subsection shall provide an accounting for such moneys and shall furnish the same reports as an agency of the county or municipality that receives public funds. Such funds may be expended in accordance with the following procedures:

1. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate.

2. Such funds shall not be a source of revenue to meet normal operating needs of the law enforcement agency.

3. After July 1, 1992, and during every fiscal year thereafter, any local law enforcement agency that acquires at least $15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s). The local law enforcement agency has the discretion to determine which program(s) will receive the designated proceeds.

Notwithstanding the drug abuse education, drug treatment, drug prevention, crime prevention, safe neighborhood, or school resource officer minimum expenditures or donations, the sheriff and the board of county commissioners or the chief of police and the governing body of the municipality may agree to expend or donate such funds over a period of years if the expenditure or donation of such minimum amount in any given fiscal year would exceed the needs of the county or municipality for such program (s). Nothing in this section precludes the expenditure or donation of forfeiture proceeds in excess of the minimum amounts established herein.

(6) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(a) The Department of Law Enforcement, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Forfeiture and Investigative Support Trust Fund as provided in s. 943.362 or into the department's Federal Law Enforcement Trust Fund as provided in s. 943.365, as applicable.

(b) The Department of Environmental Protection, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Internal Improvement Trust Fund.

(c) The Division of Alcoholic Beverages and Tobacco, the proceeds accrued pursuant to the Florida Contraband Forfeiture Act shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund or into the department's Federal Law Enforcement Trust Fund as provided in s. 561.027, as applicable.

(d) The Department of Highway Safety and Motor Vehicles, the proceeds accrued pursuant to the Florida Contraband Forfeiture Act shall be deposited into the Department of Highway Safety and Motor Vehicles Law Enforcement Trust Fund as provided in s. 932.705(1)(a) or into the department's Federal Law Enforcement Trust Fund as provided in s. 932.705(1)(b), as applicable.

(e) The Fish and Wildlife Conservation Commission, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Game Trust Fund as provided in ss. 379.338, 379.339, and 379.3395 or into the Marine Resources Conservation Trust Fund as provided in s. 379.337.

(f) A state attorney's office acting within its judicial circuit, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Attorney's Forfeiture and Investigative Support Trust Fund to be used for the investigation of crime and prosecution of criminals within the judicial circuit.

(g) A school board security agency employing law enforcement officers, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the School Board Law Enforcement Trust Fund.

(h) One of the State University System police departments acting within the jurisdiction of its employing state university, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into that state university's special law enforcement trust fund.

(i) The Department of Agriculture and Consumer Services, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Agricultural Law Enforcement Trust Fund or into the department's Federal Law Enforcement Trust Fund as provided in s. 570.205, as applicable.

(j) The Department of Military Affairs, the proceeds accrued from federal forfeiture sharing pursuant to 21 U.S.C. ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19 U.S.C. s. 1616a shall be deposited into the Armory Board Trust Fund and used for purposes authorized by such federal provisions based on the department's budgetary authority or into the department's Federal Law Enforcement Trust Fund as provided in s. 250.175, as applicable.

(k) The Department of Transportation, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Transportation Trust Fund to be used for purposes of drug interdiction or into the department's Federal Law Enforcement Trust Fund as provided in s. 339.082, as applicable.

(l) The Medicaid Fraud Control Unit of the Department of Legal Affairs, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Department of Legal Affairs Grants and Donations Trust Fund to be used for investigation and prosecution of Medicaid fraud, abuse, neglect, and other related cases by the Medicaid Fraud Control Unit.

(m) The Division of State Fire Marshal in the Department of Financial Services, the proceeds accrued under the Florida Contraband Forfeiture Act shall be deposited into the Insurance Regulatory Trust Fund to be used for the purposes of arson suppression, arson investigation, and the funding of anti-arson rewards.

(n) The Division of Insurance Fraud of the Department of Financial Services, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Insurance Regulatory Trust Fund as provided in s. 626.9893 or into the Department of Financial Services' Federal Law Enforcement Trust Fund as provided in s. 17.43, as applicable.

(7) If more than one law enforcement agency is acting substantially to effect the forfeiture, the court having jurisdiction over the forfeiture proceedings shall, upon motion, equitably distribute all proceeds and other property among the seizing agencies.

(8) Upon the sale of any motor vehicle, vessel, aircraft, real property, or other property requiring a title, the appropriate agency shall issue a title certificate to the purchaser. Upon the request of any law enforcement agency which elects to retain titled property after forfeiture, the appropriate state agency shall issue a title certificate for such property to said law enforcement agency.

(9) Neither the law enforcement agency nor the entity having budgetary control over the law enforcement agency shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of the budget for the law enforcement agency.

History.—s. 5, ch. 92-54; s. 2, ch. 92-290; s. 21, ch. 94-265; s. 479, ch. 94-356; s. 5, ch. 95-265; s. 72, ch. 96-321; s. 41, ch. 96-418; s. 2, ch. 98-387; s. 3, ch. 98-389; s. 4, ch. 98-390; s. 5, ch. 98-391; s. 2, ch. 98-392; s. 2, ch. 98-393; s. 2, ch. 98-394; s. 61, ch. 99-245; s. 2, ch. 2000-147; ss. 26, 79, ch. 2002-402; s. 1923, ch. 2003-261; s. 37, ch. 2003-399; s. 3, ch. 2004-39; s. 38, ch. 2004-234; s. 16, ch. 2004-344; s. 23, ch. 2005-3; s. 19, ch. 2005-71; s. 2, ch. 2005-109; s. 5, ch. 2005-117; s. 11, ch. 2006-26; s. 20, ch. 2006-176; s. 21, ch. 2006-305; s. 7, ch. 2007-14; s. 10, ch. 2007-73; s. 10, ch. 2008-153; s. 207, ch. 2008-247; s. 7, ch. 2009-82; s. 8, ch. 2010-153.

[1]Note.—Section 8, ch. 2010-153, amended paragraph (4)(d) "[i]n order to implement Specific Appropriations 1245 and 1251 of the 2010-2011 General Appropriations Act."

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