



Item No. 1601

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Stuart Dodd

Department Submitting Request

Dept Head's Signature

| Commission Meeting Dates | Last date to turn in to Town Clerk's Office | Commission Meeting Dates | Last date to turn in to Town Clerk's Office | Commission Meeting Dates | Last date to turn in to Town Clerk's Office |
|---------------------------------------|---|---------------------------------------|---|---|---|
| <input type="checkbox"/> Nov 10, 2009 | Oct. 30 (5:00 p.m.) | <input type="checkbox"/> Jan 26, 2010 | Jan 15 (5:00 p.m.) | X March 23, 2010 | Mar 12 (5:00 p.m.) |
| <input type="checkbox"/> Dec 1, 2009 | Nov 20 (5:00 p.m.) | <input type="checkbox"/> Feb 9, 2010 | Jan 29 (5:00 p.m.) | <input type="checkbox"/> April 13, 2010 | April 2 (5:00p.m.) |
| <input type="checkbox"/> Dec 8, 2009 | Nov 25 (5:00 p.m.) | <input type="checkbox"/> Feb 23, 2010 | Feb 12 (5:00 p.m.) | <input type="checkbox"/> April 27, 2010 | April 16 (5:00p.m.) |
| <input type="checkbox"/> Jan 12, 2010 | Dec 31 (5:00 p.m.) | <input type="checkbox"/> Mar 4, 2010 | Feb 19 (5:00p.m.) | <input type="checkbox"/> May 11, 2010 | April 30 (5:00p.m.) |

NATURE OF AGENDA ITEM

- Presentation
- Report
- Consent Agenda
- Bids
- Resolution
- Ordinance
- Public Hearing
- Old Business
- New Business
- Manager's Report
- Attorney's Report
- Other

EXPLANATION:

Discussion or action to request an opinion from the Attorney general on the use of the LET funds.

STAFF RECOMMENDATION:

BOARD/COMMITTEE RECOMMENDATION:

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

- Amount \$ _____
- Transfer of funds required
- Bid
- Acct # _____
- From Acct # _____
- Grant Amount represents matching funds

____ Note to staff – See attached

Town Attorney review required

x Yes No

Town Manager's Initials: SD

Note to staff

Back-up material – same as September 9th 2009

Please include a copy of the Police chief's letter requesting the use of the funds

Please include copy of town attorney's opinion letter

Please include copy of the purchasing manual.

Note to Town attorney

I have included a draft of a letter to the attorney general. If the commission approves please update this to reflect this as a commission request rather than that of a single commissioner.

It has been my contention all along that it was the town's responsibility to provide police facilities which would normally include a holding cell, interview room and sally port and it is the intention of the statute to use LET funds for enhancement and providing equipment and materials they would not otherwise be able to afford.

Draft Letter to the State Attorney

Use of Law Enforcement Trust Funds

March 12, 2010

Commission of Lauderdale by the Sea
4501 Ocean Drive,
LBTS
FL 33308

Request for clarification of the statute on the use of LET funds statute 932.7055

Dear Sir,

The town of Lauderdale by the sea purchased an adjacent property to convert it into a public safety complex for Fire, Ambulance and Police use. The renovations for Ambulance and Volunteer Fire Department were relatively minor but the town required a considerable sum for the conversion into a proper police facility. To be able to use the building as a police station it was necessary to carry out extensive renovations to provide a holding cell, sally port, interview room and specialized video equipment.

The previous police chief was fired by the town manager as was allowed under the contract between the Broward Sheriff's office and the town. The new police chief was asked by the town manager to write a memorandum within a week of his appointment requesting the commission grant authorization for the use of the LET Funds in accordance with 932.7055 section 5(b) to go towards the cost of providing the renovations and pay for the improvements.

One member of the commission contends that action was in contravention of statute 932.7055 since the use of LET funds was denied for a stable and on another occasion for an evidence room. Section 5(b) should not be interpreted that if the police chief writes a request to the municipality it can then use the funds for converting an old motel into a police facility. It is the commissioner's position that the memorandum from the police chief should not be used as a means to avoid the clear intention of the wording of the statute. The Attorney General's opinions AGO 86-48 and AGO 97-31 are quite clear. In both these cases it was judged the municipality's responsibility to provide the correct facilities for the police to do their job. The town manager's actions were not in accordance with the case law already covered by the statute and the attorney general's opinions. The money used by the town to provide the facility should be returned to the LET funds and the renovations paid from the town's capital improvements budget. The specialized video equipment would be covered under the statute as a legitimate use of LET funds.

The commission would be grateful for your ruling.

PREVIOUS AGENDA ITEM



Item No. 16N

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Department Submitting Request

Stuart Dodd
Dept Head's Signature

| <u>Commission Meeting Dates</u> | <u>Last date to turn in to Town Clerk's Office</u> | <u>Commission Meeting Dates</u> | <u>Last date to turn in to Town Clerk's Office</u> | <u>Commission Meeting Dates</u> | <u>Last date to turn in to Town Clerk's Office</u> |
|---|--|--|--|--|--|
| <input type="checkbox"/> April 28, 2009 | April 17 (5:00 p.m.) | <input type="checkbox"/> June 23, 2009 | June 12 (5:00 p.m.) | X Sept 9, 2009 | Aug 28 (5:00 p.m.) |
| <input type="checkbox"/> May 12, 2009 | May 1 (5:00 p.m.) | <input type="checkbox"/> July 14, 2009 | July 2 (5:00 p.m.) | <input type="checkbox"/> Sept 22, 2009 | Sept 11 (5:00 p.m.) |
| <input type="checkbox"/> May 26, 2009 | May 15 (5:00 p.m.) | <input type="checkbox"/> July 28, 2009 | July 17 (5:00 p.m.) | <input type="checkbox"/> Oct 13, 2009 | Oct 2 (5:00 p.m.) |
| <input type="checkbox"/> June 9, 2009 | May 29 (5:00 p.m.) | <input type="checkbox"/> August 2009 | Commission Recess | <input type="checkbox"/> Oct 27, 2009 | Oct 16 (5:00 p.m.) |

- NATURE OF AGENDA ITEM**
- | | | |
|---|---|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Resolution | x New Business |
| <input type="checkbox"/> Report | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Manager's Report |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids | <input type="checkbox"/> Old Business | <input type="checkbox"/> Other |

EXPLANATION: Discussion and or action on the Law Enforcement Trust Fund.

STAFF RECOMMENDATION: N/A

BOARD/COMMITTEE RECOMMENDATION: N/A

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |
| <input type="checkbox"/> Bid | <input type="checkbox"/> Grant <input type="checkbox"/> Amount represents matching funds |

Note to Staff on back-up material - Please include Purchasing Manual section F pages 33 and 34
Please also include a copy of the attorney general's opinion that was included in my e-mail to the town attorney for a ruling

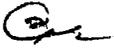
Town Attorney review required
 Yes No

Town Manager's Initials: SD

Town of Lauderdale-by-the-Sea

OFFICE OF THE TOWN MANAGER

Memorandum

Date: August 31, 2009
To: Commissioner Stuart Dodd
From: Esther Colon, Town Manager 
Subject: LETF Funds – Email Dated 8/16/09

Attached is the Town Attorney's preliminary ruling you requested pertaining to the use of LETF funds.

Thank you.

EC/mi

Cc: Mayor Roseann Minnet
Vice Mayor Jerry McIntee
Commissioner Birute Clotey
Commissioner Jim Silverstone
John Olinzock, Assistant Town Manager
June White, Town Clerk ✓
Chief Oscar Llerena

Memo

To: Mayor and Town Commission, Town of Lauderdale-by-the-Sea

From: Susan L. Trevarthen, Town Attorney

Date: August 28, 2009

Re: Use of LETF for Modifications to BSO Space in Town's Public Safety Building

QUESTION

May the Town's Law Enforcement Trust Fund (LETF) be used to pay for modifications to the Town's public safety building -- to provide a Prisoner Detention Cell, Sally Port, Interview Room, and Specialized Audio/Video Recording Devices and Acoustic Shielding -- for the Broward Sheriff's Office (BSO)'s Lauderdale-By-The-Sea District Office?

DISCUSSION

The proceeds of the Law Enforcement Trust Fund are generated from criminal forfeitures of real or personal property within the Town under the Florida Contraband Forfeitures Act (the "Act"). The Act governs the use of these funds, and Section 932.7055, Florida Statutes, provides in relevant part:

(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.

The Town's police chief has submitted a request for LETF funds to be appropriated in the amount of \$150,320.46 for specific facilities and equipment at the public safety building in the area to be used as the BSO District Office. See Exhibit A. These improvements include a Prisoner Detention Cell, Sally Port, Interview Room, and Specialized Audio/Video Recording Devices and Acoustic Shielding. In accordance with the procedure in subsection (5)(b), this appropriation request certifies that it complies with the provisions of Section 932.7055(5), Florida Statutes.

Section 932.7055(5)(b), Florida Statutes, provides the exclusive procedure for expenditures of LETF funds. See AGO 96-62, citing *Alsop v. Pierce*, 19 So. 2d 799, 805-06 (Fla. 1944) (where a statute directs how something should be done, it effectively prohibits the thing from being done in any other way), and AGO 93-06.¹

The statute requires the chief to make the initial determination that something can be purchased with the LETF because the statutory criteria in Section 932.7055(5) have been satisfied. No particular language or format is specified for the chief's certification. As long as the certification states that the request complies with the requirements of the statute, as was done here, it is sufficient to satisfy the statutory procedure in subsection (5)(b). See AGO 93-06.

The local governing body is required to "give some deference to the [chief's] determination when it makes the ultimate decision as to whether such funds should be appropriated for the requested purpose." See AGO 96-62. However, the final appropriation decision rests with the Town Commission. See AGO 05-47 ("Ultimately, the decision of whether the expenditure is for an appropriate law enforcement purpose must be made by the governing body of the city."), AGO 81-99 and AGO 78-55.

CONCLUSION

The Town's chief has properly requested an appropriation from the LETF to pay for the improvements to the BSO space in the public safety building, and certified that it meets the requirements of Section 932.7055(5), Florida Statutes. The Town Commission should give deference to the chief's request. Ultimately, the decision of whether to use the LETF funds as requested by the chief must be made by the Town Commission.

¹ The statute is recognized in the Town's Purchasing Manual, which provides in relevant part that "All purchases to be paid for by the LETF must comply with Florida Statutes Section 932.7055 and must be approved in advance by the BSO/LBTS Police Chief and the Town Commission."



Pride in Service with Integrity

AL LAMBERTI
SHERIFF
BROWARD COUNTY
P.O. BOX 9507
FORT LAUDERDALE, FL 33310

DATE: 08/28/09

MEMO TO: Town Manager Esther Colon
Lauderdale by the Sea

FROM: Chief Oscar Llerena 
Lauderdale by the Sea District

SUBJECT: Law Enforcement Trust Fund Request (Budget Year 09/10)

Pursuant to Florida State Statute 932.7055(5), this letter will serve as a formal appropriation request for the sum of \$150,320.46 from the LETF trust fund for the following facilities and equipment:

- Sally Port
- Prisoner Detention Cell
- Interview Room
- Specialized Audio/Video Recording Devices & Acoustic Shielding

Construction of these facilities is not a normal operating expense. These facilities do not currently exist in the Lauderdale by the Sea Public Safety Complex. The requested funding will not be used to pay for daily maintenance cost.

This will be a non-recurring expenditure for a law enforcement purpose.

The appropriation approval of \$150,320.46 by the Town Commission would enhance the Broward Sheriff's Office Lauderdale by the Sea District's ability to conduct investigations and crime prevention efforts for the Town of Lauderdale by the Sea.

This memorandum will serve as a written certification that the above request of \$150,320.46 from the LETF fund for the above complies with the provisions of 932.7055(5).

- iii. Projects using appropriately licensed LBTS employees to perform the work (after holding any required public hearing).
 - iv. Projects undertaken exclusively as part of a public educational program.
 - v. Projects whose funding source will be disqualified or lost because the formal bidding process will take longer than the time within which the funding source must be spent.
 - vi. Projects where the successful bidder has either abandoned the job before completion or been terminated by LBTS.
- e. The \$200,000 total cost and \$50,000 electrical cost thresholds in *Florida Statute Section 255.20* are adjusted by the change in the Consumer Price Index from January 1, 1994, to January 1 of the year in which the project is scheduled to begin.
- f. Projects covered by *Florida Statutes Section 255.20* must specify lumber, timber, and other forest products produced and manufactured in Florida whenever available provided:
- i. Their make, fitness, and quality are equal, and
 - ii. The requirement does not violate the terms of any project funding source.
7. Under *Florida Statutes Section 255.21*, any building or facility intended for use by the general public which is contracted, altered, or operated as a lessee by LBTS shall provide the special facilities for physically disabled access specified in Part V of Chapter 553.
8. The use of asbestos or asbestos-based fiber materials is prohibited in any public building constructed after September 30, 1983, per *Florida Statutes Section 255.40* and LBTS shall conduct an asbestos survey before demolishing any LBTS building constructed prior to that date.

F. LAW ENFORCEMENT TRUST FUND (LETF) EXPENDITURES

All purchases to be paid for by the LETF must comply with *Florida Statutes Section 932.7055* and must be approved in advance by the BSO/LBTS Police Chief and the Town Commission.



A copy of the Town Commission approval must be maintained by the Purchasing Administrator. LETF expenditures are restricted by *Florida Statutes Section 932.7055*, to school resource officer, crime prevention, safe neighborhood, drug abuse education, drug prevention, drug treatment, complex/protracted investigation cost, additional police equipment/expertise, or federal grant matching purposes.

G. COOPERATIVE PURCHASING ("PIGGY-BACKING")

All purchases of commodities or contractual services under the provisions of local, state and federal purchasing contracts shall be exempt from the requirements of Section III.B. provided that the following criteria are all satisfied:

1. The terms and conditions of the original contract by the federal, state (including any user surcharge pursuant to *Florida Statutes Sections 287.056 and 287.1345*) or local government are satisfactory to LBTS.
2. The original contract by the federal, state or local government is current and resulted from a vendor selection process similar to the one LBTS would use for that purchase.
3. The Purchasing Administrator has performed a market survey to determine if the prices of the original contract are fair and reasonable.
4. The Town Commission authorizes such procurement when the cost of the commodities or contractual services exceeds fifteen thousand dollars (\$15,000).

H. TRAVEL, MEALS AND ENTERTAINMENT

At the discretion of the Town Manager or designee (currently the Purchasing Administrator) LBTS will pay for the following reasonable and necessary expenses associated with travel and transportation resulting from an employee's or other authorized person's, attendance at any meeting, seminar, conference or convention which has been properly approved as having a demonstrated benefit to LBTS.



- iii. Projects using appropriately licensed LBTS employees to perform the work (after holding any required public hearing).
 - iv. Projects undertaken exclusively as part of a public educational program.
 - v. Projects whose funding source will be disqualified or lost because the formal bidding process will take longer than the time within which the funding source must be spent.
 - vi. Projects where the successful bidder has either abandoned the job before completion or been terminated by LBTS.
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2. The original contract by the federal, state or local government is current and resulted from a vendor selection process similar to the one LBTS would use for that purchase.
3. The Purchasing Administrator has performed a market survey to determine if the prices of the original contract are fair and reasonable.
4. The Town Commission authorizes such procurement when the cost of the commodities or contractual services exceeds fifteen thousand dollars (\$15,000).

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At the discretion of the Town Manager or designee (currently the Purchasing Administrator) LBTS will pay for the following reasonable and necessary expenses associated with travel and transportation resulting from an employee's or other authorized person's, attendance at any meeting, seminar, conference or convention which has been properly approved as having a demonstrated benefit to LBTS.



Marta Isla

From: Stuart Dodd [stu4boats@bellsouth.net]
To: Marta Isla
Cc:
Subject: Use of LETF funds - please forward to the town attorney
Attachments:

Sent: Sun 8/16/2009 7:34 PM

Please forward to the town attorney for a preliminary ruling.

I believe using the LETF (Law Enforcement Trust fund) for renovating the public services building is not allowed under the Florida Statutes. This constitutes "normal operating needs"

The use of LETF is very specific under Florida statute 932.7055 as to the purposes for which it can be used. I have found it can not be used for building a stables to house police horses according to the Attorney General's opinion 97-31. I find it very hard to translate using the money to build a new police facility to include bullet proof glass and a holding cell as justified uses for the money. These fall under the definition of normal operating expenditures.

I include the Attorney General's Opinion – pay particular attention to clauses 5 & 6 at the bottom of this opinion

I look forward to hearing from you

Stuart Dodd

Florida Attorney General Advisory Legal Opinion

Number: AGO 2005-47

Date: August 3, 2005

Subject: Contraband forfeiture funds, use of funds

Mr. Pedro Taylor
Chief of Police
Florida City Police Department

Post Office Box 343569
Florida City, Florida 33034-0569

RE: CONTRABAND FORFEITURE FUNDS-LAW ENFORCEMENT OFFICERS-MUNICIPALITIES-POLICE OFFICERS- use of forfeiture funds for municipal police department projects. S. 932.7055, Fla. Stat.

Dear Chief Taylor:

As Chief of Police for the City of Florida City, you have asked for my opinion on substantially the following question:

Is the Florida City Police Department authorized to use contraband forfeiture trust funds available pursuant to section 932.7055(4), Florida Statutes, to fund:

- 1) The purchase of vehicles and specialized equipment for those vehicles;
- 2) A narcotics trained police dog.

According to your letter, the Florida City Police Department is interested in using contraband forfeiture trust funds for a number of projects to enhance the operation of the police department and provide its officers with the proper equipment and training.

Sections 932.701 - 932.707, Florida Statutes, constitute the Florida Contraband Forfeiture Act. Section 932.702, Florida Statutes, makes it unlawful to transport, conceal, or possess contraband articles or to acquire real or personal property with contraband proceeds. The act states that any contraband article, vessel, motor vehicle, aircraft, personal property, or real property used in violation of its terms may be seized and shall be forfeited pursuant to its provisions. [1] The act provides that when the seizing agency is a municipality, after payment of certain liens and costs, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the governing body of the municipality. [2]

Section 932.7055(5) (a), Florida Statutes, requires that the proceeds from a forfeiture and the interest earned therefrom be used only

"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 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."

These funds may be expended upon the request of the chief of police to the governing body of the municipality and must be accompanied by a written certification that the request is in compliance with the provisions of section 932.7055(5). An appropriation of contraband forfeiture trust funds must be made by the governing body of the municipality to the police department. [3]

Funds received through an appropriation from the contraband forfeiture fund may be expended in accordance with statutorily prescribed 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 . . . 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 . . . 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." [4]

Given the statutory prohibition against using contraband forfeiture trust funds as a source of revenue to meet the normal operating needs of a law enforcement agency, this office has consistently concluded that contraband funds should be used only for the expressly specified purposes or for other extraordinary programs and purposes, beyond what is usual, normal, regular or established.[5] This office has, on occasion, concluded that proposed expenditures were outside the scope of permissible uses for contraband forfeiture funds.[6] Ultimately, the decision of whether the expenditure is for an appropriate law enforcement purpose must be made by the governing body of the city.[7]

Vehicles and Equipment

According to your letter, the department is contemplating the purchase of vehicles for the canine unit and for the traffic and drug enforcement units. Specialized equipment, such as trunk mount radios and emergency light equipment, may also be purchased for the vehicles. While the purchase of vehicles would appear to be among the normal operating needs of the police department, specialized equipment for those vehicles to enable them to conduct particular crime prevention operations would appear to qualify as extraordinary and beyond what is usual, normal, regular or established. Thus, the use of contraband forfeiture funds to specially equip vehicles purchased by the department would be an appropriate use of these funds.

Narcotics Trained Police Dog

The Florida City Police Department has a seven-year-old narcotics trained police dog. You state that he participates in narcotics sweeps with U.S. Customs and neighboring law enforcement agencies in addition to his work for your department. Because of the police dog's age, your department is anticipating his retirement.

A narcotics trained canine would appear to come within the scope of the statute's authorization of expenditures for drug prevention programs and crime prevention. In addition, the expense incurred in securing such a police dog may fall within the statutory language authorizing expenditures for "defraying the cost of protracted or complex investigations, providing additional equipment or expertise[.]" Thus, it is my opinion that the cost of securing a narcotics trained police dog for the Florida City Police Department may appropriately be paid from the contraband forfeiture funds available to the department pursuant to section 932.7055, Florida Statutes.

In sum, section 932.7055, Florida Statutes, requires that contraband forfeiture trust funds be used only for the expressly specified purposes set forth in the statute or for other extraordinary programs and purposes, beyond what is usual, normal, regular, or established. Using this analysis and as discussed more fully herein, the Florida City Police Department may use contraband forfeiture trust funds for specialized equipment for its vehicles, such as trunk mount radios and emergency light equipment. The department also appears to be authorized to use these funds to secure a narcotics trained police dog for use in drug prevention programs and in protracted or complex investigations with other law enforcement agencies.

Sincerely,

Charlie Crist
Attorney General

CC/tgh

[1] See s. 932.703(1)(a), Fla. Stat.

[2] See s. 932.7055(4)(a), Fla. Stat.

[3] Section 932.7055(5)(b), Fla. Stat.

[4] Section 932.7055(5)(c), Fla. Stat.

[5] See Ops. Att'y Gen. Fla. 02-80 (2002) (trust fund may not be used to develop and construct satellite community police office as statutes prohibit use of contraband forfeiture trust funds for meeting "normal operating needs of the law enforcement agency") 83-09 (1983) (trust fund may not be used to compensate physician's assistant rendering medical services at the county jail as furnishing medical care and treatment to county prisoners is an ongoing, normal or regular duty and function of sheriff's office); 96-62 (1996) (cost of upgrading computers a normal operating

expense of department that may not be paid from contraband forfeiture trust fund), 91-69 (1991) (special law enforcement team patrolling highway deemed normal activity not payable from trust fund), and 86-48 (1986) (county may not use trust funds to construct an evidence storage building).

[6] See Ops. Att'y Gen. Fla. 97-31 (1997) (city is not authorized to use contraband forfeiture funds to build and maintain a stable for horses to be used for a mounted police patrol unit); 89-78 (1989) (contraband forfeiture funds may not be used to augment salaries of police officers or pay tuition supplements to recruits); 86-48 (1986) (county not authorized to use the funds to construct a building to be used by the sheriff for storing evidence).

[7] See Ops. Att'y Gen. Fla. 96-62 (1996) (board of county commissioners has ultimate discretion in determining whether contraband forfeiture trust fund monies will be expended for the purposes requested by the sheriff); 92-76 (1992) (contraband forfeiture funds may be used to support weekly teen dances if governing body of the city makes the determination that the program serves an appropriate law enforcement purpose); and 89-78 (1989) (determination of whether expenditure is for a law enforcement purpose must be made by the governing body of municipality).