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Sec. 2-477. - Establishment.

- (a) There is hereby established the county shared asset forfeiture fund advisory board (board) for the purpose of conducting public hearings and making recommendations to the board of county commissioners regarding the expenditure of funds in the sheriff's shared asset forfeiture fund (SAFF) account.
- (b) The board consists of seven members: one appointed by each county commissioner and two appointed by the sheriff. The sheriff's general counsel is the counsel to the board. The sheriff shall furnish a secretary to the board to keep the minutes and records of the board. The sheriff is the custodian of the board's records. The board must annually elect a chair and vice-chair. The board may adopt such rules of procedure as it deems necessary and may amend such rules from time to time. The board members are not entitled to any compensation for their service on the board but are entitled to reimbursement for expenses pursuant to F.S. § 112.061.

(Code 1979, § 2-601; Ord. No. 30-2000, § 1)

Sec. 2-478. - SAFF fund.

The sheriff must keep the SAFF in a separate account within the sheriff's budget. Funds not needed for immediate use must be invested in the same manner as other surplus funds of the sheriff. The sheriff must have the account audited as provided by general law and must prepare and furnish all reports required by the applicable laws of the United States and the regulations of its agencies.

(Code 1979, § 2-602; Ord. No. 30-2000, § 2)

Sec. 2-479. - Procedure for disbursement of funds.

- (a) It is the intent of the board of county commissioners and the sheriff that only the net annual dividend and interest income received from the principal deposited in the SAFF account be expended. Therefore, as soon as possible after January 1 of each year, the sheriff shall provide an estimate to the board of the dividend and interest expected to be available in the upcoming fiscal year, minus a reasonable fee deducted by the sheriff for his expenses in administering the provisions of this article.
- (b)

The board chair, in consultation with the sheriff's general counsel and secretary to the board, shall call for the public hearings the chair deems necessary to provide for an opportunity for suggestions from members of the public and interested service providers as to how the available SAFF funds should be spent in the upcoming fiscal year. The secretary shall prepare the agenda for each meeting. Notices of the meeting must be published at least one week in advance of the meeting date in a newspaper qualified under F.S. § 50.011, in the form required by F.S. § 286.0105. The secretary to the board is responsible for publishing the notices. Meetings may be continued by a majority vote of the board without a published renote but only if continued to a time and place certain.

- (c) At the public hearings the board shall entertain proposals on the use of the SAFF funds expected to be available. The board may entertain proposals only that relate to law enforcement, crime prevention, drug and alcohol abuse prevention and treatment, the mental and physical health of minors and adults, and cultural, artistic, educational, recreational and sports programs for the county's youth. After the presentation of the proposals for the use of the SAFF funds, and after the conclusion of public input, the board shall, by majority vote, recommend to the board of county commissioners funding for the proposals that the board determines best serve the public interest and welfare. The recommendations must also include a recommended funding level. Except as provided below, the aggregate funding level may not exceed the sheriff's estimate of the SAFF net interest and dividend income expected to be available in the upcoming fiscal year. The board may not recommend a spending level in excess of the sheriff's estimate (a level that will result in an expenditure of principal) without five or more board members first voting in favor of such a spending level. The board may not favorably recommend a proposal that the sheriff's general counsel determines is contrary to the laws or regulations of the United States. The board must complete its recommendations by May 31 of each year. The board secretary shall then forward them to the county administrator.
- (d) The county administrator shall agenda the recommendations for consideration at a public hearing by the board of county commissioners. The board of county commissioners may approve or disapprove each recommendation as the board of county commissioners determine best serves the public interest and welfare. Except, however, the board of county commissioners may not approve recommendations that, in the aggregate, exceed the sheriff's estimate of the available interest and dividend income without four county commissioners first voting in favor of a SAFF spending level in excess of the sheriff's estimate.
- (e) The county administrator shall forward the board of county commissioners' determination on the annual SAFF expenditure to the sheriff. The sheriff may not refuse to expend SAFF revenue on those items or projects approved by the board of county commissioners unless he determines that an item or project would be in violation of the laws of the United States or the rules and regulations of any agency of the United States.
- (f) For those items or projects approved by the board of county commissioners that require agreements with third party vendors, such agreements must be entered into between the vendors and the sheriff. The sheriff shall negotiate such agreements containing such terms as the sheriff determines necessary to ensure that the funds are properly spent on the items or projects approved by the board of county commissioners and spent in accordance with the laws and regulations of the United States. If the sheriff and the third party vendor cannot reach agreement on the terms of a contract, then the sheriff shall report that failure to the board of county commissioners. The board of county commissioners may then select an item or project of equivalent or lesser cost that was recommended by the board but was initially rejected by the board of county commissioners or may vote to provide additional funding for

an item or project already approved for the fiscal year. Alternately, the board of county commissioners may decline to fund another item or project and roll over the funds thereby saved into the SAFF funds available for expenditure in the next fiscal year. If an item or project costing a lesser amount is selected, then any funds thereby saved may be expended by the board of county commissioners on items or projects already approved for the fiscal year or the funds saved may be rolled over into the SAFF funds available for expenditure in the next fiscal year. The sheriff is also responsible for monitoring and auditing the third party vendor agreements so that items or projects approved by the board of county commissioners are purchased or performed as the board of county commissioners approved and that the laws and regulations of the United States are observed.

(Code 1979, § 2-603; Ord. No. 30-2000, § 3)

Secs. 2-480—2-496. - Reserved.