

Contraband forfeiture funds; school resource officer

Number: INFORMAL

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Chief Brian K. Lock
West Melbourne Police Department
90 East Court Street
West Melbourne, Florida 32904

Dear Chief Lock:

Thank you for considering this office as a source for assistance regarding the payment of a school resource officer's wages from contraband forfeiture funds. Attorney General Butterworth has asked me to respond to your letter.

I am enclosing a copy of Attorney General Opinion 91-69 which in Question Four considered whether forfeiture funds could be used to fund, among other things, a school resource officer. As noted in that opinion, then section 932.704(3)(a), Florida Statutes (1990 Supplement), limited the use of forfeiture funds to

"defray the costs of protracted or complex investigations; to provide additional technical equipment or expertise . . .; to provide matching funds to obtain federal grants; or for school resource officer, crime prevention, or drug abuse education programs or such other law enforcement purposes as [deemed] . . . appropriate and shall not be a source of revenue to meet normal operating needs of the law enforcement agency. . . ."

This office concluded that as the Legislature, in specifically authorizing the use of forfeiture funds to pay for school resource officers, had determined that the expenditure of contraband forfeiture funds was appropriate for such purpose, the expenditure of special law enforcement trust fund monies for school resource officers was authorized even when such officers have previously been funded from other sources. While the contraband forfeiture act has been amended since the 1991 opinion was issued, similar language is contained in section 932.7055(4)(a), Florida Statutes, which provides:

"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 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."

Accordingly, the conclusion reached in the 1991 opinion would still appear applicable.

I trust that the above informal advisory comments and enclosed opinion will be of assistance to you in resolving this matter.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tgk

Enclosure