

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING RESOLUTION NO. 90-19931, WHICH ESTABLISHED A "POLICE SPECIAL REVENUE – UNCLAIMED PROPERTY" ACCOUNT TO BE UTILIZED FOR THE APPROPRIATION OF UNCLAIMED FUNDS THAT HAVE VESTED PERMANENTLY 60 DAYS AFTER THE CONCLUSION OF A PROCEEDING, AND PROVIDING THAT FROM AND AFTER OCTOBER 1, 2024 SAID UNCLAIMED FUNDS SHALL INSTEAD BE APPROPRIATED AND USED IN THE GENERAL FUND.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the attached Resolution which repeals Resolution no. 90-19931, which established a "Police Special Revenue – Unclaimed Property" account to be utilized for the appropriation of unclaimed funds that have vested permanently 60 days after the conclusion of a proceeding. Instead, the Resolution will provide that from and after October 1, 2024, all unclaimed funds shall be appropriated and used in the General Fund.

BACKGROUND/HISTORY

Florida Statutes Section 705.105, Procedure for Unclaimed Evidence, provides that title to unclaimed evidence in the custody of the court from criminal proceeding or seized as evidence by and in the custody of a law enforcement agency, shall vest permanently in the law enforcement agency 60 days after the conclusion of the proceeding. On March 7, 1990, the Mayor and City Commission adopted the City administration's recommendation to remove the funding associated with Unclaimed Property from the General Fund and move all current and future funding to a "Police Special Revenue – Unclaimed Property" account via Resolution 90-19931.

During the FY 2025 budget process, it was determined that there was nothing legally requiring the City to maintain the Unclaimed Property funds in its own separate Special Revenue account. In an effort to minimize the number of special revenue funds, it was recommended that an item be brought before the Mayor & City Commission to reallocate current and future Unclaimed Property funding to the General Fund.

ANALYSIS

See information provided above.

FISCAL IMPACT STATEMENT

See information provided above.

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

The Police Unclaimed Property budget for FY 2025, as summarized below and further detailed in Attachment A, is \$19,000.

| Expenditures in FY 2025 Budget | \$ |
|--|-----------------|
| Miscellaneous Expenditures | \$12,000 |
| Miscellaneous Facilities Maintenance | 4,000 |
| Miscellaneous Law Enforcement Supplies | 3,000 |
| Total | \$19,000 |

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached Resolution, which repeals Resolution no. 90-19931, which established a “Police Special Revenue – Unclaimed Property” account to be utilized for the appropriation of unclaimed funds that have vested permanently 60 days after the conclusion of a proceeding and allow all current and future funding to be allocated to the City’s General Fund.

Attachment A – FY 2025 Unclaimed Property Budget

Attachment B – Resolution 90-19931

EC/JDG/TOS/RA

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Management and Budget

Sponsor(s)

Co-sponsor(s)

Condensed Title

Appropriation of Unclaimed Funds in General Fund. OMB.