

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20020557

1. REQUESTED MOTION: Accept Substance Agency Advisory Board recommendation to apply for the Edward Byrne Memorial State and Local Assistance funds for the multi-jurisdictional Combined Law Enforcement Against Narcotics Task Force (CLEAN Task Force) in the amount of \$315,108. Authorize the Chairman to execute application.

ACTION REQUESTED: The Lee County Sheriff's Office request that the Chairman execute the grant application.

WHY ACTION IS NECESSARY: The grant requires the signature of the government executive.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

C15C

3. MEETING DATE:

05-28-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT _____
- C. DIVISION _____
- BY: *[Signature]*
 Sheriff, Lee County

7. BACKGROUND: Each year, the Edward Byrne Memorial State and Local Assistance funds are allocated to Lee County for use by local units of government. These funds are used to implement local drug control and system improvement projects designed to reduce the production, transfer and use of controlled substances, reduce the incidence of drug related violent crime, and make improvements to the criminal justice system. Past funding has gone to support the efforts of the CLEAN Task Force coordinated by the Lee County Sheriff's Office.

On July 11, 1990, the Lee County Board of Commissioners appointed the Lee County Coalition for a Drug Free Southwest Florida as the Substance Abuse Advisory Board for the purposes authorized under F.A.C. Rule Chapter 9G-16. In addition to defining the nature and extent of the drug problem in Lee County, the Substance Abuse Advisory Board is responsible for recommending countywide drug control strategies addressing those needs.

The Lee County Coalition for a Drug Free Southwest Florida, as the Substance Abuse Advisory Board, recommends that the total allocation of \$315,108 go toward the continuation of the CLEAN Task Force. The cash match for this project from non-federal funds is \$139,129 for a total project cost of \$454,237. The cash match is budgeted in the Sheriff's Operating Budget for FY 02/03.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>5/16</i>			G County Manager	
				<i>[Signature]</i>	OA	OM	Risk	GC	
				<i>[Signature]</i> <i>Schedule only</i>	<i>PM</i> <i>5/15/02</i>	<i>PM</i> <i>5/16/02</i>	<i>PM</i> <i>5/16</i>	<i>PM</i> <i>5/16/02</i>	<i>[Signature]</i> <i>5-16-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
 COUNTY ADMIN. *PM*
7/5 425
 COUNTY ADMIN. *PM*
5/16 230

REC'D
 by CO. ATT.
5/15/02
2:15 PM
CO. ATT. 5/15/02
Budget
4:20 PM

Application for Funding Assistance
Florida Department of Law Enforcement
Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

Please read instructions before completing this application.

The term "Department", unless otherwise stated, refers to the Department of Law Enforcement.

The term "OCJG" refers to the Office of Criminal Justice Grants.

The term "subgrant recipient" or "subgrantee" refers to the governing body of a city, county, state agency, or an Indian Tribe that performs criminal justice functions as determined by the U.S. Secretary of the Interior.

The term "implementing agency" is a subordinate agency of a city, county, state agency, or Indian Tribe, or an agency under the direction of an elected official (for example, Sheriff or Clerk of the Court).

A. Subgrant Data												
1. This section to be completed by Subgrantee Continuation of Previous Subgrant? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, enter CJ Contract # of Previous Subgrant <u>SFY 2001 CJ Contract #</u> 2001 - CJ - JL - 09 - 46 - 01 - 150	2. This section to be completed by OCJG <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Project ID # 90 - 100</td> <td style="width: 33%;">Program Area #: 02</td> <td style="width: 33%;">CFDA #: 16.579</td> </tr> <tr> <td colspan="3" style="text-align: center;"><u>SFY 2002 CJ Contract #</u></td> </tr> <tr> <td colspan="3" style="text-align: center;">2002 - CJ - 2H - 09 - 46 - 01 - 075</td> </tr> </table>			Project ID # 90 - 100	Program Area #: 02	CFDA #: 16.579	<u>SFY 2002 CJ Contract #</u>			2002 - CJ - 2H - 09 - 46 - 01 - 075		
Project ID # 90 - 100	Program Area #: 02	CFDA #: 16.579										
<u>SFY 2002 CJ Contract #</u>												
2002 - CJ - 2H - 09 - 46 - 01 - 075												
B. Applicant Information												
1. Subgrant Recipient (Subgrantee)												
Name of Subgrant Recipient (Unit of Government): Lee County Government Name of Chief Elected Official / State Agency Head: Honorable Bob Jones Title: Chairman, Lee County Board of County Commissioners Address: P.O. Box 398 City, County, State, Zip Code: Fort Myers, Florida 33902 E-mail Address:		County LEE Area Code / Phone # 239-335-2227 SUNCOM # 726-2225 Area Code / Fax # 239-335-2440										
2. Chief Financial Officer of Subgrant Recipient (Subgrantee)												
Name of Chief Financial Officer: Charlie Green Title: Clerk of the Lee County Board of County Commissioners Address: P.O. Box 398 City, County, State, Zip Code: Fort Myers, Florida 33902 E-mail Address:		County LEE Area Code / Phone # 239-335-2646 SUNCOM # Area Code / Fax # 239-335-2440										
3. Implementing Agency												
Name of Implementing Agency: Lee County Sheriff's Office Name of Chief Executive Official / State Agency Head / Subgrantee representative (if a subordinate agency of the subgrant recipient): Rodney Shoap Title: Sheriff of Lee County Address: 14750 Six Mile Cypress Parkway City, County, State, Zip Code: Fort Myers, Florida 33912 E-mail Address: rshoap@sheriffleefl.org		County LEE Area Code / Phone # 239-477-1000 SUNCOM # Area Code / Fax # 239-277-1030										

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4. Project Director	
Name of Project Director: Douglas Van House (Implementing Agency Employee) Title: Lieutenant	County LEE
Address: 12811 Kenwood Lane, Suite 207 & 208	Area Code / Phone # 239-477-1670
City, County, State, Zip Code: Fort Myers, Florida 35907	SUNCOM #
E-mail Address: dvanhouse@sheriffleefl.org	Area Code / Fax # 239-278-7511
5. Contact Person	
Name of Contact Person: N/A (if other than Project Director) Title:	County
Address:	Area Code / Phone #
City, County, State, Zip Code:	SUNCOM #
E-mail Address:	Area Code / Fax #
6. Person Responsible For Financial Reporting (if known)	
Name: Liz Handerhan Title: Finance	County LEE
Address: 14750 Six Mile Cypress Parkway	Area Code / Phone # 239-477-1328
City, County, State, Zip Code: Fort Myers, Florida 33912	SUNCOM #
E-mail Address: lhenderhan@sheriffleefl.org	Area Code / Fax # 239-477-1347
7. Person Responsible For Programmatic Performance Reporting (if known)	
Name: Lt. Douglass Van House - Project Director	County
Title: (same as above, Please see #4)	Area Code / Phone #
Address:	SUNCOM #
City, County, State, Zip Code:	Area Code / Fax #
E-mail Address:	

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C. Administrative Data	
1. Project Title: Combined Law Enforcement Against Narcotics Task Force	
2. Identify the year of the project (I, II, III, etc.) XIII	
3. Project period	Start: October 1, 2002 End: September 30, 2003
D. Fiscal Data N/A	
1. (If other than the Chief Financial Officer) Remit Warrant to:	
Name:	County
Title:	
Address:	
City, County, State, Zip Code:	
E-mail Address:	
2. Is the subgrantee participating in the State of Florida Comptroller's Office <u>electronic transfer program</u> ? (Reimbursement cannot be remitted to any entity other than the subgrantee.) Yes ___ No ___	
3. Frequency of Fiscal Reporting: Monthly ___ Quarterly <u>X</u>	
4. Vendor #: 59-6000705	
5. State Agency SAMAS #:	
6. Project Generated Income (PGI): Will the project earn PGI? (See Section G, Item 9.) Yes <u>X</u> No ___	
7. Cash Advance: Will you request an advance? Yes ___ Amount _____ No <u>X</u> If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement.	

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E. Project Narrative

1. Problem Identification: Briefly describe a specific problem to be addressed with subgrant funds in terms of Problem Description, Problem Significance and Needs Assessment, as described in the application instructions. Continue narrative on a second page if necessary. Do not exceed two pages.

PROBLEM IDENTIFICATION:

1. The need for an established multi-jurisdictional task force involving law enforcement agencies in Lee County- the Lee County Sheriff's Office, Fort Myers Police Department and Cape Coral Police Department- to deal with an increasing problem of drug trafficking and related narcotics violations on a county-wide basis in unincorporated and incorporated areas of Lee County. As an existing program, much headway has been made in indentifying and investigating a number of budding urban gangs now showing up in this geographical area. The continuation efforts of this task force will effectively carry the message to the criminal element that their criminal behavior will not be tolerated in this county.

2. The operation of this task force has filled an obvious gap between the abilities of the local law enforcement narcotics and vice units to combat street level drug crimes and the federal units that turn their efforts toward major importers and smugglers. The task force targets the mid-level violator who would otherwise slip through the cracks, being beyond the ability of local investigators and not significant enough to warrant federal investigation. As a byproduct, the success of the task force impacts both local and federal efforts to develop a foothold here. While we may never completely eradicate drug violators, the pressure we exert on them serves to stifle their activities. This pressure has to remain constant to prevent resurgence of old groups and the emergence of new groups.

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- 2. Project Description:** Briefly describe proposed project activities. Refer to Appendix II, Part 1, Pages 1-3 for a description of eligible project areas). You should include project goals, administration, enhancement/expansion, staff, service providers, clients or other participants, equipment, location, and expected project results, as described in the application instructions

This section should address the basic points of who, what, when, where, and how.

Continue on additional pages if necessary; do not exceed three pages.

As a result of the identification of the two problems previously mentioned, on May 24, 1990, the Sheriff of Lee County and the joint Chiefs of Police combined in a resolution of intent and formed a unified defense against criminals involved in the narcotics trade in and around Lee County. Subsequent to the adoption of this resolution of intent, the Combined Law Enforcement Against Narcotics Task Force - C.L.E.A.N. - was formed to serve all of Lee County.

C.L.E.A.N. is under the direction of the Lee County Sheriff's Office and led by an Executive Board of Directors. The task force is staffed by a Project Director, a crime analyst and four agents from participating agencies. The "combined" feature of the task force allows it to call upon the human resources of any member agency for additional support.

C.L.E.A.N. is housed in a leased task force building. The site provides workstations for the task force members, as well as a bridging room for raid planning. In addition, to the obvious office equipment and personal necessities of the detectives, the task force has specialized investigative and covert surveillance equipment. Any equipment that the task force does not have could be available from a member agency of the state or federal government.

The task force and its members have jurisdiction throughout Lee County by virtue of the agents being sworn deputies by Sheriff Shoap. Their scope of operations will include all locations in Lee County where drug activity has been detected and has the potential to negatively impact the citizens of the county. Of primary concern to the task force are drug violators identified as mid-level sources of supply and/or demand.

The task force is concerned with identifying, investigating and arresting drug criminals who make their living from the drug trade. The methods of investigation include undercover infiltration, historical documentation, reverse sting, buy-bust operations and joint investigations with other local, state, or federal drug investigation organizations.

C.L.E.A.N. conducts operations continuously by acting on citizen information, confidential informant information and self-initiated investigations into potential criminal suspects dealing in drugs. On the average, C.L.E.A.N. opens a new investigation every few days and concludes one or two investigations per week.

The task force is an ongoing operation. Criminal investigations, like those specific to the task force, tend to develop a life of their own; therefore; it is part of the

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This section should address the basic points of who, what, when, where, and how.

Continue on additional pages if necessary; do not exceed three pages.

investigative technique to induce criminal defendants to identify their sources of supply in the hope of locating an even larger target. Major activities establish their own time frames dependent upon the complexity of the operation and the person(s) identified with it.

C.L.E.A.N. is directly related to other county and statewide efforts to reduce drug crimes through sharing of information and joint operations, as well as support from local organizations such as the Lee County Coalition for a Drug-Free Southwest Florida.

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3. Program Objectives and Performance Measures: Up to three types of objectives may be included in this section of your subgrant application, i.e., Uniform Objectives, Project-Specific Objectives and Self-Generated Objectives. If you are proposing a project in one of the Authorized Program Areas with no Uniform Objectives, contact FDLE, Office of Criminal Justice Grants, at (850) 410-8700 for further guidance. Continue on a second page if necessary.

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas.

002	Multijurisdictional Task Force
(#)	(Title)

- b. List Uniform Objectives first, followed by any other appropriate objectives you may wish to address. If additional objectives are included, please identify whether they are Project Specific or Self-Generated Objectives. Uniform and Project Specific Objectives form the basis for collection of data and quarterly performance reporting.

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions).

- 02.01 To arrest 60 offenders for the commission of drug offenses.
- 02.02 To seize 4,000 grams of powdered or crack cocaine.
- 02.03 To seize 100 pounds of marijuana, excluding marijuana plants seized through eradication operations.
- 02.04 To seize 300 grams of dangerous drugs, LSD, PCP, barbiturates, amphetamines, etc.
- 02.05 To conduct 3 marijuana crop and/or manufacturing investigations.
- 02.06 To arrest 2 offenders for cultivation and/or manufacturing of marijuana during the grant period.
- 02.07 To destroy 100 marijuana plants.
- 02.08 To conduct 50 illegal drug investigations.

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4. **Activity Implementation Schedule.** Complete the Activity Implementation Schedule showing when activities in the Program Description will commence and how the project will progress. This chart benchmarks planned activities, both administrative and programmatic. An "X" has been inserted for reports with mandatory due dates for all projects. Place an additional "X" to indicate times applicable to your project, as illustrated for quarterly program reports. Make a detailed listing of key activities under the heading "Programmatic Activities." Your Quarterly Performance Reports will be reviewed against this schedule.

Subgrant Period

October 1, 2002 – September 30, 2003
 (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests		03 X			03 X			03 X			03 X	
Submit Financial Closeout Package		03 X										
Submit Quarterly Program Reports	X (03)			X (03)			X (03)			X (03)		
Submit Quarterly PGI Reports (If applicable)		03 X			03 X			03 X			03 X	

Programmatic Activities

(Continue on a second page if necessary.)
 Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Meet with Executive Board	X	X	X	X	X	X	X	X	X	X	X	X
Review Program Objective	X						X					
Conduct Enforcement Operations	X	X	X	X	X	X	X	X	X	X	X	X
Review & Submit Monthly Time Sheets & Financials	X	X	X	X	X	X	X	X	X	X	X	X

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F. Project Budget

1. Budget Schedule

- a. The Project Budget Schedule includes five Budget Categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay, and Indirect Costs) and Total Project Costs. Total Local Match must be a minimum of 25% of the Total Budget.
- b. Enter the amount of federal, matching, and total funds by budget category that you will use to support project activities. Enter dollar amounts only in applicable categories based on totals from the Budget Narrative and leave others blank. Total Local Match must be a minimum of 25 percent of the Total Budget.
- c. Show all figures rounded to the next highest dollar; do not include cents. (Example \$4,505.25 as \$4,506).

Type or Print Dollar Amounts Only in Applicable Categories and Leave Others Blank.

Budget Category	Federal	Match	Total
Salaries And Benefits	\$256,169	\$115,091	\$371,260
Contractual Services			N/A
Expenses	\$58,939	\$24,038	\$82,977
Operating Capital Outlay			N/A
Indirect Costs			N/A
Totals	\$315,108	\$139,129	\$454,237

**Edward Byrne Memorial State and Local Law
Enforcement Assistance Formula Grant Program**

F. Project Budget Narrative

You must describe **line items** for *each* applicable Budget Category for which you are requesting subgrant funding. Provide sufficient detail to show cost relationships to project activities. In addition, describe **specific sources** of matching funds.

Start below and use continuation pages as necessary.

ANNUAL SALARIES AND BENEFITS:

The C.L.E.A.N. Task Force is comprised of six personnel representing two law enforcement agencies. Each agency has established its own base salary and benefits values for a specific position. The following information has been compiled to accommodate requirements of the block grant and continues the net personnel increases established during the initial year of the grant program.

<u>AGENCY</u>	<u>POSITION</u>	<u>SALARY</u>	<u>BENEFITS</u>	<u>TOTAL</u>
Lee County Sheriff's Office	Unit Director	\$61,501	\$24,331	\$85,832
	Agent	\$48,660	\$21,292	\$69,952
	Agent	\$49,229	\$21,428	\$70,657
	Crime Analyst	\$33,429	\$14,262	\$47,691
Cape Coral Police Department	Agent	\$36,698	\$10,213	\$46,911
Fort Myers Police Department	Agent	\$36,120	\$10,233	\$46,353
Investigator Overtime		\$ 3,000	\$ 864	\$ 3,864
TOTAL SALARIES AND BENEFITS:		\$268,637	\$102,623	\$371,260

<u>Explanation of Benefits:</u>	<u>POSITION</u>	<u>F.I.C.A</u>	<u>RETIREMENT</u>	<u>HEALTH/ LIFE/ DENTAL</u>
Lee County Sheriff's Office	Unit Director	\$4,705	\$ 9,846	\$ 9,780
	Agent	\$3,722	\$ 7,790	\$ 9,780
	Agent	\$3,766	\$ 7,882	\$ 9,780
	Crime Analyst	\$2,557	\$ 1,925	\$ 9,780
Cape Coral Police Department	Agent	\$2,807	\$ 4,051	\$ 3,355
Fort Myers Police Department	Agent	\$2,763	\$ 2,890	\$ 4,580
Investigator Overtime		\$ 230	\$ 634	N/A

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JOB REQUIREMENTS:

- Unit Director:** Must have experience in supervision and management of personnel and the ability to direct the activities of undercover narcotic investigators. Must be able to collect and report data and interact with other law enforcement agencies.
- Field Agent:** Must have experience in the detection, investigation and development of cases involving narcotic violations. Must be able to prepare and present a criminal case for prosecution.
- Crime Analyst:** Must be able to collect and store data in a variety of automated data systems. Must be able to use common clerical office equipment and perform routine office functions.

EXPENSES:

Building Lease	\$19,913.00
Undercover vehicle rentals	33,000.00
Office Supplies: paper, pens, etc.	1,500.00
Telephone Expenses	3,000.00
Office Equipment Non-Capital	600.00
Maintenance and Repair	1,000.00
Fuel for Undercover Vehicles	3,850.00
Uniform Parts, etc.	1,000.00
Autotrack On-Line Information System	2,500.00
Publications and Association Dues	500.00
Reports: preparation, printing and photographs	900.00
Program Related Meetings and Travel	2,333.00
Training	<u>12,881.00</u>
TOTAL EXPENSES:	\$82,977.00

NOTE: Purchasing methods used will conform to existing laws and regulations.

SOURCE OF MATCHING FUNDS:

Matching funds for this grant are derived from county funds.

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2. Budget Narrative

- a. The Project Budget Narrative may reflect costs in any of the five budget categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay, Indirect Costs). The Total Project Costs should be included.
- b. You must describe the line items for each applicable budget category for which you are requesting subgrant funding. Provide sufficient detail to show cost relationships to project activities. Reimbursements will only be made for items clearly identified in the budget narrative.
- c. Costs must not be allocated or included as a cost to any other federally financed program.

(Continue on additional pages if necessary.)

Please respond to the following five items before providing the Budget Narrative.

1. Identify your Specific sources of matching funds. [Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.]
2. Matching funds for this grant are derived from county funds.
If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?

No: _____ If no, please explain.

Yes: X If yes, please list number and title of position and type of benefits.

Cost of living and merit increase and Cape Coral Police Department (see below)

3. Indicate the OCO threshold established by the subgrantee. \$ 0
4. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

There will be no Indirect Cost included in the budget.
2. continued... took an agent out and the position was filled with a member of the Lee County Sheriff's Office.

Budget Narrative-

- A. See Attached Sheets.
- B. See Attached Sheets.
- C. Cost are not allocated or included as a cost to any other federally financed program.

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G. Conditions of Acceptance and Agreement

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 16 of this section.

1. All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) *Financial Guide*.

2. Reports

a. Project Performance Reports

The subgrant recipient shall submit Quarterly Project Performance Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional *Quarterly Project Performance Reports* shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 16 of Section G, performance of Agreement Provisions.

b. Financial Reports

(1) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".

(2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.

(3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

(4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.

(5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 9, Program Income.)

c. Other Reports

The subgrant recipient shall submit other reports as may be reasonably required by OCJG.

3. Fiscal Control and Fund Accounting Procedures

a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by OCJG.

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- b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
 - c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.
4. **Payment Contingent on Appropriation**
The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.
5. **Obligation of Subgrant Recipient Funds**
Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.
6. **Advance Funding**
Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*. Advance funding shall be provided to a subgrant recipient upon a written request to the Department justifying the need for such funds. This request, including the justification, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement.
7. **Reimbursement Subject to Available Funds**
The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.
8. **Travel and Training**
 - a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget.
 - b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
 - c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.
9. **Allowable Costs**
 - a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State And Local Governments* and federal OMB *Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments"*, or OMB *Circular A-21, "Cost Principles for Educational Institutions"*.
 - b. All procedures employed in the use of federal funds to procure services, supplies or equipment, shall be according to U.S. Department of Justice *Common Rule for State and Local Governments*, or OMB *Circular A-110* and Florida law to be eligible for reimbursement.
10. **Program Income (also known as Project Generated Income)**
Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the OJP *Financial Guide*

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and U.S. Department of Justice *Common Rule for State and Local Governments* (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

11. Approval of Consultant Contracts

The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when their rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day. Approval shall be based upon the contract's compliance with requirements found in the OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and in applicable state statutes. The Department's approval of the subgrant recipient agreement does not constitute approval of consultant contracts.

12. Property Accountability

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments* or the federal *OMB Circular A-110*. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

13. Ownership of Data and Creative Material

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*, or the federal *OMB Circular A-110*.

14. Copyright

The awarding agency reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

- a. The copyright in any work developed under an award or subaward, and
- b. Any rights of copyright to which a subgrant recipient or subrecipient purchases ownership with support funded under this grant agreement.

15. Audit

- a. Subgrant recipients that expend \$300,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal *OMB Circular A-133* and other applicable federal law. The contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.
- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

Florida Department of Law Enforcement
Office of Inspector General
Post Office Box 1489
Tallahassee, Florida 32302-1489

16. Performance of Agreement Provisions

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

17. Commencement of Project

- a. If a project has not begun within sixty (60) days after acceptance of the subgrant award, the subgrant recipient shall send a letter to OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in

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either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.

- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
 - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

19. Extension of a Contract for Contractual Services

Extension of a contract for contractual services between the subgrant recipient and a contractor (which includes all project budget categories) shall be in writing for a period not to exceed six (6) months and is subject to the same terms and conditions set forth in the initial contract. Only one extension of the contract shall be acceptable, unless failure to complete the contract is due to events beyond the control of the contractor.

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major changes. These include, but are not limited to:

- a. Changes in project activities, target populations, implementation schedules, designs or research plans set forth in the approved agreement;
- b. Budget deviations that do not meet the following criterion. That is, a subgrant recipient may transfer funds between budget categories as long as the total amount of transfer does not exceed ten (10) percent of the total approved budget and the transfer is made to an approved budget item; or,
- c. Transfers of funds above the ten (10) percent cap shall be made only if a revised budget is approved by the Department. Transfers do not allow for increasing the quantitative number of items documented in any approved budget item, i.e., increasing the quantity of equipment items in Operating Capital Outlay or Expense categories, or staff positions in the Salaries and Benefits category.)
- d. Under no circumstances can transfers of funds increase the total budgeted award.

21. Disputes and Appeals

- a. The Department shall make its decision in writing when responding to any disputes, disagreements or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subgrant recipient shall proceed diligently with the performance of this agreement according to the Department's decision.
- b. If the subgrant recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subgrant recipient's right to appeal the Department's decision is contained in Chapter 120, Florida Statutes, and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, Florida Statutes.

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- 22. Conferences and Inspection of Work**
Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.
- 23. Access To Records**
- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*.
 - b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.
- 24. Retention of Records**
The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.
- 25. Signature Authority**
Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The Project Director has authority to submit Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.
- 26. Delegation of Signature Authority**
When the authorized official of a subgrant recipient or the implementing agency designates some other staff person signature authority for him/her, the chief officer or elected official must submit to the department a letter or resolution indicating the staff person given signature authority. The letter indicating delegation of signature authority must be signed by the chief officer or elected official and the person receiving signature authority.
- 27. Personnel Changes**
Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the OCJG must be notified in writing with documentation to include appropriate signatures.
- 28. Background Check**
Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.
- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
 - b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal

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records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

- (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
- (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

- a. A Drug Court Project funded by the Byrne Formula Grant Program must contain the 10 key elements outlined in the U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office, program guidelines "Defining Drug Courts: The Key Components", January 1997. This document can be obtained from FDLE, Office of Criminal Justice Grants, at (850) 410-8700.
- b. To ensure more effective management and evaluation of drug court programs, the subgrant recipient agrees that drug court programs funded with this award shall collect and maintain follow-up data on criminal recidivism and drug use relapse of program participation. The data collected must be available to U.S. DOJ and FDLE upon request.

30. Overtime for Law Enforcement Personnel

Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

31. Criminal Intelligence System

- a. The purpose of the federal regulation published in 28 CFR Part 23 - Criminal Intelligence Systems Operating Policies is to assure that subgrant recipients of federal funds for the principal purpose of operating a criminal intelligence system under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended, use those funds in conformance with the privacy and constitutional rights of individuals.
- b. The subgrant recipient and a criminal justice agency that is the implementing agency agree to certify that they operate a criminal intelligence system in accordance with *Sections 802(a) and 818(c) of the Omnibus Crime Control and Safe Streets Act of 1968*, as amended and comply with criteria as set forth in *28 CFR Part 23 - Criminal Intelligence Systems Operating Policies* and in the Bureau of Justice Assistance's *Formula Grant Program Guidance*. Submission of this certification is a prerequisite to entering into this agreement.
- c. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or criminal justice agency operates a criminal intelligence system and does not meet Act and federal regulation criteria, they must indicate when they plan to come into compliance. Federal law requires a subgrant-funded criminal intelligence system project to be in compliance with the Act and federal regulation prior to the award of federal funds. The subgrant recipient is responsible for the continued adherence to the regulation governing the operation of the system or faces the loss of federal funds. The Department's approval of the subgrant recipient agreement does not constitute approval of the subgrant-funded development or operation of a criminal intelligence system.

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32. Confidential Funds

A signed certification that the project director or the head of the Implementing Agency has read, understands, and agrees to abide by all of the conditions for confidential funds as set forth in the effective edition of OJP's Financial Guide is required from all projects that are involved with confidential funds from either Federal or matching funds. The signed certification must be submitted at the time of grant application.

33. Equal Employment Opportunity (EEO)

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.
- b. The subgrant recipient and a criminal justice agency that is the implementing agency agree to certify that they either do or do not meet EEO program criteria as set forth in Section 501 of The Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended and that they have or have not formulated, implemented and maintained a current EEO Program. Submission of this certification is a prerequisite to entering into this agreement. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or implementing agency meet Act criteria but have not formulated, implemented and maintained such a current written EEO Program, they have 120 days after the date this agreement was made to comply with the Act or face loss of federal funds subject to the sanctions in the Justice System Improvement Act of 1979, Pub. L. 96-157, 42 U.S.C. 3701, et seq. (Reference Section 803 (a) of the Act, 42 U.S.C. 3783 (a) and 28 CFR Section 42.207 Compliance Information).
- c. Any state agency, county or city receiving a single grant award for \$500,000 or more OR an aggregate of grant awards for \$1,000,000 or more during any 18 month period in federal funds, must have approval of its EEO Plan by the U.S. DOJ, Office for Civil Rights (OCR). The subgrantee shall submit its EEO Plan to FDLE, for submittal to the U.S. DOJ, OCR for approval. If the U.S. DOJ, OCR has approved an agency's EEO Plan during the two previous years, it is not necessary to submit another EEO Plan. Instead, the subgrantee need only send a copy of its approval letter from the OCR. However, if the EEO Plan approval is more than two years old, an updated Plan must be submitted.

34. Americans with Disabilities Act

Subgrantees must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

35. Immigration and Nationality Act

No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subgrant recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

36. National Environmental Policy Act (NEPA)

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it

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applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds,

- (1) New construction;
- (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
- (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
- (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.

- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

37. Non-Procurement, Debarment and Suspension

The subgrant recipient agrees to comply with Executive Order 12549, Debarment and Suspension (34 CFR, Part 85, Section 85.510, Participant's Responsibilities). These procedures require the subgrant recipient to certify it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.

38. Federal Restrictions on Lobbying

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by *Section 1352, Title 31, United States Code*. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
 - (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.

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- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

39. State Restrictions on Lobbying

In addition to the provisions contained in Item 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay -to-Stay"

Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail", as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

41. Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

- a. **General Requirement:** The subgrantee agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.
- b. **Specific Requirements:** The subgrantee understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest.

Therefore, the subgrantee further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subgrant. In so doing, the subgrantee understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

1. Provide medical screening of personnel assigned or to be assigned by the subgrantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subgrantee to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;

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4. Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
5. Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;
6. Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs 5. and 6. immediately above in order to ensure proper compliance;
8. Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
9. Included among the personnel involved in seizing of clandestine methamphetamine laboratories, or have immediate access to, qualified personnel who can respond to the potential health needs of any offender(s)' children or other children present or living at the seized laboratory site. Response actions should include, at a minimum and as necessary, taking children into protective custody, immediately testing them for methamphetamine toxicity, and arranging for any necessary follow-up medical tests, examinations or health care.

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H. Signature Page

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

Corrections on this page, including
Strikeovers, whiteout, etc. are not acceptable.

State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants

Signature: _____

Typed Name and Title: Clayton H. Wilder, Community Program Administrator

Date: _____

Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission, Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: Lee County Board of County Commissioners


Signature: _____

Typed Name and Title: Bob Janes, Chairman

Date: _____

Implementing Agency
Official Administrator or Designated Representative

Typed Name of Implementing Agency: Lee County Sheriff's Office

Signature: 

Typed Name and Title: Rodney Shoap, Sheriff of Lee County

Date: 5-15-02



May 14, 2002

Board of Directors

Chairman: Rod Shoap
Sheriff, Lee Co. Sheriff's Office
Vice-Chair: Bud Stephens
Business Dev., Lee Memorial Health System
Treasurer: Bruce Ragain
Producer, Oswald Trippe & Co.
Secretary: Edward M. "Mike" Buff
Retired, Juvenile Justice System
Marshall Bower
Deputy State Attorney, District 20
Hilton Daniels
Chief, Fort Myers Police Department
Dena Geraghty
Director, Auricular Therapy Center
Arnold Gibbs
Chief, Cape Coral Police Dept.
Darlene Grossman
Pres., Found. for Lee Co. Public Schools
Terry Hilduke
CFO, HealthPark
Stephen Maher
Attorney, Private Practice
Laura Ragain
Marketing, Lee Memorial Health System
Maria Rubin
Consultant, Knapp Associates, Inc.
Thomas Scaranfino
Resident Agent-in-Charge, U.S., DEA
Dan Sizemore
Acting Chief, Lee Co. Port Auth. Police
Lynda Van Bibber
Director, Business & Community Dev.

Advisory Board

Jamie Blackman
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Coordinator, Lee Co. Schools
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State Attorney, District 20
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Irene Giniat
Prin. Planner, Health Planning Council
Carole Green
Representative, State of Florida
Judith Hartner, MD
Director Lee Co. Dept. of Health
Harry Horn
News Anchor, ABC-TV 7
Dottie Hummel
President, Hummel Consulting
Jim Humphrey
Mayor, City of Fort Myers
Robert Jacobs, II
Public Defender, District 20
Arnold Kempe
Mayor, City of Cape Coral
Richard Konkel, Ph.D.
Director, Sylvan Learning Center
Mark Levens
Lee County Sheriff's Office
Kevin Lewis
Exec. Dir. SWFL Addiction Services
Dennis Pearlman
Exec. Dir. State Attorney's Office
E. Kelth Roos
Cape Coral National Bank
John Sanders, E. Ed.
Superintendent, Lee Co. Public Schools
Bill Tomlinson
Acting Chief, Sanibel Police Dept.

Clayton H. Wilder
Community Program Administrator
Office of Criminal Justice Grants
Business Support Programs Office
Department of Law Enforcement
2331 Phillips Road
Tallahassee, FL 32308

Dear Mr. Wilder:

It is with great pleasure that the Lee County Coalition for a Drug-Free Southwest Florida strongly supports the C.L.E.A.N. grant application in the amount of \$315,108 submitted by the Lee County Sheriff's Office.

The outstanding success record of Lee County's C.L.E.A.N. Task Force reflects not only the effectiveness of its combined agency approach, but also the experience of its dedicated staff. This Task Force plays a crucial role in criminal investigations and prosecutions of drug violators, especially mid-level sources of supply and demand.

As a drug abuse prevention organization, this Coalition recognizes the need for effective efforts aimed at all aspects of drug abuse, from early prevention to the range of treatments to the critical role of law enforcement operations.

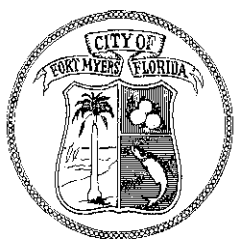
Lee County is indeed fortunate to have the C.L.E.A.N. Task Force, and we enthusiastically support this grant application.

Sincerely,

A handwritten signature in black ink, appearing to read "Keral Kronseder-Vogt".

Keral Kronseder-Vogt, M.A.
Executive Director

PLEASE NOTE OUR NEW ADDRESS
909 S.E. 47th Terrace Suite 206, Cape Coral, FL 33904
P: (239) 541-9003 F: (239) 541-2507 Email: drugfreeswfl@aol.com



City of Fort Myers
Jim Humphrey
Mayor

May 13, 2002

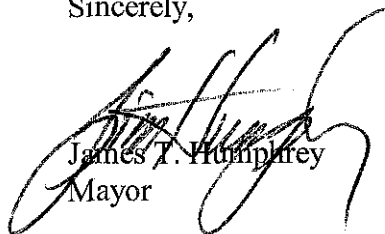
Mr. Clayton H. Wilder
Community Program Administrator
Office of Criminal Justice Grants
Business Support Programs Office
Department of Law Enforcement
2331 Phillips Road
Tallahassee, FL 32308

Dear Mr. Wilder,

In compliance with State of Florida Rule 9B-61.003(4)(d), F.A.C., the City of Fort Myers approves the distribution of \$315,108 of Federal Fiscal year 2002 Byrne Formula Grant Program funds for the following projects within Lee County

<u>Subgrantee</u>	<u>Title of Project</u>	<u>Dollar Amount</u>
Lee County Board Of Commissioners	Combined Law Enforcement Against Narcotics Task Force CLEAN	\$315,108

Sincerely,



James T. Humphrey
Mayor

JTH/mmi



City of Cape Coral

May 7, 2002

Mr. Clayton H. Wilder
Community Program Administrator
Office of Criminal Justice Grants
Business Support Programs Office
Department of Law Enforcement 2331 Phillips Road
Tallahassee, FL 32308

Dear Mr. Wilder:

In compliance with State of Florida Rule 9B-61.003(4)(d), F.A.C., the City of Cape Coral approves the distribution of \$315,108.00 of Federal Fiscal year 2002 Byrne Formula Grant Program funds for the following projects within Lee County.

<u>SUBGRANTEE</u>	<u>TITLE OF PROJECT</u>	<u>DOLLAR AMOUNT</u>
Lee County Board Of Commissioners	Combined Law Enforcement Against Narcotics Task Force	\$315,108.00

Sincerely,

Arnold E. Kempe,
Mayor

APPENDIX IV – CERTIFICATION OF COMPLIANCE WITH
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS

Florida Department of Law Enforcement
Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

SUBGRANTEE CERTIFICATION

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient) . . . (Select one of the following):

Meets Act Criteria

Does not meet Act Criteria

I affirm that I have read the Act criteria set forth in the Subgrant Application Instructions. I understand that if the Subgrant Recipient meets these criteria, it must formulate, implement and maintain a written EEO Plan relating to employment practices affecting minority persons and women. I also affirm that the Subgrant Recipient . . . (Select one of the following):

Has a Current EEO Plan

Does Not Have a Current EEO Plan

I further affirm that if the Subgrant Recipient *meets* the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 120 days after a subgrant application for federal assistance is approved or face loss of federal funds.

Signature of Subgrantee Authorized Official

Type Name: Bob Janes

Title: Chairman

Subgrant Recipient: Lee County Board of County Commissioners

Date: _____


APPENDIX VI – CRIMINAL INTELLIGENCE SYSTEMS CERTIFICATION

Florida Department of Law Enforcement
Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

Certification Regarding Criminal Intelligence Systems

This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the recipient or criminal justice agency operates a criminal intelligence system and does not meet Act and federal regulation criteria, they must indicate when they plan to come into compliance. Federal law requires a subgrant-funded criminal intelligence system project to be in compliance with the Act and federal regulation prior to the award of federal funds. The recipient is responsible for the continued adherence to the regulation governing the operation of the system or faces the loss of federal funds. The Department's approval of the recipient agreement does not constitute approval of the subgrant-funded development or operation of a criminal intelligence system. The applicant hereby assures and certifies that:

- Intelligence information will be collected, maintained, and disseminated primarily for State and local law enforcement efforts, including efforts involving Federal participation.
- There will be no purchase or use during the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of the Electronic Communications Privacy Act of 1986, Public Law 99-508, 18 U.S.C. 2510-2520, 2701-2709 and 3121-3125, or any applicable State statute related to wiretapping and surveillance.
- There will be no harassment or interference with any lawful political activities as part of the intelligence operation.
- The project will adopt sanctions for unauthorized access, utilization, or disclosure of information contained in the system. Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined an amount not to exceed \$10,000, in addition to any other penalty imposed by law.
- All participating agencies of an interjurisdictional intelligence system will maintain in agency files information that documents the correctness of each submission to the system and supports compliance with project entry criteria.
- Participating agency files supporting system submissions must be made available for reasonable audit and inspection by project representatives. Project representatives will conduct participating agency inspection and audit in a manner that protects the confidentiality and sensitivity of participating agency intelligence records.
- The proposed collection and exchange of criminal intelligence information has been coordinated with, and will support, ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.
- The areas of criminal activity for which intelligence information is to be utilized represent a significant and recognized threat to the population and 1) either are undertaken for the purpose of seeking illegal power or profits or pose a threat to the life and property of citizens, and 2) involve a significant degree of permanent criminal organization, or 3) are not limited to one jurisdiction.
- The principles set forth in 28 CFR 23.20 will be made part of the by-laws or operating procedures for that system. Each participating agency, as a condition of participation, must accept in writing those principles that govern the submission, maintenance, and dissemination of information included as part of the interjurisdictional system.



Signature

5-15-02

Date

Typed Name: Rodney Shoap

Title: Sheriff of Lee County

Name of Subgrant Recipient: Lee County Board of County Commissioners