

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20051335**

**1. ACTION REQUESTED/PURPOSE:** Authorize Chairman to accept Edward Byrne Memorial Justice Assistance Grant funds for the CLEAN Task Force. The Lee County Sheriff's Office will serve as the implementing agency.

**2. WHAT ACTION ACCOMPLISHES:** Authorization allows Lee County to receive \$262,929 in funds for the CLEAN Task Force from the Edward Byrne Memorial Justice Assistance Grant.

**3. MANAGEMENT RECOMMENDATION:** Approve and execute acceptance agreement.

**4. Departmental Category:** 15 CISC **5. Meeting Date:** 09-27-2005

<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>
	Statute		Commissioner
	Ordinance		Department <u>CONSTITUTIONAL</u>
	Admin. Code		Division <u>SHERIFF</u>
	Other		By: <u>Sheriff Mayor R. Homan for Sheriff Scott</u>

**9. Background:** Edward Byrne Memorial Justice Assistance Grant funds are allocated to Lee County annually 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.

The Lee County Coalition for a Drug Free Southwest Florida, as the Substance Abuse Advisory Board, recommends that the total allocation of \$262,929 go toward the continuation of the CLEAN Task Force. The Lee County Sheriff's Office will commit an additional \$69,678 in federal Justice Assistance Grant funds and \$20,000 in forfeiture funds toward the project. Participating member agencies will contribute an additional \$167,603 needed to fund the \$520,210 project.

On June 14, 2005, the Board of County Commissioners authorized the Chairman to execute the Edward Byrne Memorial Justice Assistance Grant application for the CLEAN Task Force. On Sept. 15, 2005, the Florida Department of Law Enforcement notified Commissioner St. Cerny in a letter dated Sept. 8 that the grant application had been approved. The certificate of acceptance must be returned to FDLE in Tallahassee by Oct. 8.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>Andrea</i>	Analyst	Risk	Grants	Mgr.	
				<i>Travis P.</i>	<i>9/15/05</i>	<i>9/15/05</i>	<i>9/15/05</i>	<i>9/15/05</i>	<i>9-15-05</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

*for scheduling only*

RECEIVED BY COUNTY ADMIN: *[Signature]*  
9-15-05  
4:45  
COUNTY ADMIN FORWARDED TO:

REC'D 9/15/05  
by CO. ATTY.  
4:00pm  
CO. ATTY FORWARDED TO:  
*[Signature]*  
4:45pm

**FORWARD WITH AGREEMENT AND BLUE SHEET**

ALL INFORMATION IS REQUIRED - DO NOT LEAVE ANY BLANKS - USE N/A WHEN NOT APPLICABLE

**GRANT AT A GLANCE**

GRANT AWARD INFORMATION

- 1. County Grant ID (project #): 2006-JAGC-59
- 2. Title of Grant: Combined Law Enforcement Against Narcotics Task Force
- 3. Amount of Award: \$262,929
- 4. Amount of Match Required: \$0
- 5. Type of Match: N/A  
(cash, in-kind etc)

**6. SOURCE OF GRANT FUNDS & CATALOG NUMBER:**

FEDERAL 16.738	STATE CSFA #
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7. Agency Contract Number: 2006-JAGC-LEE-1-M8-

8. Contract Period:	Begin Date: <u>10/1/5</u>	End Date: <u>9/30/6</u>
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9. Name of Subrecipient(s) Lee County Sheriff's Office

10. Business Unit(s): \_\_\_\_\_

11. Scope of Grant: (describe project). Grant funds will be used to partially fund the Combined Law Enforcement Against Narcotics multi-jurisdictional task force. The task force includes members of the Lee County Sheriff's Office, Fort Myers Police Department, Cape Coral Police Department and State Attorney's Office.

12. Has this Grant been Funded Before?  YES  NO If YES When? \_\_\_\_\_

13. Is Grant Funding Anticipated in Subsequent Years?  YES  NO

14. If Grant Funding Ends Will This Program Be Continued at County Expense?  YES  NO  
If YES What is the Lee County Budget Impact:

1st Year \$213,684	2 <sup>nd</sup> Year \$\$213,684 plus COLA	3 <sup>rd</sup> Year \$
4 <sup>th</sup> Year \$	5 <sup>th</sup> Year \$	

Check Box if Additional Information on Program and Budget Impact is provided in *Comment Section* on page 2

**ADMINISTERING DEPARTMENT INFORMATION**

- 1. Department: Lee County Sheriff's Office
- 2. Contacts: Bill Bergquist, Budget Director

Program Mgr. Lt. Chris Reeves	Phone #: 477-1672
Fiscal Mgr. Charlie Green	Phone #: 335-2646

**GRANTOR AGENCY INFORMATION**

(The agency you signed this agreement with)

- 1. Grantor Agency: Florida Department of Law Enforcement
- 2. Program Title/Division: Edward Byrne Memorial Justice Assistance Grant Program
- 3. Agency Contact: Clayton Wilder
- 4. Phone Number: (850) 410-8701
- 5. Mailing Address: 2331 Phillips Road, Tallahassee, Florida 3230

**SOURCE OF FUNDS**

- 1. Original Funding Source: U. S. Department of Justice  
(name of agency where funding originated from)
- 2. Pass Through Agency: Florida Department of Law Enforcement  
(middleman if any? Example: federal \$\$ from US DOT given to STATE of FL DOT - - then from STATE DOT to Lee County DOT - - - STATE of FL DOT is the pass-through agency).  
Florida Department of Law Enforcement Office of Criminal Justice Grants
- 3. Additional Information for Other Agencies Involved:  
Lee County Government

3a. Is the County a Grantee or Subrecipient in #3 above: County is the subrecipient; LCSO is the implementing agency

**REPORTING REQUIREMENTS**

1. Does this grant require a separate subfund? YES  NO   
(Example: you need to return interest earnings)

Please Explain: N/A \_\_\_\_\_

2. Is funding received in advance? YES  NO   
(If YES, please indicate conditions for returning residual proceeds, or interest and the address to return it to, if different from the Grantor Agency Information)

N/A \_\_\_\_\_

**COMMENTS—INSTRUCTIONS:**



# Florida Department of Law Enforcement

*Guy M. Tunnell, Commissioner*

RECEIVED  
SEP 15 2005  
CERNY

Jeb Bush, Governor  
Charlie Crist, Attorney General  
Tom Gallagher, Chief Financial Officer  
Charles H. Bronson, Commissioner of Agriculture

SEP 15 2005  
ST CERNY

SEP 8 2005

The Honorable Douglas St. Cerny  
Chairman  
Lee County Board of Commissioners  
Post Office Box 398  
Fort Myers, FL 33902-0398

Re: Contract No. 2006-JAGC-LEE-1-M8-050

Dear Chairman St. Cerny:

The Florida Department of Law Enforcement is pleased to award an Edward Byrne Memorial Justice Assistance Grant to your unit of government in the amount of \$ 262,929.00 for the project entitled, **COMBINED LAW ENFORCEMENT AGAINST NARCOTICS TASK FORCE**. These funds shall be utilized for the purpose of reducing crime and improving public safety.

A copy of the approved subgrant application with the referenced contract number is enclosed for your file. All correspondence with the Department should always refer to the project number and title.

Your attention is directed to the Standard Conditions of the subgrant. These conditions should be reviewed carefully by those persons responsible for project administration to avoid delays in project completion and costs reimbursements.

The enclosed Certification of Acceptance should be completed and returned to the Department within 30 calendar days from the date of award. This certificate constitutes official acceptance of the award and must be received by the Department prior to the reimbursement of any project expenditures.

*Committed to  
Service • Integrity • Respect • Quality*

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**Office of Criminal Justice Grants**  
Post Office Box 1489, Tallahassee, Florida 32302-1489 • (850) 410-8700  
[www.fdle.state.fl.us](http://www.fdle.state.fl.us)

The Honorable Douglas St. Cerny  
Page Two

We look forward to working with you on this project. If we can be of further assistance, please contact Janice Parish at 850/410-8700.

Sincerely,

  
Clayton H. Wilder  
Administrator

CHW/JP/dh

Enclosures

**State of Florida  
Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308**

**CERTIFICATE OF ACCEPTANCE OF SUBGRANT AWARD**

The subgrantee, through its authorized representative, acknowledges receipt and acceptance of subgrant award number 2006-JAGC-LEE-1-M8-050, in the amount of \$ 262,929.00, for a project entitled, COMBINED LAW ENFORCEMENT AGAINST NARCOTICS TASK FORCE, for the period of 10/01/2005 through 09/30/2006, to be implemented in accordance with the approved subgrant application, and subject to the Florida Department of Law Enforcement's Standard Conditions and any special conditions governing this subgrant.

\_\_\_\_\_  
(Signature of Subgrantee's Authorized Official)

\_\_\_\_\_  
(Typed Name and Title of Official)

\_\_\_\_\_  
(Name of Subgrantee)

\_\_\_\_\_  
(Date of Acceptance)

**State of Florida  
Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308**

**SUBGRANT AWARD CERTIFICATE**

Subgrantee: Lee County Board of Commissioners

Date of Award: **SEP 8 2005**

Grant Period: From: 10/01/2005 TO: 09/30/2006

Project Title: COMBINED LAW ENFORCEMENT AGAINST NARCOTICS TASK FORCE

Grant Number: 2006-JAGC-LEE-1-M8-050

Federal Funds: \$ 262,929.00

State Agency Match:

Local Agency Match: \$ 0.00

Total Project Cost: \$ 262,929.00

State Purpose Area: 002 : Multi-jurisdictional Task Force

CFDA Number: 16.738

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Award is hereby made in the amount and for the period shown above of a subgrant under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351, as amended, and the Anti-Drug Abuse Act of 1988, P.L. 100-690, to the above mentioned subgrantee and subject to any attached or special conditions.

This award is subject to all applicable rules, regulations, and conditions as contained in the Financial and Administrative Guide for Grants, Guideline Manual 7100 1D, Office of Justice Programs, Common Rule for State and Local Governments and A-87, or OMB Circulars A-110 or A-102, as applicable, and A-21, in their entirety. It is also subject to such further rules, regulations and policies as may be reasonably prescribed by the State or Federal Government consistent with the purposes and authorization of P.L. 90-351, as amended, and P.L. 100-690.



**SUBGRANT AWARD CERTIFICATE (CONTINUED)**

This grant shall become effective on the beginning date of the grant period provided that within 30 days from the date of award, a properly executed Certificate of Acceptance of Subgrant Award is returned to the Department.

*Clayton H. Wilder*

\_\_\_\_\_  
Authorized Official  
Clayton H. Wilder  
Administrator

*9-2-05*

\_\_\_\_\_  
Date

This award is subject to special conditions (attached).

**State of Florida  
Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308**

SPECIAL CONDITION(S) / GENERAL COMMENT(S)

Grantee: Office of Criminal Justice Grants

Grant Number: 2006-JAGC-LEE-1-M8-050

Grant Title: COMBINED LAW ENFORCEMENT AGAINST NARCOTICS TASK FORCE

In addition to the general conditions applicable to fiscal administration, the grant is subject to the following Special Condition(s)/General Comment(s):

Ref# S812: The US DOJ, OCR has granted Lee County an extension of time in which to file its EEO Plan until September 2, 2005. Once an approval letter is received from the USDOJ, OCR, a copy must be sent to the Office of Criminal Justice Grants.

**State of Florida  
Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308**

**ADDENDUM TO STANDARD CONDITIONS**

For Subgrant Recipients receiving Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds under Federal Grant No. 2005-DJ-BX-0057, the following additional conditions apply:

**1. Additional Restrictions on Lobbying**

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

**2. Human Research Subjects**

Grantee agrees to comply with the requirements of 28 C.F.R. part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

**3. Global Justice Data Model Specifications**

To support public safety and justice information sharing, OJP requires the grantee to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).

**4. Reporting, Data Collection and Evaluation**

The subgrant recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 1: Administration

### Subgrantee Organization

**Organization Name:** Lee County Board of Commissioners

**County Organization Is Located In:** Lee

**FEID OR SAMAS:** 59-6000703

### Chief Official Position

**Name:** Douglas St. Cerny

**Title:** Chairman

**Address:** Post Office Box 398

**City:** Fort Myers

**State:** FL **Zip:** 33902-0398

**Email:** rgood@leegov.com

**Phone:** 239-335-2227 **Ext:** **Fax:** 239-335-2599 **Suncom:**

### Chief Financial Official Position

**Name:** Charlie Green

**Title:** CFO

**Address:** Post Office Box 398

**City:** Fort Myers

**State:** FL **Zip:** 33902-0398

**Email:** rgood@leegov.com

**Phone:** 239-335-2646 **Ext:** **Fax:** 239-335-2440 **Suncom:**

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 1: Administration (con't)

### Implementing Agency Organization

**Organization Name:** Lee County Sheriff's Office

**County Organization Is Located In:** Lee

**FEID OR SAMAS:** 59-6000703

### Chief Official Position

**Name:** Mike Scott

**Title:** Sheriff

**Address:** 14750 Six Mile Cypress Parkway

**City:** Fort Myers

**State:** FL **Zip:** 33912

**Email:** MScott@sheriffleefl.org

**Phone:** 239-477-1000 **Ext:** **Fax** 239-477-1040 **Suncom:**

### Project Director Position

**Name:** Chris Reeves

**Title:** Lieutenant

**Address:** 14750 Six Mile Cypress Parkway

**City:** Fort Myers

**State:** FL **Zip:** 33912

**Email:** CReeves@sheriffleefl.org

**Phone:** 239-477-1672 **Ext:** **Fax** 239-278-7511 **Suncom:**

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 2 - Project Overview

### General Project Information

**Project Title:** COMBINED LAW ENFORCEMENT AGAINST NARCOTICS TASK FORCE

**Project Sequence No:** 0

**Subgrantee:** Lee County Board of Commissioners

**Implementing Agency:** Lee County Sheriff's Office

**Project Start Date:** 10/1/2005

**End Date:** 9/30/2006

### Problem Identification

It is essential that Lee County continue its Combined Law Enforcement Against Narcotics Multi-Jurisdictional Task Force to combat increasing drug trafficking and related narcotics violations.

This operation, comprising the Lee County Sheriff's Office, Fort Myers Police Department, Cape Coral Police Department and the State Attorney's Office, allows local law enforcement to fight increased drug trafficking and related narcotics violations on a countywide basis. This joint approach eliminates jurisdictional boundaries and increases cooperation and intelligence gathering between agencies. Working together, the Task Force has identified and investigated a number of budding urban gangs. Continuation of this task force sends a message that criminal behavior will not be tolerated in this county.

C.L.E.A.N. Task Force members have made a difference in the county. Since Jan. 1, 2002, Task Force members have been responsible for the arrest of 211 suspects. Concurrent with these arrests, the following drugs were taken off Lee County streets: 712 grams of heroin, 10,339 grams of powder cocaine and 899 grams of crack cocaine.

This operation fills a gap between local and federal law enforcement efforts. Local narcotics and vice units combat street-level drug crimes, while federal officers target major importers and smugglers. Rapid population growth within Lee County has encouraged mid-level drug dealers to expand into large-scale operations. These are criminals who are beyond the ability of local investigators and not significant enough to warrant federal investigation. The C.L.E.A.N. Task Force will target these drug dealers to prevent them from further expanding their operations.

The Task Force also benefits both local and federal efforts in identifying violators suited to their investigative abilities. This project's ultimate goal is to drive drug violators from the county. While we may never completely eradicate drug violators, we can stifle their efforts with constant pressure, preventing the resurgence of old groups and emergence of new groups.

# **Application for Funding Assistance**

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 2: Project Overview (cont.)

### Project Summary

Fifteen years ago, the Lee County sheriff and chiefs of police from Cape Coral and Fort Myers recognized the need for a multi-jurisdictional task force to combat increasing drug trafficking and related narcotics violations and specifically target mid-level violators. The agencies forged a resolution of intent on May 24, 1990, and created the Combined Law Enforcement Against Narcotics Task Force - C.L.E.A.N. - to serve all of Lee County.

C.L.E.A.N. is under the direction of the Lee County Sheriffs Office and led by an executive board of directors. The Task Force is staffed by a unit director, a crime analyst and four agents from participating agencies. The "combined" feature of the task force allows it to call upon human resources of any member agency for additional support. Edward Byrne Memorial Justice Assistance Grant Program funding will be used to pay for a portion of Task Force members' wages.

C.L.E.A.N. leases a building separate from the Lee County Sheriff's Office and any other participating agency. The site provides workstations for task force members as well as a bridging room to plan raids. The Task Force deploys specialized investigative and covert surveillance equipment. The Task Force is committed to increased efficiency and effectiveness through acquisition of specialized equipment.

As sworn deputies of Sheriff Mike Scott, C.L.E.A.N. Task Force agents have jurisdiction throughout Lee County. Their scope of operations will include all Lee County locations where drug activity has been detected and has the potential to negatively impact the citizens of the county. Drug violators identified as expanding mid-level sources of supply and/or demand are of primary concern to the Task Force.

The Task Force is concerned with identifying, investigating and arresting criminals who make their living from the drug trade. Methods of investigation include undercover infiltration, historical documentation, reverse sting, buy-bust operations, cell phone call intercepts 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 drug dealings. On average, C.L.E.A.N. opens a new investigation every few days and concludes one or two investigations a week. Since Jan. 1, 2002, Task Force members have arrested 211 suspects and seized 712 grams of heroin, 10,339 grams of powder cocaine and 899 grams of crack cocaine.

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 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.



# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Project Summary (Continued)

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. It also has the support of local organizations such as the Lee County Coalition for a Drug-Free Southwest Florida.

The agent from the State Attorney's Office will provide the same tasks as certified personnel from participating law enforcement agencies and assist with any questions the prosecution staff may have on individuals apprehended by the C.L.E.A.N Task Force. The C.L.E.A.N. Task Force Agreement between the Lee County Sheriffs Office, Cape Coral Police Department, Fort Myers Police Department and the State Attorney's Office will remain in effect until Sept. 30, 2006, at which time it will be extended.

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 3: Performance

### General Performance Info:

Performance Reporting Frequency for this Subgrant: Quarterly

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 3: Performance

**Federal Purpose Area:** 001 - Law Enforcement Programs

**State Purpose Area:** 002 - Multi-jurisdictional Task Force

### Activity Description:

**Activity:** Law Enforcement

**Target Group:** Drug Offenders

**Geographic Area:** County-Wide

**Location Type:** County-Wide

### Address(es):

C.L.E.A.N. Task Force  
12811 Kenwood Lane  
Suite 207  
Fort Myers , FL 33907

### Objective:

**002.01 - Arrest a specified number of offenders for the commission of drug offenses.**

Measure: Part 1

How many offenders will be arrested for drug offenses?

Goal: 60

### Objective:

**002.02 - Seize a specified number of grams of powdered or crack cocaine.**

Measure: Part 1

How many grams of powder or crack cocaine will be seized?

Goal: 4000

### Objective:

**002.03 - Seize a specified number of pounds of marijuana, excluding marijuana plants seized through eradication operations.**

Measure: Part 1

How many pounds of marijuana, excluding marijuana plants seized through eradication operations, will be seized?

Goal: 100

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 3: Performance

### Objective:

**002.04 - Seize a specified number of grams of dangerous drugs, LSD, PCP, barbiturates, amphetamines, etc.**

Measure: Part 1

How many grams of dangerous drugs will be seized?

Goal: 300

### Objective:

**002.05 - Arrest a specified number of offenders for cultivation and/or manufacturing of marijuana during the grant period.**

Measure: Part 1

How many offenders will be arrested for cultivation and/or manufacturing of marijuana?

Goal: 2

### Objective:

**002.06 - Destroy a specified number of marijuana plants.**

Measure: Part 1

How many marijuana plants will be destroyed?

Goal: 100

### Objective:

**002.07 - Conduct a specified number of drug related investigations.**

Measure: Part 1

How many drug related investigations will be conducted?

Goal: 50

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 3: Performance

### Section Questions:

If "other" was selected for the geographic area, please describe.

Ans:

If "other" was selected for location type, please describe.

Ans:

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 4: Financial

### General Financial Info:

**Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.**

**Financial Reporting Frequency for this Subgrant:** Monthly

**Is the subgrantee a state agency?:** No

**SAMAS / Vendor Number:** 59-6000703

### Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$262,929.00	\$0.00	\$262,929.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$0.00	\$0.00	\$0.00
Operating Capital	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$262,929.00</b>	<b>\$0.00</b>	<b>\$262,929.00</b>
<b>Percentage</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>

### Project Generated Income:

**Will the project earn project generated income (PGI) ? :** Yes

# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 4: Financial (cont.)

### Budget Narrative:

Edward Byrne Memorial Justice Assistance Grant funding will pay for 61.45 percent of \$427,902 in wages and benefits budgeted for C.L.E.A.N. Task Force members. Participating agency members will pay remaining 38.55 percent of wages and benefits. Request is for continuation of Byrne Grant-funded task force.

### Annual Salaries and Benefits:

Agency	Position	Salary	Benefits	Total
Lee Co. S.O.	Unit Director	\$69,225	\$30,705	\$99,930
	Agent	\$50,000	\$25,549	\$75,549
	Crime Analyst	\$32,950	\$5,255	\$38,205
State Attorney	Agent	\$53,163	\$22,654	\$75,817
Cape Coral PD	Agent	\$45,822	\$17,604	\$63,426
Ft. Myers PD	Agent	\$51,105	\$17,529	\$68,634
	Investigator Overtime	\$5,000	\$1,341	\$6,341
Total Salaries - benefits:		\$307,265	\$120,637	\$427,902

Benefits	POSITION	FICA	RETIREMENT	HEALTH
			LIFE/	
	DENTAL			
LCSSO	Unit Director	\$5,296	\$13,270	\$12,139
	Agent	\$3,887	\$9,585	\$12,077
	Crime Analyst	\$2,521	\$2,646	\$88
State Attorney	Agent	\$4,067	\$10,191	\$8,396
Cape Coral	Agent	\$3,505	\$9,943	\$4,156
Fort Myers	Agent	\$3,909	\$8,535	\$5,085
	Investigator OT Agent	\$383	\$958	N/A

FICA: fixed at 7.65% for all agencies

Retirement: 19.17% for the Lee County Sheriff's Office Unit Director and Agent, and 8.03% for the Crime Analyst. The State Attorney's Office is at 19.17%, Fort Myers Police Department is at 16.7% and Cape Coral Police Department is at 21.7%

Health and Dental: Fixed rates through each agency individual benefit plan; Cape Coral Police Department employees pay for dental.

Life Insurance: 0.23% for Lee County Sheriff's Office employees, \$8.80 per month for State Attorney's Office employees and \$13.72 a month for Fort Myers Police Department employees. Life insurance for Cape Coral Police Department employees is included in a city-wide policy and not calculated for individual employees.

### JOB REQUIREMENTS

Application Ref # 2006-JAGC-59  
Contract 2006-JAGC-LEE-1-M8-

Section #4 Page 2 of 4

# **Application for Funding Assistance**

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## **Budget Narrative (Continued):**

**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.



# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

## Section 4: Financial (cont.)

### Section Questions:

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 previous Byrne program?

Ans: Yes

Indicate the Operating Capital Outlay threshold established by the subgrantee.

Ans: 1000

If indirect cost is included in the budget, indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

Ans: There are no indirect costs included in this budget.

If the budget includes services based on unit costs, provide a definition and cost for each service as part of the budget narrative for contractual services. Include the basis for the unit costs and how recently the basis was established or updated.

Ans: There are no costs related to contractual services included in this budget.

**Standard Conditions**

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 and Edward Byrne Memorial Justice Assistance Grant (JAG) Program Guidance as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Further, the Subgrant Recipient agrees to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-110, A-102, A-122, A-133, A-87, as applicable; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule and Part 67, Drug-free Workplace.**
2. **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 for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.
3. **Reports**
  - a. **Project Performance Reports**
    - (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, 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, Performance of Agreement Provisions.
    - (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

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**Other Reports:**

The recipient shall report to the Uniform Crime Report and other reports as may be reasonably required by the Department.

**b. Financial Reports**

- (1) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Monthly Project Expenditure Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Project Expenditure 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 Project Expenditure Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to the Department within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
- (2) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCGJ). A subgrant recipient shall submit either monthly or quarterly project expenditures 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" project expenditure request 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 the Department 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 the Department.

**4. 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 the Department.
- b. All expenditures and cost accounting of funds shall conform to OJP Financial Guide (as amended), 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, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

**5. Payment Contingent on Appropriation and Available Funds**

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal funds.

**6. 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.

**7. 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. This request shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.

**8. Travel and Training**

- a. All travel expenses relating to field trips with youth requires written approval of the Department prior to commencement of actual travel.
- 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. 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 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).

**10. 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.

**11. 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 or A-102, as applicable. This obligation

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continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

**12. 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 (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

**13. 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.

**14. Publication or Printing of Reports**

The subgrant recipient shall submit one copy of all reports and proposed publications resulting from the agreement twenty (20) days prior to public release. Any publications (written, visual, or sound), whether published at the recipient's or government's expense, shall contain the following statement: (NOTE: This excludes press releases, newsletters, and issue analysis.)

"This project was supported by grant funds awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

**15. Audit**

- a. Subgrant recipients that expend \$500,000 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.
- 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.

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- 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 \$500,000 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, which can be in the form of the "Certification of Audit Exemption" form, 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 Criminal Justice Grants  
2331 Phillips Road  
Tallahassee, Florida 32308

**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 the Department 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 the Department, 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 either its sovereign

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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. Written Approval of Changes in this Approved Agreement**

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

- a. Changes in project activities, target populations, service providers, 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.

**20. 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.

**21. 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.

**22. 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 (as amended), 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.

**23. 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.

**24. Signature Authority**

The Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative, who sign the Signature Page, have the authority to request changes to the approved agreement. The prior mentioned individuals have authority to sign or make amendments to the Sole Source and the ADP Justification forms. The Project Director has authority to submit requests for approval of specific travel, and Performance Reports, with the exception of the Financial and Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

**25. Delegation of Signature Authority**

When the authorized official of a subgrant recipient or the implementing agency designates some other person signature authority for him/her, the chief officer or elected official must submit to the Department a letter or resolution indicating the 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. The letter must also specify the authority being delegated.

**26. 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 Department must be notified in writing with documentation to include appropriate signatures.

**27. 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



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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 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.

**28. Drug Court Projects**

- a. A Drug Court Project funded by the JAG 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.

**29. 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.

**30. 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.

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- 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.

**31. 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.

**32. 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 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 subgrant recipient or implementing agency 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. The submission shall be in both paper copy and electronic format. 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.
- d. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

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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 if 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;
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 ant 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.

**33. 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).

**34. 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.

**35. 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 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.

**36. 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.

**37. 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.

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- 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.
  - (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.

**38. State Restrictions on Lobbying**

In addition to the provisions contained in Item 38, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

**39. "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 as offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

**40. 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

**41. Limited English Proficiency**

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance to assist agencies to comply with Title VI requirements. The guidance document can be accessed on the Internet at [www.lep.gov](http://www.lep.gov), or by contacting OJP's Office for Civil Rights at (202) 307-0690, or by writing to the following address:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street NW, Eighth Floor  
Washington, DC 20531

**42. The Coastal Barrier Resources Act**

The subgrantee will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

**43. Enhancement of Security**

If funds are used for enhancing security, the subgrant recipient agrees to:

- (a) have an adequate process to assess the impact of any enhancement of a school security measure that is undertaken on the incidence of crime in the geographic area where the enhancement is undertaken;
- (b) conduct such an assessment with respect to each such enhancement; and, submit to the Department the aforementioned assessment in its Final Program Report.

**44. Environmental Protection Agency's (EPA) list of Violating Facilities**

The subgrantee assures that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Program Purpose are not listed on the EPA's list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

**45. Flood Disaster Protection Act**

The subgrantee will comply with Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, requiring that the purchase of flood insurance in communities where such insurance is available as a condition of the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified as an area having special flood hazards.

**46. National Historic Preservation Act**

The subgrantee will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of the existence of any such

properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

**47. Omnibus Crime Control and Safe Streets Act**

The subgrantee will comply and assure the compliance of all contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act; as appropriate; the provisions of the current edition of the Office of Justice Program Financial and Administrative Guide for Grants, M7100.1; and all other applicable State and Federal laws, orders, circulars, or regulations.

**48. Public Safety Officers' Health Benefits Provision**

The recipient has certified it is in compliance with the Public Safety Officers' Health Benefits Provision of the Fiscal Year 2002, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (Pub. L. No. 107-77) and agrees to remain in compliance during the life of the grant. This provision requires that the unit of local government which employs a public safety officer (as defined by Section 1204 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended) to afford such public safety officer who retires or is separated from service due to injury suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as the officer received while employed by the jurisdiction. If the recipient demonstrates noncompliance during the life of the grant, 10 percent of the award amount must be returned to the grantor.

**CERTIFICATION OF COMPLIANCE WITH  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

**Florida Department of Law Enforcement  
Edward Byrne Memorial Justice Assistance 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

Has included a copy of the current approval letter from the US DOJ

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: Douglas St. Cerny

Title: Chairman, Lee County Board of Commissioners

Subgrant Recipient: Lee County Board of Commissioners

Date: 6/15/05





# Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

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.

Signature: Clayton H. Wilder  
Typed Name and Title: Clayton H. Wilder, Community Program Administrator  
Date: 9-2-05

Typed Name of Subgrant Recipient: Lee County Board of Commissioners  
Signature: [Signature]  
Typed Name and Title: Douglas St. Cerny, Chairman  
Date: 6/15/05

Typed Name of Implementing Agency: Lee County Sheriff's Office  
Signature: [Signature]  
Typed Name and Title: Mike Scott, Sheriff  
Date: 6/21/05