

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Authorize Chairwoman to execute Edward Byrne Memorial Justice Assistance Grant application for a proposed Pharmaceutical Investigations Law Enforcement Strategy (PILS) Unit and sign letter of support for the project. This will allow the Lee County Sheriff's Office to serve as implementing agency.

2. WHAT ACTION ACCOMPLISHES: Authorization allows Lee County to apply for the Edward Byrne Memorial Justice Assistance Grant and distribute \$164,331 in funds for the PILS Unit.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

C15B

5. Meeting Date: 6/13/2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department _____
 Division _____
 By: Sheriff *[Signature]*

9. Background: Each year, Edward Byrne Memorial Justice Assistance Grant 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. Byrne funding has supported the Combined Law Enforcement Against Narcotics (CLEAN) Task Force in the past, but participating agencies have elected to disband the group on Oct. 1, 2006. The proposed PILS unit will continue to provide countywide drug interdiction efforts with an emphasis on pharmaceutical diversions.

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, is expected to recommend at its June 13, 2006, meeting that the total allocation of \$164,331 go toward the PILS unit.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i> 5/31/06	<i>[Signature]</i> 5/31/06	<i>[Signature]</i> 6/1/06	<i>[Signature]</i> 5/31/06	<i>[Signature]</i> 6/1/06	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

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 CO. ATTY. 5-31-06
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 COUNTY ADMIN: *[Signature]*
 5/31/06 4:15
 " 4:30 P.M. (rec)
 COUNTY ADMIN
 FORWARDED TO:
 6/1/06
[Signature]

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1 - Administration

Subgrant Recipient

Organization Name: Lee County Board of Commissioners

County: Lee

FEID OR SAMAS: 59-6000703

Chief Official

Name: Tammara Hall

Title: Chairwoman

Address: Post Office Box 398

City: Fort Myers

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

Phone: 239-335-2226 **Ext:**

Fax: 239-477-2054

Suncom:

Email: rgood@leegov.com

Chief Financial Officer

Name: Charlie Green

Title: CFO

Address: Post Office Box 398

City: Fort Myers

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

Phone: 239-335-2646 **Ext:**

Fax: 239-335-2440

Suncom:

Email: rgood@leegov.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Implementing Agency

Organization Name: Lee County Sheriff's Office

County: Lee

FEID OR SAMAS: 59-6000703

Chief Official

Name: Mike Scott

Title: Sheriff

Address: 14750 Six Mile Cypress Parkway

City: Fort Myers

State: FL **Zip:** 33912

Phone: 239-477-1000 **Ext:**

Fax: 239-477-1040

Suncom:

Email: MScott@sheriffleefl.org

Project Director

Name: Dominick Ferrante

Title: Captain

Address: 14750 Six Mile Cypress Parkway

City: Fort Myers

State: FL **Zip:** 33912

Phone: 239-477-1089 **Ext:**

Fax:

Suncom:

Email: snelson@sheriffleefl.org

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project Overview

General Project Information

Project Title: PHARMACEUTICAL INVESTIGATIONS LAW ENFORCEMENT STRATEGY
Project Sequence No: 1
Subgrant Recipient: Lee County Board of Commissioners
Implementing Agency: Lee County Sheriff's Office
Project Start Date: 10/1/2006 **End Date:** 9/30/2007

Problem Identification

Lee County faces an alarming problem of pharmaceutical diversions and abuse that requires immediate action. It is a silent killer that often remains hidden from the general public. Coordinated interdiction is necessary to expose this growing epidemic, prevent additional deaths and arrest those responsible for illegally dealing in prescription drugs. The District 21 Medical Examiner identified 85 prescription drug-related deaths in its jurisdiction of Lee, Glades and Hendry counties in 2004. That number jumped to 102 in 2005.

For a basis of comparison, District 21 registered only 27 murders in 2004 and 15 murders for the first six months of 2005, according to statistics from the Florida Department of Law Enforcement. If there were as many murders in Southwest Florida as there were prescription-related deaths, the public would be in an uproar. This problem demands immediate action.

Pharmaceutical drug diversions are not limited to Lee County. It is a growing problem statewide and nationally. In fact, more people die from drug-related deaths associated with prescription drugs than illicit drugs, according to the Florida Attorney General's Office. Surveys of drug abuse estimate that more than 4 million Americans use pharmaceutical drugs for non-medical purposes, compared to 2.4 million Americans who abuse cocaine and heroin combined.

Illegal use of pharmaceutical drugs exacts a heavy cost on communities, including lost productivity through deaths, human misery and increased medical costs. It also fosters increased crime to support drug addictions. Had this program been in place a year prior, perhaps it could have prevented the February 2005 overdose deaths of 19-year-olds Steven Tyler Wambolt and Christopher James Hundley, both of Cape Coral. A third teen, Alexander Kulwicki, 19, also overdosed on cold medication the three obtained over the Internet, but luckily Kulwicki survived. Federal prosecutors eventually charged two Indianapolis men with selling misbranded drugs over the Internet that were linked to the deaths of five teen-agers. Even after Wambolt and Hundley died, the two Indianapolis men continued to sell DXM imported from India. Court records show that the Food and Drug Administration shut the operation down in May 2005 after additional overdose deaths in Danville, Va., and Bellingham, Wash.

The Lee County Sheriff's Office Narcotics Unit and Lee County's Combined Law Enforcement Against Narcotics Multi-jurisdictional Task Force (CLEAN) incorporate pharmaceutical drug diversion enforcement into their overall operations. However, detectives in these units have been unable to aggressively pursue cases involving drug overdoses. This has prevented them from tracking those who supplied or administered drugs in overdose cases. The following statistics make that fact apparent:

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Section 2. Project Overview

Lee County Sheriff's Office Narcotics Unit/CLEAN prescription cases

2003 / 2004 / 2005

36 total cases / 33 total cases / 34 total cases

26 prescription fraud cases / 27 prescription fraud cases / 27 prescription fraud cases

18 arrests / 17 arrests / 14 arrests

2,529 pills seized / 198 pills seized / 882 pills seized

The Lee County Sheriff's Office is committed to increasing enforcement of pharmaceutical diversions. The proposed Pharmaceutical Investigations Law Enforcement Strategy (PILS) unit is the answer.

Project Summary

Based on the rising rate of overdose deaths in Lee County and evidence that unscrupulous licensed physicians, registered nurses, nursing staff and a variety of health care service employees are stealing pharmaceuticals and assisting in the distribution of those prescription drugs to street level dealers for profit, the Lee County Sheriff's Office proposes to create a two-person unit to aggressively pursue pharmaceutical diversions. The proposed Pharmaceutical Investigations Law Enforcement Strategy (PILS) unit will build upon the success of the CLEAN Task Force. Members of the CLEAN Task Force have elected to disband in October 2006, but the Sheriff's Office will continue countywide drug interdiction efforts; the need for such a unit is too great to discontinue targeted enforcement. The Lee County Sheriff's Office proposes to retool CLEAN enforcement efforts and aggressively attack pharmaceutical diversions throughout the entire county.

Detectives in the PILS unit will gather intelligence, investigate and dismantle persons or organized groups selling or trafficking large quantities of pharmaceuticals in Lee County. In addition, investigative strategies will be directed at criminal activity documented in nursing/and or assisted care facilities, walk-in style medical clinics and pain management facilities. This focus will support efforts not only into theft and distribution of diverted pharmaceuticals, but also intelligence gathered on the inappropriate or criminal violations associated with medications being prescribed. Further investigative focuses will target online and/or unlicensed Internet pharmaceutical providers operating in/or supplying persons in Lee County with bulk quantities of pharmaceuticals.

PILS investigations will begin at preliminary stages to include burglaries of wholesale locations, medical offices and drug stores, and will also include follow ups with internal investigations of thefts occurring at hospitals. Investigative focus will include complete investigations of prescription fraud, identification of offenders, and the arrest and debriefing of prescription fraud suspects. Investigative strategies will include participation and joint investigations involving accidental and or suicide deaths directly related to pharmaceutical abuse in which the units have been illegally obtained or possessed.

PILS Detectives will work in conjunction with the Lee County Sheriff's Office Narcotics Unit and Criminal Investigations Bureau, sharing intelligence to build stronger cases for prosecution. This will include regular interaction with Homicide and Narcotics detectives. The Lee County Sheriff's Office experienced great success working in conjunction with the CLEAN Task Force, and this agency expects the same level of success with the specialized PILS unit.

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Florida Department of Law Enforcement

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The Sheriff's Office and CLEAN task force members made 217 arrests and seized more than 13,300 grams of cocaine. Members also confiscated 1,338 marijuana plants and 367 pounds of marijuana in 2005. Building upon this collaborative partnership between units and analytical support, the Lee County Sheriff's Office expects to make an immediate and dramatic impact on pharmaceutical diversions.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 001 - Law Enforcement Programs

State Purpose Area: 03B - Pharmaceutical Diversion

Activity Description

Activity: Law Enforcement

Target Group: Drug Offenders

Geographic: County-Wide

Location Type: Sheriff Office

Address(es) :

Lee County Sheriff's Office
14750 Six Mile Cypress Pkwy
Fort Myers , FL 33912

Objectives and Measures

Objective 03B.01 - Conduct a specified number of pharmaceutical diversion investigations.

Measure: Part 1

How many pharmaceutical diversion investigations will be conducted?

Goal: 25

Objective 03B.02 - Arrest a specified number of offenders on pharmaceutical diversion-related charges.

Measure: Part 1

How many offenders will be arrested on pharmaceutical diversion-related charges?

Goal: 15

Objective 03B.03 - Seize a specified number of doses of prescription drugs through pharmaceutical diversion investigations.

Measure: Part 1

How many doses of prescription drugs will be seized through pharmaceutical diversion investigations?

Goal: 900

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Section 3 Performance

Objective 03B.04 - Seize a specified number of forged, fraudulent, or altered prescriptions through pharmaceutical diversion investigations.

Measure: Part 1

How many forged, fraudulent or altered prescriptions will be seized through pharmaceutical diversion investigations?

Goal: 25

Objective 03B.05 - Make a specified number of pharmacy contacts through pharmaceutical diversion investigations.

Measure: Part 1

How many pharmacy contacts will be made through pharmaceutical diversion investigations?

Goal: 10

Objective 03B.06 - Make a specified number of physician contacts through pharmaceutical diversion investigations.

Measure: Part 1

How many physician contacts will be made through pharmaceutical diversion investigations?

Goal: 5

Application for Funding Assistance

Florida Department of Law Enforcement
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Section 3: Performance

Section Questions:

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

Answer:

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

Answer:

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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: Quarterly

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 59-6000703

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$155,088.00	\$0.00	\$155,088.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$9,243.00	\$0.00	\$9,243.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$164,331.00	\$0.00	\$164,331.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI) Yes

PGI Reporting Frequency : Quarterly

Application for Funding Assistance

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Section 4- Financial (cont.)

Budget Narrative:

Salaries and benefits:

Edward Byrne Memorial Justice Assistant Grant funding will pay for 100 percent of \$155,088 in wages and benefits budget for PILS unit detectives.

Annual salaries and benefits:

Agency / Position / Salary / Benefits / Total
LCSO / Detective / \$50,000 / \$27,544 / \$77,544
LCSO / Detective / \$50,000 / \$27,544 / \$77,544

Benefits/

Position / FICA / Retirement / Health-Life-Dental
Detective / \$3,825 / \$9,880 / \$13,839
Detective / \$3,825 / \$9,880 / \$13,839

FICA: Fixed at 7.65 percent of wages
Retirement: Estimated to be 19.76 percent of salary
Health and dental: Fixed rate through individual benefit plan
Life insurance: 0.23 percent of wages

Expenses:

Edward Byrne Memorial Justice Assistant Grant funding will pay for \$9,243 in expenses for PILS unit detectives. Training and travel will be used to enhance skills necessary to combat pharmaceutical diversions, while office expenses and equipment will be used to supply the two-member PILS Unit with resources required to fulfill their job responsibilities.

Training: \$2,500

Travel: \$2,000

Office expenses: \$1,800 (\$150 a month all inclusive)

2 desks: \$749.74 (Each desk is \$374.87)

2 bridges: \$243.28 (Each bridge is \$121.64)

2 credenza: \$613.78 (Each credenza is \$306.89)

2 stack on shelves: \$366.78 (Each stack-on shelf is \$183.39)

2 flipper doors: \$209.86 (Each flipper door is \$104.93)

2 task lights: \$154.14 (Each task light is \$77.07)

2 keyboard drawers: \$183.86 (Each keyboard drawer is \$91.93)

2 tackboards: \$184.78 (Each tackboard is \$92.39)

2 chairs: \$236.78 (Each chair is \$118.39)

No local government cash match is required.

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Florida Department of Law Enforcement
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Section 4: Financial

Section Questions:

Question: Indicate the Operating Capital Outlay threshold established by the subgrantee.

Answer: 1000

Question: 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?

Answer: Yes

Question: 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.

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

Question: 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.

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

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Section 5: Standard Conditions

Insert Standard Conditions Page here.

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 17 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 – JAG Countywide Only

- (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 17, 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.

b. Financial Reports

(1) Project Expenditure Reports

- (a) The **JAG Countywide** 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 Project Expenditure Reports shall be submitted.
- (b) The **JAG Direct** subgrant recipient shall submit one Project Expenditure Report for the entire subgrant period.
- (c) 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).
- (d) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
- (e) Before the "final" Project Expenditure Report 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.
- (f) Reports are to be submitted even when no reimbursement is being requested.

(2) The Closeout Documentation shall be submitted to the Department within forty-five (45) days of the subgrant termination period.

(3) If applicable, 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 10, Program Income.)

c. Other Reports

The recipient shall report to the Uniform Crime Report and 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

- a. JAG Countywide - 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.
- b. JAG Direct – The Department shall award program funds to the recipient in a single, lump sum payment.

8. Trust Funds

- a. The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.
- b. The account may earn interest, but any earned interest must be used for program purposes and expended before the subgrant end date.

9. 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.
- c. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- d. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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 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 or A-102, as applicable. 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 (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.

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. 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."

16. 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.
- 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

17. 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.

18. 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.

19. 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 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.

20. 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.

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.

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 (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.

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

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, ADP Justification and the Privacy Certification 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.

26. 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.

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 Department 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 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 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.

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.

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 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.

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 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.
- (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 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. 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.

41. "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.

42. 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;
- (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.

43. 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, 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

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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; and all other applicable State and Federal laws, orders, circulars, or regulations.

50. 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.

51. 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.

52. 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.

53. 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.

54. Privacy Certification

The Subgrant recipient agrees to comply with the confidentiality requirements that are applicable to collection, use, and revelation of data or information and that are in accordance with requirements of Confidentiality of Identifiable Research and Statistical Information (28 C.F.R. Part 22 and, in particular, section 22.23, Privacy Certification).

If an award is made for a project which has a research or statistical component under which information identifiable to a private person will be collected, the subgrant recipient agrees to:

1. Project plans will be designed to preserve anonymity of private persons to whom information relates, including, where appropriate, name-stripping, coding of data, or other similar procedures.
2. Project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person.
3. A log will be maintained indicating that identifiable data have been transmitted to persons other than BJA, OJJDP, BJS, NIJ, or OJP or grantee/contractor staff or subcontractors, that such data have been returned, or that alternative arrangements have been agreed upon for future maintenance of such data.
4. A description of the project containing assurance by the applicant that:
 - (1) Data identifiable to a private person will not be used or revealed.
 - (2) Access to data will be limited to those employees having a need and that such persons shall be advised of and agree in writing to comply with these regulations.
 - (3) All subcontracts which require access to identifiable data will contain conditions meeting the requirements.
5. Any private persons from whom identifiable data are collected or obtained, either orally or by means of written questionnaire, shall be advised that the data will only be used or revealed for research or statistical purposes and that compliance with requests for information is not mandatory. Where the notification requirement is to be waived, a justification must be included in the Privacy Certificate.
6. Describe the precautions that will be taken to insure administrative and physical security of identifiable data.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 6: Signatures

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 duty authorized officers on the date, month and year set out below.

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

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

Signature: _____

Typed Name and Clayton H. Wilder, Program Administrator _____

Date _____

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

Typed Name of Subgrant Lee County Board of Commissioners _____

Signature: _____

Typed Name and Tammara Hall, Chairwoman _____

Date _____

Implementing Agency Official, Administrator or Designated Representative

Typed Name of Implementing Lee County Sheriff's Office _____

Signature:  _____

Typed Name and Mike Scott, Sheriff _____

Date 5-31-06 _____

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 7. Certifications and Authorizations

Insert Certifications and Authorizations here.

**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: Tammara Hall

Title: Chairwoman, Lee County Board of Commissioners

Subgrant Recipient: Lee County Board of Commissioners

Date: _____

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

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

IMPLEMENTING AGENCY 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 this Implementing Agency . . . (Select one of the following):

Meets Act Criteria Does not meet Act Criteria

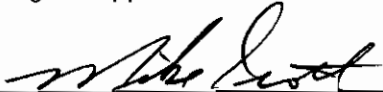
I affirm that I have read the Act criteria set forth in the Subgrant Application Instructions. I understand that if the Implementing Agency meets these criteria, it must formulate, implement and maintain a written EEO Plan relating to employment practices affecting minority persons and women. I also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

Has a Current EEO Plan Does Not Have a Current EEO Plan

Is Included in the EEO Plan of the Subgrant Recipient.

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

I further affirm that if the Implementing Agency *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 Implementing Agency Authorized Official

Type Name: Mike Scott

Name of Subgrant Recipient: Lee County Board of Commissioners

Name of Implementing Agency: Lee County Sheriff's Office

Title: Sheriff, Lee County

Date: 5-31-06



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

(239) 335- 2226

Writer s Direct Dial Number _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

June 1, 2006

Mr. Clayton H. Wilder
Administrator
Office of Criminal Justice Grants
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida *Rule 11D-9, F.A.C.*, the Lee County Board of Commissioners approves the distribution of \$164,331 of Fiscal Year 2006 Edward Byrne Memorial JAG 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	Pharmaceutical Investigations Law Enforcement Strategy	\$164,331

Sincerely,

Tammara Hall
Chairwoman



May 17, 2006

*City of
Bonita Springs*

9101 BONITA BEACH ROAD
BONITA SPRINGS, FL 34135
TEL: (239) 949-6262
FAX: (239) 949-6239
www.cityofbonitasprings.org

Jay Arend
Mayor

Richard Ferreira
Councilman
District One

Alex Grantt
Councilman
District Two

Patrick McCourt
Councilman
District Three

John Joyce
Councilman
District Four

Martha Simons
Councilwoman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

Gary A. Price
City Manager
Tel. (239) 949-6238

Audrey E. Vance
City Attorney
Tel. (239) 949-6254

City Clerk/Treasurer
Tel: (239) 949-6250

Public Works
Tel: (239) 949-6246

Code Enforcement
Tel: (239) 949-6257

Parks & Recreation
Tel: (239) 992-2556

Mr. Clayton H. Wilder
Administrator
Office of Criminal Justice Grants
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida Rule 11D-9, F.A.C., the City of Bonita Springs approves the distribution of \$164,331 of Fiscal Year 2006 Edward Byrne Memorial Justice Assistance 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	Pharmaceutical Investigations Law Enforcement Strategy	\$164,331

Respectfully,

Mayor Jay Arend

JA/kd



City of Fort Myers
Jim Humphrey
Mayor

May 10, 2006


Mr. Clayton H. Wilder
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, FL 32308

Dear Mr. Wilder:

In compliance with the State of Florida *Rule 11D-9*, F.A.C., the City of Fort Myers approves the distribution of \$164,331 of Fiscal Year 2006 Edward Byrne Memorial JAG 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 County Commissioners	Pharmaceutical Investigations Law Enforcement Strategy	\$164,331

Sincerely,


Jim Humphrey
Mayor



City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
PARKS & RECREATION	472-9075
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

May 16, 2006

Mr. Clayton H. Wilder
Administrator
Office of Criminal Justice Grants
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida Rule 11D-9, F. A. C., the City of Sanibel approves the distribution of \$164,331 of Fiscal Year 2006 Edward Byrne Memorial JAG 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	Pharmaceutical Investigations Law Enforcement Strategy	\$164,331

Sincerely,

Carla Brooks Johnston
Mayor

CBJ/ps

Town of Fort Myers Beach



Dennis Boback
Mayor

Don Massucco
Vice-Mayor

Garr Reynolds
Seat 2

Bill Shenko, Jr.
Seat 4

Charles Meador, Jr.
Seat 5

May 16, 2006

Mr. Clayton H. Wilder
Administrator
Office of Criminal Justice Grants
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida *Rule 11D-9*, F.A.C., the Town of Fort Myers Beach approves the distribution of \$164,331 of Fiscal Year 2006 Edward Byrne Memorial JAG 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	Pharmaceutical Investigations Law Enforcement Strategy	\$164,331

Sincerely,

A handwritten signature in black ink that reads "Dennis C. Boback". The signature is written in a cursive style with a large initial "D" and "B".

Dennis Boback
Mayor