

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: 2004/2005 Byrne Grant Application

DEPARTMENT: Community Services **DIVISION:** Community Assistance
Phillip C. Stalvey, Director David Medley, Manager

AUTHORIZED BY: Phillip C. Stalvey **CONTACT:** David Medley **EXT.** 3363

<p>Agenda Date <u>5/25/04</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/></p> <p>Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/></p>

MOTION/RECOMMENDATION:

Approve and authorize Chairman to execute the five (5) attached Byrne Grant applications and associated documents.

BACKGROUND:

On April 27, 2004, the Seminole Board of County Commissioners accepted an invitation to continue participating in the "Drug Control and System Improvement" Grant Program for FY 2004/2005 pending final approval of all grant applications. This grant will provide \$280,805 in Federal Funds for anti-drug abuse projects within Seminole County. Five (5) applications are being submitted for consideration. All of these applications represent continuation of existing projects. No new positions are being requested in these applications.

Attached are the five (5) applications and a summary of each project. Matching funds by the Sheriff's Office and the State Attorney have been included in budget preparations. The Altamonte Springs Police Department provides matching funds for their proposal.

<p>Reviewed by: <u>5/10/04</u> Co Atty: <u>J. Dietrich</u> DFS: _____ Other: _____ DCM: <u>[Signature]</u> CM: <u>[Signature]</u></p> <p>File No. <u>CCS01</u></p>

2004/2005 Byrne Grant Project Summary (\$280,805)

ELDER SERVICES UNIT IV (FINAL YEAR)

\$92,220.00

This fourth year project is facilitated by the State Attorney's Office. The goals of this unit are to address the increase in crimes involving incidents of elder abuse, neglect, lewd & lasciviousness, and exploitation. This unit provides a stronger link between agencies such as local law enforcement, the State Attorney's Office, Adult Protective Services and the Department of Elder Affairs, and also promotes crime prevention by creating a specialized training curriculum for law enforcement and the public on elder issues and services. The State Attorney's Office will provide matching funds.

COMPUTER CRIME INVESTIGATION IV (FINAL YEAR)

\$51,720.00

This fourth year project provides a full-time investigator to recover evidence from computers confiscated as a direct result of internet crimes or other crimes where the computer is used to commit the crimes or store evidence. Cases requiring this level of investigative expertise are on the rise requires certification to be able to recover the necessary evidence. Matching funds are provided through the Sheriff's Office.

COUNTY CAREER CRIMINAL INITIATIVE III

\$59,568.00

The Seminole County Sheriff's Office provides matching funds for this third year project which provides a full-time investigator dedicated to identifying offenders who meet the career criminal criteria. (Career criminals are repeat offenders who qualify for enhanced sentencing penalties and who may be designated by a judge as either a habitual felony offender or a habitual violent felony offender). The investigator will enhance current efforts by pro-actively identifying career criminal offenders, working with the State Attorney's Office and analyzing and/or monitoring activities of those offenders not in custody.

ELECTRONIC MONITORING II

\$58,334.00

The Seminole County Sheriff's Office Electronic Monitoring Project provides electronic monitoring to juveniles, and enhances the number of participants for the adult pilot project. This technology will allow those that qualify to continue working and/or attending school during their probation. By monitoring the electronic "track" data of each individual, law enforcement can immediately determine if exclusionary zones have been violated or if the individual was in the vicinity of criminal activity. Matching funds are provided through the Sheriff's Office.

CAR CAMERAS CONVICT CRIMINALS IN ALTAMONTE SPRINGS II

\$18,963.00

This project provides car cameras for marked patrol vehicles to be utilized in all criminal activity and thus increase the prosecution rate. Altamonte Springs Police have been aggressive in implementing tactics to reduce DUI, all alcohol enhanced crimes, domestic violence, and juvenile crimes. Car cameras will be able to increase the quality of evidence and visually show this type of criminal action as it occurs. Matching funds are provided by Altamonte Springs Police Department.

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4. Project Director		
Name of Project Director: (Implementing Agency Employee)	Randy Pittman	County
Title:	Captain, Diversified Investigative Services	SEMINOLE
Address:	100 Bush Blvd	Area Code / Phone # (407) 665-6605
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rpittman@seminolesheriff.org	Area Code / Fax # (407) 665-6657
5. Contact Person		
Name of Contact Person: (if other than Project Director)	Rob Forlini	County
Title:	Grant Manager	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6536
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rforlini@seminolesheriff.org	Area Code / Fax # 407.665.6585
6. Person Responsible For Financial Reporting (if known)		
Name:	Rob Forlini	County
Title:	Grant Manager	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6536
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rforlini@seminolesheriff.org	Area Code / Fax # 407.665.6585
7. Person Responsible For Programmatic Performance Reporting (if known)		
Name:	Bob Martin	County
Title:	Sgt., Intelligence Center	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6768
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	bmartin@seminolesheriff.org	Area Code / Fax # 407.665.6607
8. Service Provider Contact Person		
Name:		County
Title:		
Address:		Area Code / Phone #
City, County, State, Zip Code:		SUNCOM #
E-mail Address:		Area Code / Fax #

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C. Administrative Data		
1. Project Title:	Seminole County Career Criminal Investigations	
2. Identify the year of the project (I, II, III, etc.)	III	
3. Project period 10/01/04-9/30/05	Start: 10/01/04	End: 9/30/05
D. Fiscal Data		
Remit Warrant to: (This may only be either the individual listed in B2 (Subgrantee CFO) or a designee in their office. If B2 is selected, do not reenter the contact information. This is only needed for designee.)		
B2 <input checked="" type="checkbox"/> OR DESIGNEE _____ Name: Title: Address: City, State, Zip Phone Number:		
2. Is the subgrantee participating in the State of Florida Comptroller's Office <u>electronic transfer program</u> ? (Reimbursement cannot be remitted to any entity other than the subgrantee.) Yes _____ No <input checked="" type="checkbox"/>		
3. Frequency of Fiscal Reporting: Monthly _____ Quarterly <input checked="" type="checkbox"/>		
4. Subgrant Recipient FEID #: <u>59- 6000856</u>		
5. State Agency SAMAS #: _____		
6. Project Generated Income (PGI): Will the project earn PGI? (See Section G, Item 9.) Yes _____ No <input checked="" type="checkbox"/>		
7. Cash Advance: Will you request an advance? Yes _____ Amount _____ No <input checked="" type="checkbox"/> If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement. Amount requested must be justified and accepted by FDLE.		

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E. Project Narrative

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

Problem Identification:

Repeat Offenders are commonplace in our Criminal Justice system. It has been said that 10% of the offenders are responsible for 90% of the crimes in our society.

In an effort to assist law enforcement and enhance prosecution efforts, Florida Legislators developed legislative criteria that pertained specifically to these repeat offenders, providing enhanced penalties and sentencing when the criteria is met.

The individuals that meet this criterion would be deemed "Habitual Offender/Career Criminal" and meet specific guidelines for Habitual Felony Offender and Habitual Violent Offender. If, during the investigative process it is determined that the offender meets this criteria, information should be relayed to the State Attorney's Office to ensure maximum penalty.

FDLE has developed investigative protocol for using a dedicated investigator to work existing cases and also monitor known Career Criminals for proactive case management (*Career Criminal/Fugitive Apprehension Program*). Currently, the investigator being provided by this grant has been able to proactively service numerous cases, which would otherwise be put on "the back burner".

Time is of the essence on these investigations. Once an individual that is arrested accepts a plea, prior to the grant, we were unable to prosecute as a Career Criminal in an efficient and timely manner, even if they meet all the criteria. On-going interaction with the State Attorneys Office is extremely important to ensure that individuals meeting this criterion receive maximum penalties.

The addition of this investigator has and will continue to greatly enhance our ability to proactively monitor and investigate the Habitual Offenders in our community.

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

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

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

Program Description

Career Criminals are repeat offenders who qualify for enhanced sentencing penalties and who may be designated by a judge as either of two classes: Habitual Felony Offenders and Habitual Violent Offenders.

The Investigator on this grant will be responsible for identifying those offenders who qualify as Career Criminals, assisting the State Attorneys Office in their prosecution, and proactively tracking and monitoring these offenders when they're not in custody. We will develop a tracking system that will categorize the offenders and provide information that will be extremely important when they commit their next offense. Access to this critical information by our patrol deputies will provide historical data during investigations and will provide additional insight for cases where probable cause or a warrant exist. If no arrest is made by patrol, information will be forwarded to the Career Criminal Investigator for documentation.

When a subject that is identified through the tracking system is arrested, the Career Criminal Unit investigator will be notified as soon as possible to ensure that comprehensive data is collected. Data analyzed will reflect the subject's instant (current) charges, past adjudications, offender level, and other factors to determine if Career Criminal status is warranted.

If the investigator determines the instant offense combined with past adjudications and other mitigating circumstances qualifies the subject for Habitual Offender status, the investigator will indicate so on the arrest affidavits to notify the intake State Attorney, Public Defender, Judge, and the Clerk of the Court that the Sheriff's Office intends to pursue the subject as a Career Criminal. After final determination is made whether Habitual Offender/Career Criminal sentencing can be pursued successfully; we will forward cases to the Career Criminal Section of the State Attorney's Office.

In year 1 of this project, the career criminal investigator has developed a partnership with the State Attorney Office, Career Criminal Unit and the Seminole County law enforcement agencies for those repeat offenders meeting this criteria, providing enhanced penalties and sentencing. A Memorandum of Understanding has been prepared and was reviewed and signed by the State Attorney for the 18th Judicial Circuit and the Sheriff of Seminole County. This Memorandum of Understanding strengthens the progressive concepts of criminal prosecution involving Career Criminals throughout Seminole County

In year (2) of this project, we are continuing to provide investigative assistance to the State Attorney's Office and Seminole County law enforcement agencies as originally outlined in this project. In addition, this cooperation was expanded further to help organize and establish a structured group within Seminole County law enforcement agencies, to assist in tracking and monitoring serious offenders throughout Seminole County. This infrastructure was established through the Sheriff's Office, Career Criminal Unit, designated as Serious Offender Response Team (S.O.R.T.). FDLE, the local and other states' law enforcement agencies are beginning to

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seek out the services of our career criminal investigator as a local resource who knows the career criminals in the county, as well as someone who can assist parties in a timely manner due to his responsibilities being focused only on the career criminals.

In year (3), the investigator will continue to use his resources and the teams that have been created to monitor and share information among all necessary related parties on career criminal activity in the county so that they will be tracked and monitored to decrease their potential threat to the public. Because of this funding and its position being solely dedicated to this function, it has added much consistency, timely resolution and efficient information sharing on issues related to career criminal activity within the county.

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

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas. (Select only 1 Program Area)

(#) **008** (Title) **Career Criminal Prosecution**

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

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions. Include Objectives from only 1 program area, Objectives from a different program area could be included as Project Specific Objectives).

Identifier	Performance Objectives for Purpose Area 008 Career Criminal Prosecution	
008.01	Conduct a review of a specified number of felony cases to determine if career criminal criteria are met. 200 Part 1 – During this reporting period, how many cases were reviewed to determine if career criminal criteria was met?	
008.02	Prosecute a specified number of offenders as career criminals. Part 1 – During this reporting period, how many offenders were prosecuted as career criminals?	80
Self Generated Objectives:		
1.	Conduct a specific number of meetings with the State Attorney for case review. Part 1 – During this reporting period, how many meetings with the State Attorney were held for case review?	12

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

Subgrant Period (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests	X(05)			X		X				X		
Submit Financial Closeout Package	X(05)											
Submit Quarterly Program Reports	X (05)			X (04)			X (04)			X (04)		
Submit Quarterly PGI Reports (If applicable)												

Programmatic Activities

(Continue on a second page if necessary.)

Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Work with State Attorney's Office	X	X	X	X	X	X	X	X	X	X	X	X
Perform Investigations	X	X	X	X	X	X	X	X	X	X	X	X
Attend/Host meetings for interaction with other local law enforcement	X			X			X			X		

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F. Project Budget

1. Budget Schedule

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

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

Budget Category	Federal	Match	Total
Salaries And Benefits	51,543	17,181	68,724
Contractual Services			
Expenses	8,025	2,675	10,700
Operating Capital Outlay			
Indirect Costs			
Totals	59,568	19,856	79,424

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2. Budget Narrative

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

(Continue on additional pages if necessary.)

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

1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
 - a. Identify your specific sources of matching funds.
Sheriff's Office General Revenue
 - b. Is match available at the start of the grant period? **yes**
 - c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.)
2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?
No: _____ If no, please explain.

Yes: xx _____ If yes, please list number and title of position and type of benefits.
(1) position, Investigator – Career Criminal – Benefits – FICA/Retirement,
Life/Health/Workers comp
3. Indicate the OCO threshold established by the subgrantee. \$ 750
4. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

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5. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information.
- a. What is the basis for the unit costs?
 - b. How recently was the basis established or updated?

1. SALARIES AND BENEFITS **\$68,724.00**

The budget for this program will support the Salary and benefits of a full-time investigative position that will perform career criminal investigations for the Sheriff's Office. Investigations will include working in depth with the State Attorneys Office to ensure maximum sentencing for these repeat offenders.

SALARY (1 Full-time Investigator)	\$49,699
Benefits (rounded)	
FICA (7.65)	3,801
Retirement (25%)	12,424
Life/Health/Workers Comp (partial)	2,800

2. CONTRACTUAL SERVICES **\$.00**

3. EXPENSES **\$ 10,700.00**

These funds will be used to purchase office and program supplies/equipment, operational funds, printing, software, program literature, communication fees, (pager, phone, internet), computer supplies and peripheral equip, membership/dues, training with related travel and/or per diem, and other operational equipment necessary for operations.

OFFICE SUPPLIES/PRINTING	1,500
INVESTIGATIVE EQUIPMENT(LESS THAN \$750)	2,100
PROGRAM OPERATIONS	2,000
SOFTWARE/COMPUTER SUPPLIES	1,800
COMMUNICATION	700
TRAVEL/TRAINING	1,150
FUEL	250
SMALL OFFICE/COMPUTER EQUIP	1,200

4. Capital **\$.00**

NOTE: Matching Funds are provided by the Sheriff's Office through the general operating fund and other local funds.

NOTE: Staff positions represented a net personnel increase to the Sheriff's Office.

NOTE: All purchases will be made in accordance with established purchasing policies of the Seminole County Sheriff's Office.

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G. Conditions of Acceptance and Agreement

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

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) *Financial Guide* and *Byrne Program Guidance Document* 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.**
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* 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 OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional *Quarterly Project Performance Reports* shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 16 of Section G, performance of Agreement Provisions.
 - (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) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
 - (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
 - (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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- (4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

c. Other Reports

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

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 OCJG.
- b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

5. Payment Contingent on Appropriation

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.

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

8. Reimbursement Subject to Available Funds

The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.

9. Travel and Training

- a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.
- b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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

13. Ownership of Data and Creative Material

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

14. Copyright

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

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

15. Audit

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

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, 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 OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

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

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- (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

19. Extension of a Contract for Contractual Services

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

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major 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*, and the U.S. Department of Justice *Common Rule for State and Local Governments*.

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- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The 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, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other 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 OCJG must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal 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

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agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

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

30. Overtime for Law Enforcement Personnel

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

31. Criminal Intelligence System

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

32. Confidential Funds

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

33. Equal Employment Opportunity (EEO)

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.
- b. The subgrant recipient and a the implementing agency agree to certify that they either do or do not meet

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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.

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- 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 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay -to-Stay"

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

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

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

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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.

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42. 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

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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:

Title: _____

Subgrant Recipient: _____

Date: _____

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SUBGRANTEE CERTIFICATION

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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: Daryl McLain

Title: Chairman, Seminole Board of County Commissioners

Subgrant Recipient: Seminole County

Date: _____

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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):

XX 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):

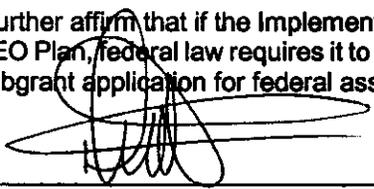
XX Has a Current EEO Plan

 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: Donald F. Eslinger

Name of Subgrant Recipient: Seminole County Board of County Commissioners

Name of Implementing Agency: Seminole County Sheriff's Office

Title: Sheriff

Date: 4/25/04

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H. Signature Page

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

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

Signature: _____

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

Date: _____

Typed Name of Subgrant Recipient: Seminole County

Signature: _____

Typed Name and Title: Daryl McLain, Chairman, Seminole Board of County Commissioners

Date: _____

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

Signature:  _____

Typed Name and Title: Donald F. Eslinger, Sheriff

Date: 1/29/04

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Please read instructions before completing this application.

- The term "Department", unless otherwise stated, refers to the Department of Law Enforcement.
- The term "OCJG" refers to the Office of Criminal Justice Grants.
- The term "subgrant recipient" or "subgrantee" refers to the governing body of a city, county, state agency, or an Indian Tribe that performs criminal justice functions as determined by the U.S. Secretary of the Interior.
- The term "implementing agency" is a subordinate agency of a city, county, state agency, or Indian Tribe, or an agency under the direction of an elected official (for example, Sheriff or Clerk of the Court). It may also be an entity eligible to be a subgrantee (ex. City of Live Oak)
- Instructions are incorporated in this document by reference.

A. Subgrant Data										
1. This section to be completed by Subgrantee Continuation of Previous Subgrant? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, enter CJ Contract # of Previous Subgrant <u>SFY 2004 CJ Contract #</u> 2004- CJ -J3 -06 - 69 - 01 - 238	2. This section to be completed by OCJG <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Project ID #</td> <td style="width: 33%;">Program Area #:</td> <td style="width: 33%;">CFDA #: 16.579</td> </tr> <tr> <td colspan="3" style="text-align: center;"><u>SFY 2005 CJ Contract #</u></td> </tr> <tr> <td colspan="3" style="text-align: center;">2005 - CJ - _ - _ - _ - _ - _ - _ - _ - _ -</td> </tr> </table>	Project ID #	Program Area #:	CFDA #: 16.579	<u>SFY 2005 CJ Contract #</u>			2005 - CJ - _ - _ - _ - _ - _ - _ - _ - _ -		
Project ID #	Program Area #:	CFDA #: 16.579								
<u>SFY 2005 CJ Contract #</u>										
2005 - CJ - _ - _ - _ - _ - _ - _ - _ - _ -										
B. Applicant Information										
1. Subgrant Recipient (Subgrantee)										
Name of Subgrant Recipient (Unit of Government): Seminole County Government Name of Chief Elected Official / State Agency Head: Daryl McLain Title: Chairman, Seminole Board of County Commissioners Address: 1101 East First Street City, County, State, Zip Code: Sanford, FL 32771 E-mail Address:	County Seminole Area Code / Phone # (407)665-7201 SUNCOM # 355-7201 Area Code / Fax # (407)330-7958									
2. Chief Financial Officer of Subgrant Recipient (Subgrantee)										
Name of Chief Financial Officer: Maryanne Morse Title: Clerk to the Seminole Board of County Commissioners Address: P.O. Drawer C City, County, State, Zip Code: Sanford, FL 32772 E-mail Address:	County Seminole Area Code / Phone # (407)665-4335 SUNCOM # 355-4335 Area Code / Fax # (407)330-7193									
3. Implementing Agency										
Name of Implementing Agency: Seminole County Sheriff's Office Name of Chief Executive Official / State Agency Head / Subgrantee representative (if a subordinate agency of the subgrant recipient): Donald F. Eslinger Title: Sheriff Address: 100 Bush Blvd City, County, State, Zip Code: Sanford, FL 32773 E-mail Address:	County Seminole Area Code / Phone # (407) 665-6635 SUNCOM # (407)665-6654 Area Code / Fax # (407)665-6654									

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4. Project Director		
Name of Project Director: (Implementing Agency Employee)	Randy Pittman	County
Title:	Captain	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6605
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rpittman@seminolesheriff.org	Area Code / Fax # 407.665.6585
5. Contact Person		
Name of Contact Person: (if other than Project Director)	Robert Forlini	County
Title:	Grant Manager	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6536
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rforlini@seminolesheriff.org	Area Code / Fax # 407.665.6585
6. Person Responsible For Financial Reporting (if known)		
Name:	Rob Forlini	County
Title:	Grant Manager	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6536
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rforlini@seminolesheriff.org	Area Code / Fax # 407.665.6585
7. Person Responsible For Programmatic Performance Reporting (if known)		
Name:	Dan Purcell	County
Title:	Sgt., Economic & Computer Crimes	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6948
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	dpurcell@seminolesheriff.org	Area Code / Fax # 407.665.6657
8. Service Provider Contact Person		
Name:		County
Title:		
Address:		Area Code / Phone #
City, County, State, Zip Code:		SUNCOM #
E-mail Address:		Area Code / Fax #

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C. Administrative Data		
1. Project Title:	Computer Crime Investigations	
2. Identify the year of the project (I, II, III, etc.)	IV	
3. Project period 10/01/04-9/30/05	Start: 10/01/04	End: 9/30/05
D. Fiscal Data		
Remit Warrant to: (This may only be either the individual listed in B2 (Subgrantee CFO) or a designee in their office. If B2 is selected, do not reenter the contact information. This is only needed for designee.)		
XB2 OR DESIGNEE _____ Name: Title: Address: City, State, Zip Phone Number:		
2. Is the subgrantee participating in the State of Florida Comptroller's Office electronic transfer program ? (Reimbursement cannot be remitted to any entity other than the subgrantee.) Yes _____ No X		
3. Frequency of Fiscal Reporting: Monthly _____ Quarterly __X__		
4. Subgrant Recipient FEID #: 59- 6000856 _____		
5. State Agency SAMAS #: _____		
6. Project Generated Income (PGI): Will the project earn PGI? (See Section G, Item 9.) Yes _____ No __X__		
7. Cash Advance: Will you request an advance? Yes _____ Amount _____ No __X__ If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement. Amount requested must be justified and accepted by FDLE.		

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E. Project Narrative

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

Seminole County is located north of Orlando in Central Florida with a total population of approximately 374,000. Although Seminole County has always been the bedroom community to Orlando, we have become home to many "high tech" businesses that have opened along the I-4 Technology Corridor that spans from Tampa through Seminole County, bringing residents that are very comfortable using home and business computers that are used for on-line work and transactions.

Across the nation this trend is growing and the computer use has become an integral part of daily operations. People rely on computer systems for personal and business transactions that include finances, research information, entertainment, and much more. With an estimated 125 million Internet users currently online, and thousands more joining the Internet each month, the Internet has changed the way we live and do business today.

While the Internet or "world-wide-web" can be a great resource, it has also been compared to a spider's web, catching the innocent along the way. There is a new type of criminal that has identified the Internet as a way to commit crimes against our residents without ever leaving their home. These cyber criminals enter homes and businesses via the computer, stealing our records to commit consumer fraud, Internet auction fraud, credit card fraud, and identity theft. In addition, these criminals are interacting with our children, building trusting relationships so they might meet and exploit an innocent child.

Computer intrusions effect U.S. corporations, large and small businesses, and individual Internet users on a daily basis. In a 1999 survey, the Computer Security Institute estimated the total financial losses by the 163 businesses it surveyed from computer security breaches (intrusions) at \$123.7 million. On an individual level, an intrusion is essentially a burglary to a computer system where ones data, personal information, financial files, and other files are freely viewed by hackers. [Computer Security Institute (CSI), 1999 survey via Louis Freeh, Director of the FBI, President's fiscal year 2000 Budget to Congress].

According to the Internet Fraud Complaint Center (IFCC) Semi-Annual Report, 64% of the complaints reported through them were Auction Fraud. Even worse, Florida ranks SECOND in the U.S. for criminals conducting the fraud within the state. [IFCC, Six-Month Report, May of 2000 to November of 2000] Computer intrusions on business databases happen regularly but may often go unreported to keep up public confidence in their operations. Currently, local operations for community awareness and training on this topic are very minimal and need to be increased to help in reducing these crimes.

Locally we see the number of crimes involving on-line computer use is growing and we do not have the personnel to dedicate an investigator to these very specialized crimes. From the

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2001 to 2003 time frame, statistics in our agency show an explosion of computer related crimes. Over this 3-year time frame, credit card fraud, identity theft, Internet fraud, and computer forensic exam cases have risen 62%, 162%, 433%, and 88% respectively. In addition, we have also experienced an increase in child exploitation/pornography complaints, Internet fraud/economic crimes, network intrusions, and other crimes where the Internet or computer system surfaced during the investigation. With these growing caseloads, the Sheriff's Office has realized the need for computer forensics as a vital asset in criminal investigations. A full-time investigator is needed with an in-depth understanding of computer infrastructure and certified in forensic investigations to ensure that evidence is collected and not inadvertently destroyed while being examined.

Finding these cyber criminals is difficult because there are no fingerprints or broken doors to investigate. Traditional investigative protocol and evidence collection does not work in this environment. Computer crimes require the collection of digital evidence to corroborate the facts and circumstances of the case. A forensic examination of the computer system and related media seized during the investigation is crucial to successful prosecution at any level. The Seminole County Sheriff's Office needs a full-time Computer Crime Investigator that is certified to handle forensic and proactive computer crime cases.

Computer crimes are affecting us all either directly or indirectly. These crimes do affect the quality of life for the citizens of Seminole County and require specialized investigative personnel to help us effectively investigate and prosecute these criminals.

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

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

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

Funding provided through this grant will provide a new investigative position for the Seminole County Sheriff's Office to provide forensic investigations on computer crimes in Seminole County. These investigations will include child exploitation via the Internet, internet/computer related economic crimes, and crimes against computers (intrusions, denial of service, etc.), and identity theft.

Computer Forensics is the technical and investigative process of properly seizing computer systems and related media, creating an exact bit-stream image (copy) of the original media, and examining the data ensuring recovery of applicable files or data for the investigation. This includes recovery of deleted files, encrypted data, password protected files or programs, and presenting the media to the investigator in its original state for proper prosecution and introduction of the evidence in a criminal trial. Although a forensic examination is conducted in most child exploitation or economic crimes involving computer systems as described above, a computer can be used or victimized in other crimes.

In addition, this investigator will assist the Seminole County Crime Prevention Unit in training our personnel and community on tips to avoid being victimized through a computer crime. We will include in our presentations to businesses, schools, neighborhood meetings, and on our website, pertinent information that will help our residents surf the web safely!

The addition of this type of investigation to the Sheriff's Office will give us the ability to effectively apprehend and prosecute these cyber criminals that otherwise might go unchallenged. This investigator will provide a much-needed service to our agency and community, and we will offer forensic evaluation to other agencies on a priority basis.

In the second year of this program we continued to provide computer forensic services for the Sheriff's Office (7) Municipal law enforcement agencies. We trained an additional investigator in the field of computer forensics to enhance services and offset the current and future caseloads. We provided training sessions for both criminal justice agencies and offered continuing education for the community on changing trends and activity. We referred cases for prosecution, both locally and to other jurisdictions as investigations reveal the appropriate venue within the U.S. or cooperating country.

During this current 3rd year of funding, the Sheriff's Office is currently the only law enforcement agency in the county that has the equipment and trained personnel to perform certified computer forensic investigations. Another local police department has started their own; however, they are in the very early stages. They will to continue to rely heavily on the Sheriff's Office until that officer is properly trained and certified. These types of cases require specific expertise in Computer Forensics and the addition of this unit to our agency/county has provided law enforcement new methods to corroborate or reveal digital

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evidence of a crime. A review of our case activity from our first three years reveals an increasing trend of internet-based frauds and the use of computers and the internet to perpetrate crimes. Requests for examinations and assistance continually increased throughout the Central Florida area from federal, state, and local law enforcement agencies. In addition, we have been assisting the Department of Corrections with computer forensics services in the field for computer-based evidence of probationary violations.

Our computer crimes unit continues to be nationally recognized and utilized. We are continually used to assist all levels of law enforcement, both locally and nationally. During this current year, the Sergeant in charge of our computer crimes area has been selected to be a member of the Sheriff's National Response Team for the US Secret Service Electronic Crimes Task Force – only about 60 people from the entire nation will be selected to serve on this distinguished team.

In the 4th year of this project, we will continue to provide computer forensic investigative services for the Sheriff's Office and (7) Municipal law enforcement agencies, as well as, include investigative assistance for federal, state, and local criminal justice agencies in the recovery of digital evidence.

We will perform 125 investigations in computer crimes and provide twelve (12) training sessions annually for Sheriff's Office personnel and other law enforcement officers in the field of computer/internet crime and the handling of digital evidence.

Finally, we will continue to refer thirty (30) cases for prosecution. We will also track referrals to other law enforcement agencies as investigations reveal the appropriate venue within the U.S. or cooperating country.

The computer forensic investigative services have been a great asset to Seminole County law enforcement agencies and the communities they serve. Through this program we have reviewed incidents reported to the Sheriff's Office via citizens, other U.S. law enforcement agencies, and the Internet Fraud Complaint Center (IFCC) and find there is a continuing trend of internet-based frauds and the use of computers and the internet to perpetrate crimes. These funds allowed the sheriff's office the ability to be on the forefront of this ever-expanding area of criminal activity. Without it, not only would our agency and the agencies we assist, be adding their computer crimes to other overburdened resources, but the time between crime and resolution would be compromised to a point that would not be fair to victims and society. We sincerely thank you for allowing us to participate in this funding as this program would not have been possible without funding through this grant.

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

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas. (Select only 1 Program Area)

(#) 006 (Title) **White Collar Crime**

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

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions. Include Objectives from only 1 program area, Objectives from a different program area could be included as Project Specific Objectives).

Performance Objectives for Purpose Area
White Collar Crime

Identifier

- 006.03 Perform 125 investigations in computer crime.
 Part 1 – During this reporting period, how many NEW investigations were initiated into computer crimes?
 [Please describe these new initiatives in the report narrative.]
- 006.05 Conduct 12 criminal justice agency training sessions in computer crime.
 Part 1 – During this reporting period how many criminal justice agency training sessions were held?
- 006.07 Refer 30 cases for criminal prosecution.
 Part 1 – During this reporting period, how many computer crimes cases were referred for criminal prosecution?
- 006.08 Assist 7 other local law enforcement agencies in the recovery of (computerized) digital information.
 Part 1 – During this reporting period, how many local law enforcement agencies received assistance in the recovery of (computerized) digital information?

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

Subgrant Period (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests	X			X			X			X		
Submit Financial Closeout Package	X											
Submit Quarterly Program Reports	X (05)			X (05)			X (05)			X (05)		
Submit Quarterly PGI Reports (If applicable)												

Programmatic Activities

(Continue on a second page if necessary.)

Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Provide Training for Community Presentations	X	X	X	X	X	X	X	X	X	X	X	X
Provide Training/Interface with Schools	X	X	X	X	X	X	X	X	X	X	X	X
Attend/Host meetings for interaction with other local law enforcement	X	X	X	X	X	X	X	X	X	X	X	X
Attend training relating to internet crime investigations	X	X	X	X	X	X	X	X	X	X	X	X

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F. Project Budget

1. Budget Schedule

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

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

Budget Category	Federal	Match	Total
Salaries And Benefits	41,077	13,693	54,770
Contractual Services			
Expenses	6,645	2,215	8,860
Operating Capital Outlay	3,998	1,332	5,330
Indirect Costs			
Totals	51,720	17,240	68,960

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2. Budget Narrative

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

(Continue on additional pages if necessary.)

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

1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
 - a. Identify your specific sources of matching funds.
Sheriff's Office General Revenue
 - b. Is match available at the start of the grant period? **yes**
 - c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.)
2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?
No: _____ If no, please explain.
Yes: xx If yes, please list number and title of position and type of benefits.
(1) position, Investigator – Computer Crimes – Benefits – FICA/Retirement,
Life/Health/Workers comp
3. Indicate the OCO threshold established by the subgrantee. \$ 750
4. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.
5. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information.
 - a. What is the basis for the unit costs?
 - b. How recently was the basis established or updated?

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1. SALARIES AND BENEFITS **\$54,770**

The budget for this program will support the Salary and benefits of (1) full-time investigative position that will perform computer crime investigations for the Sheriff's Office. Investigations will include consumer fraud, internet auction fraud, credit card fraud, identity theft, computer crimes against children, and computer intrusions. This position represented a net personnel increase for the Sheriff's Office.

SALARY (1 Full-time Investigator)	\$39,178
Benefits (rounded)	
FICA (7.65)	2,997
Retirement (25.00%)	9,795
Life/Health/Workers Comp (partial)	2,800

2. CONTRACTUAL SERVICES **\$.00**

3. EXPENSES **\$ 8,860**

Funds are planned to provide office and program supplies/equipment, operational funds, printing, software, program literature, communication fees (pager, phone, internet), Training/Travel, Computer supplies and small computer equipment such as backup hard-drives, cables, tape drive etc for investigations and presentation use, membership/dues, other small operational equipment that may be needed during operations or presentations such as digital video camera etc...

OFFICE SUPPLIES/PRINTING	250
PROGRAM OPERATIONS	500
SOFTWARE	3,400
COMPUTER SUPPLIES	460
COMMUNICATION	500
TRAVEL/TRAINING	1,300
SMALL OFFICE EQUIPMENT	1,250
FUEL	1,200

4. Capital **\$ 5,330**

Funds will be used to purchase equipment for another workstation within the computer lab in order for dual testing to be performed at the same time.

NOTE: Matching Funds are provided by the Sheriff's Office through the general operating funds.

NOTE: Staff position represented a net personnel increase to the Sheriff's Office.

NOTE: All purchases will be made in accordance with established purchasing policies of the Seminole County Sheriff's Office.

Total \$68,960.00

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G. Conditions of Acceptance and Agreement

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

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

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

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

- (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) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
- (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
- (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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- (4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)
- c. Other Reports**
The subgrant recipient shall submit other reports as may be reasonably required by OCJG.
- 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 OCJG.
- b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.
- 5. Payment Contingent on Appropriation**
The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.
- 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 justifying the need for such funds. This request, including the justification, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- 8. Reimbursement Subject to Available Funds**
The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.
- 9. Travel and Training**
- a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.
- b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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

13. Ownership of Data and Creative Material

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

14. Copyright

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

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

15. Audit

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

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, 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 OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

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

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- (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

19. Extension of a Contract for Contractual Services

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

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major 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*, and the U.S. Department of Justice *Common Rule for State and Local Governments*.

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- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The 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, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other 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 OCJG must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal 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

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agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

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

30. Overtime for Law Enforcement Personnel

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

31. Criminal Intelligence System

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

32. Confidential Funds

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

33. Equal Employment Opportunity (EEO)

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.
- b. The subgrant recipient and a the implementing agency agree to certify that they either do or do not meet

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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.

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- 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 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay -to-Stay"

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

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

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

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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.

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42. 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

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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: Daryl McLain

Title: Chairman, Seminole Board of County Commissioners

Subgrant Recipient: Seminole County

Date: _____

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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):

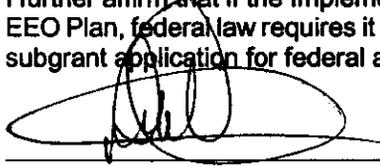
Has a Current EEO Plan

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: Donald F. Eslinger

Name of Subgrant Recipient: Seminole County Board of County Commissioners

Name of Implementing Agency: Seminole County Sheriff's Office

Title: Sheriff

Date: 4/29/04

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H. Signature Page

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

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

Signature: _____

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

Date: _____

Typed Name of Subgrant Recipient: Seminole County

Signature: _____

Typed Name and Title: Daryl McLain, Chairman, Seminole Board of County Commissioners

Date: _____

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

Signature: _____

Typed Name and Title: Donald F. Eslinger, Sheriff

Date: 4/21/04

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Please read instructions before completing this application.

- The term "Department", unless otherwise stated, refers to the Department of Law Enforcement.
- The term "OCJG" refers to the Office of Criminal Justice Grants.
- The term "subgrant recipient" or "subgrantee" refers to the governing body of a city, county, state agency, or an Indian Tribe that performs criminal justice functions as determined by the U.S. Secretary of the Interior.
- The term "implementing agency" is a subordinate agency of a city, county, state agency, or Indian Tribe, or an agency under the direction of an elected official (for example, Sheriff or Clerk of the Court). It may also be an entity eligible to be a subgrantee (ex. City of Live Oak)
- Instructions are incorporated in this document by reference.

A. Subgrant Data		
1. This section to be completed by Subgrantee Continuation of Previous Subgrant? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, enter CJ Contract # of Previous Subgrant <u>SFY 2003 CJ Contract #</u> 2004- CJ - J3 - 06 - 69 - 01 - 237	2. This section to be completed by OCJG Project ID # Program Area #: CFDA #: 16.579	
	<u>SFY 2004 CJ Contract #</u> 2005 - CJ - _ _ - _ _ - _ _ - _ _	
B. Applicant Information		
1. Subgrant Recipient (Subgrantee)		
Name of Subgrant Recipient (Unit of Government): Seminole County Government Name of Chief Elected Official / State Agency Head: Daryl McLain Title: Chairman, Seminole Board of County Commissioners Address: 1101 East First Street City, County, State, Zip Code: Sanford, FL 32771 E-mail Address:	County Seminole Area Code / Phone # (407)665-7201 SUNCOM # 355-7201 Area Code / Fax # (407)330-7958	
2. Chief Financial Officer of Subgrant Recipient (Subgrantee)		
Name of Chief Financial Officer: Maryanne Morse Title: Clerk to the Seminole Board of County Commissioners Address: P.O. Drawer C City, County, State, Zip Code: Sanford, FL 32772 E-mail Address:	County Seminole Area Code / Phone # (407)665-4335 SUNCOM # 355-4335 Area Code / Fax # (407)330-7193	
3. Implementing Agency		
Name of Implementing Agency: Seminole County Sheriff's Office Name of Chief Executive Official / State Agency Head / Subgrantee representative (if a subordinate agency of the subgrant recipient): Donald F. Eslinger Title: Sheriff Address: 100 Bush Blvd City, County, State, Zip Code: Sanford, FL 32773 E-mail Address:	County Seminole Area Code / Phone # (407) 665-6635 SUNCOM # Area Code / Fax # (407)665-6654	

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4. Project Director		
Name of Project Director: (Implementing Agency Employee)	Mark Rehder	County
Title:	Captain	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.2412
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	mrehder@seminolesheriff.org	Area Code / Fax # 407.665.2499
5. Contact Person		
Name of Contact Person: (if other than Project Director)	Rob Forlini	County
Title:	Grant Manager	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6536
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rforlini@seminolesheriff.org	Area Code / Fax # 407.665.6585
6. Person Responsible For Financial Reporting (if known)		
Name:	Rob Forlini	County
Title:	Grant Manager	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.6536
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	rforlini@seminolesheriff.org	Area Code / Fax # 407.665.6585
7. Person Responsible For Programmatic Performance Reporting (if known)		
Name:	Mark Rehder	County
Title:	Captain	Seminole
Address:	100 Bush Blvd	Area Code / Phone # 407.665.2412
City, County, State, Zip Code:	Sanford, FL 32773	SUNCOM #
E-mail Address:	mrehder@seminolesheriff.org	Area Code / Fax # 407.665.2499
8. Service Provider Contact Person		
Name:		County
Title:		
Address:		Area Code / Phone #
City, County, State, Zip Code:		SUNCOM #
E-mail Address:		Area Code / Fax #

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C. Administrative Data		
1. Project Title:	Seminole County Electronic Monitoring	
2. Identify the year of the project (I, II, III, etc.)	II	
3. Project period 10/01/04-9/30/05	Start: 10/01/04	End: 9/30/05
D. Fiscal Data		
Remit Warrant to: (This may only be either the individual listed in B2 (Subgrantee CFO) or a designee in their office. If B2 is selected, do not reenter the contact information. This is only needed for designee.)		
B2 <input checked="" type="checkbox"/> OR DESIGNEE _____ Name: Title: Address: City, State, Zip Phone Number:		
2. Is the subgrantee participating in the State of Florida Comptroller's Office electronic transfer program ? (Reimbursement cannot be remitted to any entity other than the subgrantee.) Yes _____ No <input checked="" type="checkbox"/>		
3. Frequency of Fiscal Reporting: Monthly _____ Quarterly <input checked="" type="checkbox"/>		
4. Subgrant Recipient FEID #: <u>59- 6000856</u>		
5. State Agency SAMAS #: _____		
6. Project Generated Income (PGI): Will the project earn PGI? (See Section G, Item 9.) Yes _____ No <input checked="" type="checkbox"/>		
7. Cash Advance: Will you request an advance? Yes _____ Amount _____ No <input checked="" type="checkbox"/>		
If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement. Amount requested must be justified and accepted by FDLE.		

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E. Project Narrative

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

Problem Identification:

Seminole County is centrally located in the state and is comprised of seven (7) municipalities and unincorporated areas. The central location coupled with the Interstate 4 high-tech corridor running the length of the county has been a catalyst for major changes in this bedroom community.

The funding outlined in this grant proposal is an enhancement for the Seminole County Sheriff's Office - Criminal Justice Coalition - Neighborhood Enhancement and Eradication of Drugs (CJC-NEED) Project that ended in 9/2003. This initiative focused on reducing drug/criminal activity through developing interagency, residential and business partnerships throughout the county.

The CJC accomplished many goals during the 4-year project and has established an infrastructure within Seminole County that includes better communication between agencies and the community and dual responses between law enforcement and County/State probation that has resulted in drug seizures and arrests. We have co-located probation officers within our district offices, shared our computerized reporting system and the probation contacts have increased. In addition, many of the accomplishments from the CJC provided the framework for our recent Official Recognition from the Executive Office of Weed and Seed for 3 separate sites within Seminole County.

During the last year of the CJC grant, an adult pretrial release program was developed - Electronic Monitoring Protection and Crime Tracking (EMPACT), using a satellite-tracking device that monitors the individuals' location throughout the day and compares it to crime locations within the county. The CJC worked with Probation and the Judges to develop an Administrative Order that outlined the offenders that would qualify under this pretrial release project. We worked with the satellite-tracking provider to develop software that effectively outlines exclusionary zones for each offender and overlays our crime data daily for comparisons.

The initial project was developed to help individuals meet bond requirements as an alternative to jail and, to date, there has been 160 adult defendants placed on Electronic Monitoring. The Sheriff's Office monitors the "tracks" daily and provides any violations or criminal activity districts for follow-up action with the defendant. This is the only known program of this magnitude within the US.

However, although we have developed a working infrastructure for the Pre-trial adults, we need to provide this opportunity for more adults (pre-trial and sentenced), and juveniles that are monitored through the Sheriff's Office Juvenile Intensive Community Supervision Unit (ICSU). The ICSU provides Intensive Community Supervision services for all youth within the county that are placed on intensive supervision by the courts, and for delinquents upon their return to the community from high-risk residential commitment programs. This unit is collaboration between the Seminole County Sheriff's Office and the Department of Juvenile Justice. There are approximately 85 youth in this program at all times. All of the youth served by the ICSU are typically youth that pose the highest criminal threat level to public safety, as well as the youth that have the most tendencies to recommit crime. They have a statewide and countywide recidivism rate of about 46% and 30% respectively. These youth also have a high rate of drug use/abuse and a large percentage also violate their probations. These youth, ages 10 - 17, will be our target population for services under this grant. With the funds available from this grant, we will have the added ability to monitor their movements, which should lessen these individuals' ability to commit further crimes and/or violate their probations.

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- 2. Project Description:** Briefly describe proposed project activities. Refer to Appendix II, Part 1, Pages 1-3 for a description of eligible project areas). You should include project goals, administration, enhancement/expansion, staff, service providers, clients or other participants, equipment, location, and expected project results, as described in the application instructions. This section should address the basic points of who, what, when, where, and how. Continue on additional pages if necessary; do not exceed three pages.

Program Description

The funding requested in this project will allow us to provide Electronic Monitoring Devices to approximately 20 individuals 365 days a year. We anticipate throughout the year we will be able to equip a minimum of 30 juveniles through our ICSU and 40 additional adults through the EMPACT program.

The satellite system we currently use is considered passive as the electronic "tracks" are compared with a 24-hour delay to the criminal patterns and exclusionary zones. The cost is \$6.00 per day, per offender. We are also looking at active/real time units that cost \$10.00 and may try some youth on these to see any differences between the two types.

The adults will be ordered to use electronic monitoring as a condition of bail or, in some cases, in lieu of bail. Once the offender has the electronic device installed, the "tracks" will be compared daily by the Seminole County Sheriff's Office and any violations or possible hits with a crime scene will be forwarded immediately to the conditional release officer (CRO) and the Sheriff's Office Investigator. If the defendant was found to be involved in a crime, then an arrest will be made and a violation of conditional release (VOCR) will be processed. If an exclusionary/inclusionary zone was violated, then a VOCR will be processed and the defendant returned to jail. The Probation Officer will analyze the information and determine if the offender's probation should be violated.

The use of Electronic Monitoring for juvenile offenders will be new for our agency. We will use our existing software and analyst to determine exclusionary/inclusionary zone violations or possible criminal hits. However, any hits will be provided to the Seminole County Sheriff's Office ICSU where the youth are monitored for probation. The ICSU Juvenile Probation Officers will provide intensive supervision and case management for all youth assigned to the unit. In addition, they will review any "hits" that are forwarded by the analytical unit for possible probationary violations. Youth that are assigned to the ICSU are either placed on community control by the courts or are youth that are returning to the community from high-risk residential commitment programs. The combination of Seminole County Sheriff's Office Deputies working with the Sheriff's Office Juvenile Probation Officers makes the service delivery of the ICSU very effective. Coordination of existing local and state resources optimizes the supervision for these youth.

The youth monitored under this program may be sentenced to participate in classes through the Consequence Unit, consisting of five hours of formal classroom education provided by Excel Alternatives, Inc. at the Sheriff's Office ICSU, followed by seven hours of hard, labor-intensive work, such as digging ditches, laying sod and spreading mulch. Any community hours that the youth are committed to serve will also be monitored by the Sheriff's Office Juvenile Probation Officers under the SWEAT (*Sheriff's Work Ethics and Training*) program. The Probation Officers are committed to helping the youth meet these requirements through approved clean-up projects and graffiti abatement projects.

In addition, there is a 24-hour response by the Adult Conditional Release Officers and Juvenile Probation Officers to any exclusionary zone violation. This, along with the ability to overlay criminal activity with offender "tracks" acts as a major deterrent for the offender to commit additional crimes

During year (1), it was determined that in order for the project to stay focused and on track, a full-time juvenile probation officer who will act as the overall coordinator of the juvenile program was needed. As time permits, he/she will also be able to assist with the adult program so that synergies can be developed between the two programs. With his/her main focus on juveniles, he/she handles the "hook-ups" for the

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juveniles, works with the courts and other JPO's to determine which juveniles best benefit from the equipment, follows-up on violators to ensure swift consequence of the offense, and works with the Sheriff's Office and local Police Departments when crime mapping comes up with matches between where crimes occurred and where the juveniles or adults have been. In the short time (about 1 month) that the JPO has been with us, the number of juveniles on electronic monitoring has gone from 10 to 19.

During year (2), the JPO will build stronger bridges with the associated parties relating to the overall electronic monitoring process. The ability to have a smooth flow of information with DJJ, our deputies and other local law enforcement officers, and the courts for either the release of individuals back in to society or for youths who are having issues while on probation will allow us to handle the monitoring process, as well as the flow of crucial information in a more efficient manner to expedite prosecution and closure of criminal cases.

We appreciate the opportunity to participate in this program. Based on the infrastructure we have developed and our experience from the pilot project, we anticipate this project being a great success from which other law enforcement agencies can learn how to implement a similar project in their own jurisdictions.

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

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas. (Select only 1 Program Area)

(#) **20B** (Title) **Alternatives – Community Service**

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

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions. Include Objectives from only 1 program area, Objectives from a different program area could be included as Project Specific Objectives).

Identifier	Performance Objectives for Purpose Area 20B – Alternatives – Community Service	
20B.02	Assign community service work-site hours to a specified number of offenders. Part 1 – During this reporting period, how many offenders were assigned to community services work sites?	25
20B.03	Provide a specified number of offenders with electronic monitoring in lieu of incarceration. Part 1 – During this reporting period, how many offenders BEGAN to be electronically monitored?	70
20B.04	Complete a specified number of hours for community service projects. Part 1 – During this reporting period, how many hours were completed for community services?	1000

Self Generated Objectives:

1. PROJECT SPECIFIC OBJECTIVE

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

Subgrant Period (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests			X			X			X			X
Submit Financial Closeout Package	X (05)											
Submit Quarterly Program Reports	X (05)			X (05)			X (05)			X (05)		
Submit Quarterly PGI Reports (If applicable)												

Programmatic Activities

(Continue on a second page if necessary.)

Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Outfit youth and adults with Elect. Monitoring Devices	X	X	X	X	X	X	X	X	X	X	X	X
Provide case management/intensive supervision	X	X	X	X	X	X	X	X	X	X	X	X
Assist clients in meeting their Community Service Requirements	X	X	X	X	X	X	X	X	X	X	X	X
Analyze track data	X	X	X	X	X	X	X	X	X	X	X	X

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F. Project Budget

1. Budget Schedule

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

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

Budget Category	Federal	Match	Total
Salaries And Benefits	27,585.50	9,195.17	36,780.67
Contractual Services			
Expenses	30,748.50	10,249.50	40,998.00
Operating Capital Outlay			
Indirect Costs			
Totals	58,334.00	19,444.67	77,778.67

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2. Budget Narrative

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

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

1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
 - a. Identify your specific sources of matching funds. **Sheriff's Office General Revenue**
 - b. Is match available at the start of the grant period? **yes**
 - c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.)
2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?

No: _____ If no, please explain.

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

The request is for 1 full-time position, with the title of Juvenile Probation Officer and the position will cover all the benefits associated with a full time employee of the Sheriff's office with that title.

Indicate the OCO threshold established by the subgrantee. \$ 750

3. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan. **N/A**
4. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information.
 - a. What is the basis for the unit costs?
 - b. How recently was the basis established or updated?

1. SALARIES AND BENEFITS	\$36,780.67
The budget for this program will support the salary and benefits of (1) full-time Juvenile Probation Officer to implement, supervise and provide case management for youth using this technology.	
Salary (1 Full-time Juvenile Probation Officer)	\$31,865
Benefits (rounded)	
FICA (7.65%)	2,431.00
Retirement (7.8%)	2,484.67
2. CONTRACTUAL SERVICES	\$.00
3. EXPENSES	\$ 40,998.00
These funds will be used to pay for the daily use of the Electronic Monitoring equipment, Program operating supplies such as software, program literature, computer supplies and Office Supplies. The daily lease cost for the equipment outlined is \$6.00 per day, per unit.	
OFFICE SUPPLIES/PRINTING	250
FUEL	250
DAILY LEASE ELECTRONIC MONITORING EQUIP	39,748
TRAINING	500

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SOFTWARE/COMPUTER SUPPLIES	250
4. Capital	\$.00

NOTE: Matching Funds are provided by the Sheriff's Office through the general operating funds.
 NOTE: Staff position represented a net personnel increase to the Sheriff's Office.
 NOTE: All purchases will be made in accordance with established purchasing policies of the Seminole County Sheriff's Office.

	<u>FEDERAL</u>	<u>MATCH</u>	<u>TOTAL</u>
TOTAL:	58,334	19,444.67	\$77,778.67

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G. Conditions of Acceptance and Agreement

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

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

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

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

- (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) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
- (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
- (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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- (4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

c. Other Reports

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

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 OCJG.
- b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

5. Payment Contingent on Appropriation

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.

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

8. Reimbursement Subject to Available Funds

The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.

9. Travel and Training

- a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.
- b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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

13. Ownership of Data and Creative Material

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

14. Copyright

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

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

15. Audit

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

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, 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 OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

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

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- (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

19. Extension of a Contract for Contractual Services

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

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major 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*, and the U.S. Department of Justice *Common Rule for State and Local Governments*.

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- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The 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, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other 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 OCJG must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal 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

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agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

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

30. Overtime for Law Enforcement Personnel

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

31. Criminal Intelligence System

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

32. Confidential Funds

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

33. Equal Employment Opportunity (EEO)

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.
- b. The subgrant recipient and a the implementing agency agree to certify that they either do or do not meet

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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.

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- 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 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay-to-Stay"

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

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

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

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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.

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42. 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

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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: Daryl McLain

Title: Chairman, Seminole Board of County Commissioners

Subgrant Recipient: Seminole County

Date: _____

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H. Signature Page

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

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

Signature: _____

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

Date: _____

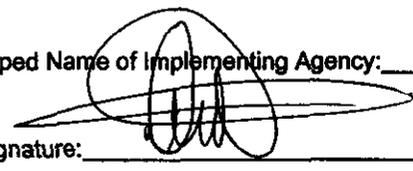
Typed Name of Subgrant Recipient: Seminole County

Signature: _____

Typed Name and Title: Daryl McLain, Chairman, Seminole Board of County Commissioners

Date: _____

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

Signature:  _____

Typed Name and Title: Donald F. Eslinger, Sheriff

Date: 4/29/04

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4. Project Director		
Name of Project Director: (Implementing Agency Employee)	DEBORAH REHDER	County
Title:	EXECUTIVE DIRECTOR, OFFICE OF THE STATE ATTORNEY	SEMINOLE
Address:	100 EAST FIRST STREET	Area Code / Phone # 407-665-6000
City, County, State, Zip Code:	SANFORD, SEMINOLE COUNTY, FLORIDA 32771	SUNCOM # 355-6000
E-mail Address:	drehder@sa18.stat.fl.us	Area Code / Fax # 407-665-6400
5. Contact Person		
Name of Contact Person: (if other than Project Director)	BRENDA A. QUINN	County
Title:	GRANT ADMINISTRATOR, OFFICE OF THE STATE ATTORNEY	BREVARD
Address:	2725 JUDGE FRAN JAMIESON WAY, VIERA, FLORIDA 32940	Area Code / Phone # 321-617-7510
City, County, State, Zip Code:	VIERA, BREVARD COUNTY, FLORIDA 32940	SUNCOM # N/A
E-mail Address:	bquinn@sa18.state.fl.us	Area Code / Fax # 321-617-7542
6. Person Responsible For Financial Reporting (if known)		
Name:	BRENDA A. QUINN	County
Title:	GRANT ADMINISTRATOR, OFFICE OF THE STATE ATTORNEY	BREVARD
Address:	2725 JUDGE FRAN JAMIESON WAY, VIERA, FLORIDA 32940	Area Code / Phone # 321-617-7510
City, County, State, Zip Code:	VIERA, BREVARD COUNTY, FLORIDA 32940	SUNCOM # N/A
E-mail Address: :	bquinn@sa18.state.fl.us	Area Code / Fax # 321-617-7542
7. Person Responsible For Programmatic Performance Reporting (if known)		
Name:	BRENDA A. QUINN	County
Title:	GRANT ADMINISTRATOR, OFFICE OF THE STATE ATTORNEY	BREVARD
Address:	2725 JUDGE FRAN JAMIESON WAY, VIERA, FLORIDA 32940	Area Code / Phone # 321-617-7510
City, County, State, Zip Code:	VIERA, BREVARD COUNTY, FLORIDA 32940	SUNCOM # N/A
E-mail Address:	bquinn@sa18.state.fl.us	Area Code / Fax # 321-617-7542
8. Service Provider Contact Person		
Name: N/A		County
Title:		
Address:		Area Code / Phone #
City, County, State, Zip Code:		SUNCOM #
E-mail Address:		Area Code / Fax #

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C. Administrative Data

1. Project Title: **ELDER SERVICES UNIT – SEMINOLE COUNTY**
2. Identify the year of the project (I, II, III, etc.) **IV**
3. Project period: Start: **10/1/04** End: **9/30/05**

D. Fiscal Data

Remit Warrant to: (This may only be either the individual listed in B2 (Subgrantee CFO) or a designee in their office. If B2 is selected, do not reenter the contact information. This is only needed for designee.

B2
OR
DESIGNEE _____
Name:
Title:
Address:
City, State, Zip
Phone Number:

2. Is the subgrantee participating in the State of Florida Comptroller's Office **electronic transfer program**? (Reimbursement cannot be remitted to any entity other than the subgrantee.)
Yes _____ No

3. Frequency of Fiscal Reporting: Monthly Quarterly _____

4. Subgrant Recipient FEID #: **59-6000856**

5. State Agency SAMAS #: **N/A**

6. Project Generated Income (PGI):
Will the project earn PGI? (See Section G, Item 9.) Yes _____ No

7. Cash Advance: Will you request an advance?
Yes _____ Amount _____ No

If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement. Amount requested must be justified and accepted by FDLE.

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E. Project Narrative

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

Seminole County, Florida is located in the Eighteenth (18th) Judicial Circuit of Florida. The State Attorney's Office, (SAO), serves the residents of Seminole County by prosecuting defendants who commit crimes within this jurisdiction. The SAO is the implementing agency for the Elder Service Unit (ESU) program. The ESU addresses the increasing problem of elderly crime, specifically elder abuse, neglect and exploitation.

Seminole County's elder population is 18% of its total population, according to current census figures. This is an increase of 3% from last years figures. Estimates indicate the senior population, aged 60 and over, will continue to increase between 3%-5% each year. The County is a very popular retirement and seasonal tourist destination due to its close proximity to the theme parks in Orlando and the beaches along the East Coast. The seasonal tourist base, not included in the census figures, significantly contributes to the number of potential crime victims.

This increase is also nationwide. Reports indicate one of every 20 seniors, aged 60 and over, may be abused, neglected or exploited. Many of these cases go unreported and undetected; a problem directly linked to a lack of established reporting and follow-up procedures used by law enforcement and elder service providers. In addition, the community is not fully aware of how widespread elder abuse is and the crisis that senior citizens are in. This can be linked to the lack of crime prevention education available.

Elder abuse cases can also be very complex in nature and involve problematic mental, physical, medical and domestic issues. Abuse is often committed at home by a family member. Such unique case dynamics makes resolution difficult for prosecutors.

GAPS FILLED

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The ESU initially began with one full-time Investigator completing extra investigative services to assist in the prosecution of elder abuse cases. Partnerships were formed with Adult Protective Services (APS) and law enforcement. A much-needed training curriculum for law enforcement was developed, serving over 200 officers to date. Community crime prevention seminars were developed, reaching hundreds of potential crime victims. The ESU enlisted the Seminole County government to actively promote elderly issues. As a result, all law enforcement chiefs in Seminole County signed the first Memorandum of Understanding. As the ESU expanded, it was necessary to add a full-time Assistant State Attorney (ASA) and change to vertical prosecution, especially in exploitation and fraud cases. This has proved to serve the victim better and provide enhanced case resolution. In addition, a joint effort, called Operation Spot Check, was developed to monitor conditions in assisted living facilities. This "watchdog" group consists of the ESU, law enforcement, APS, city, county and federal agencies.

The ESU identified the need and has served the elder and disabled population group. Since its inception: over 360 victims have been referred to community resources; 100 cases of abuse, neglect or exploitation have been filed by law enforcement; and the ESU has filed charges on 35 abusers. Thousands of dollars have been recovered by the ESU in the prosecution of exploitation and fraud cases.

GAPS REMAINING

The ESU has well served the senior population by bringing to light the crisis of elder crime in the community. The ESU has provided victims with prosecution services and referral assistance; however, development of a mediation component for the abuser is viable. Elder victims often refuse to testify and prosecute especially when a family member is the abuser. This ongoing and paramount problem has lead the ESU to examine innovative ways to hold the abuser responsible for the crime, even when the victim will not cooperate. The family member abuser often lacks adequate medical or psychological training to care for their elderly loved one. The ESU is exploring the development of a mediation program, in conjunction with the prosecution of the case, which would include a treatment plan for the abuser. This would require them to obtain assistance from community resources, caregiver training, hospice information, financial

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assistance, etc. This new component will hold the abuser accountable and assist in the prevention of future abuse, neglect or exploitation.

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

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

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

The ESU is in its fourth (4th) year of operation. The program is located in the Sanford Branch Office of the SAO. Grant funds are used to employ an Investigator and ASA to review, investigate and prosecute the crimes of elderly abuse, neglect and exploitation as defined in Florida Statutes Chapter 825. The ESU is listed under Byrne Grant Program Area 18 - Domestic Violence.

The ESU provides senior residents numerous types of services found in a collaborative criminal justice assistance program, including both traditional and non-traditional prosecution services. The goal of the ESU is to represent and serve elderly victims while obtaining higher conviction rates and swift, certain punishments for their abusers.

The ESU delivers continuing education exclusively for seniors with facts on criminal justice issues such as crime prevention and their legal rights and obligations as victims and witnesses. Additionally, the ESU manages calls daily from citizens that have questions on consumer fraud, identity theft, telemarketing fraud and automobile purchase practices.

Public speaking engagements are scheduled throughout the grant period on the issues of abuse, exploitation and crime prevention. In addition, caregiver training is provided, which may prevent future abuse. The Investigator offers law enforcement training to both veteran and rookie officers employed by Seminole County law enforcement. This training prepares officers to spot the "red" flags that accompany physical and financial abuse and to complete follow-up contacts after the initial call.

The ESU is the central point of contact between many agencies, including APS and law enforcement. ESU is also actively involved with governmental organizations, the

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local TRIAD and the Alzheimer's Association. In addition, the ESU has become partners in Operation Spot Check, an enforcement team that conducts surprise visits at nursing home, assisted living and residential facilities. This is a non-traditional prosecution service that has been extremely successful and publicized. Partners in this operation include law enforcement, city and county fire and code violation departments, APS, the Medicare Fraud Unit and the Agency for Health Care Administration.

The ESU's Investigator gathers information required for case prosecution and works closely with the SAO's Victim Witness Services Unit (VWS) in maintaining constant contact with the elderly victim. APS also utilizes the Investigator, a sworn law enforcement officer, to assist with the legal service of documents.

The ESU's ASA is dedicated solely to prosecuting elder abuse crimes. The ASA partners with the Investigator and forms individualized case plans while determining what criminal charges can be filed against the abuser. The ASA uses vertical prosecution, which designates one attorney to handle the case from its inception to its completion. Vertical prosecution is widely used by many prosecutors' offices throughout the country in specialized child abuse, sex abuse and domestic violence units because of the many advantages this type of method offers. For example, elderly victims feel more comfortable with one attorney rather than retelling their story repeatedly, minimizing their trauma. Vertical prosecution also enables the designated ASA to respond quickly in cases where the victim is in the early stages of dementia and testimony needs perpetuated (obtained) immediately. Time is critical in these cases.

SAO trial prosecutors, who are assigned violent felony cases such as robbery, car jacking, home invasion, and burglary, in which the victim is elderly, may also consult the ASA for assistance and expertise in managing the dynamics of these types of cases.

Working together, the Investigator and ASA, along with community ESU partners, currently serve the needs of the elderly victim population in Seminole County. The ESU must continue to provide the earliest case intervention and advocacy services possible, a specialized investigative effort and an aggressive prosecution effort. The

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- To review 75 cases of crimes against the elderly for possible action. During this reporting period, how many cases did you review? In the narrative, briefly describe the number and types of cases that you pursued to possible criminal action.
- To file an Information on 35 elderly abuse, neglect or exploitation cases. During this reporting period, how many crimes against the elderly Informations did you file? In the narrative, briefly describe the number and types of cases that you filed on.

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

10/1/04-9/30/05

Subgrant Period (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests	X	X	X	X	X	X	X	X	X	X	X	X
Submit Financial Closeout Package	X (05)											
Submit Quarterly Program Reports	X (04)			X (04)			X (04)			X (04)		
Submit Quarterly PGI Reports (If applicable)												

Programmatic Activities

(Continue on a second page if necessary.)

Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Conduct elder crime invest.	X	X	X	X	X	X	X	X	X	X	X	X
Maintain database	X	X	X	X	X	X	X	X	X	X	X	X
Provide training to law enforcement					X						X	
Maintain contact with APS	X	X	X	X	X	X	X	X	X	X	X	X
Review elder crime cases for prosecution & filing	X	X	X	X	X	X	X	X	X	X	X	X
Provide crime prevention education to the public	X	X	X	X	X	X	X	X	X	X	X	X
Meet with State Attorney re: mediation component criteria, future development, etc.						X						

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F. Project Budget			
1. Budget Schedule			
<p>a. The Project Budget Schedule includes five Budget Categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay, and Indirect Costs) and Total Project Costs. Total Local Match must be a minimum of 25% of the Total Budget.</p> <p>b. Enter the amount of federal, matching, and total funds by budget category that you will use to support project activities. Enter dollar amounts only in applicable categories based on totals from the Budget Narrative and leave others blank. Total Local Match must be a minimum of 25 percent of the Total Budget.</p> <p>c. Show all figures rounded to the next highest dollar; do not include cents. (Example \$4,505.25 as \$4,506).</p>			
Type or Print Dollar Amounts Only in Applicable Categories and Leave Others Blank.			
Budget Category	Federal	Match	Total
Salaries And Benefits	92,046.00	30,682.00	122,728.00
Contractual Services			
Expenses	174.00	58.00	232.00
Operating Capital Outlay			
Indirect Costs			
Totals	92,220.00	30,740.00	122,960.00

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

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

- 1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
 - a. Identify your specific sources of matching funds.
Match dollars will be expended from the implementing agency's (Office of the State Attorney) general revenue fund.

- b. Is match available at the start of the grant period? **Yes**
- c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.) **Match provided by the implementing agency.**

- 2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?

No: _____ If no, please explain.
 Yes: X If yes, please list number and title of position and type of benefits.

- | | |
|--|--|
| 1). One Full-Time Investigator
a. Regular salary
b. Benefits
1. Retirement
2. FICA/Medicare
3. Health Insurance
3. Life Insurance | 2) One Full-Time Assist. State Atty.
a. Regular Salary
b. Benefits
1. Retirement
2. FICA/Medicare
3. Health Insurance
4. Life Insurance |
|--|--|

Indicate the OCO threshold established by the subgrantee. **\$ 500.00**

- 3. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval

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of this plan. **N/A**

4. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information. **N/A**
 - a. What is the basis for the unit costs?
 - b. How recently was the basis established or updated?

NARRATIVE - ESU IV – SALARIES AND BENEFITS

The ESU IV will show two continued full-time personnel positions; one Investigator and one Assistant State Attorney (ASA). Both will work at the implementing agency's Seminole County office during the grant period of October 1, 2004 through September 30, 2005.

The Investigator will educate law enforcement on elder abuse detection and proper reporting techniques and will educate the public on crime prevention and elderly issues. The elderly case database will be maintained and be available to law enforcement to track crime trends. Case management and referral services will also be provided to elder victims. The Investigator will complete investigative services and "field work". The Investigator will assist the ASA in reviewing and prosecuting these cases. The Investigator will continue to work with government and non-profit agencies on elder issues and elder programs.

The ASA will review elderly abuse, neglect and exploitation cases submitted to the SAO for criminal merit. The ASA will assign the Investigator duties to benefit the prosecution effort such as obtaining statements, finding victims, and serving of subpoenas. After the case is filed, the ASA will continue to monitor the case, prepare it for trial and complete any subsequent court hearing as necessary. The ASA will provide legal expertise to law enforcement as needed and assist the Investigator in training or public speaking

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engagements as needed. In addition, the ASA may provide expertise to fellow prosecutors who have been assigned violent crime cases in which the crime victim is elderly.

Both ESU staff members will provide services that will benefit and enhance the program during the grant period.

Salary and benefits for ESU staff are necessary for the continuation and enhancement of ESU IV.

SALARY AND BENEFITS TOTAL BUDGET: \$ 122,728 .00

INVESTIGATOR

ITEM	AMOUNT	TIME	
<u>Salary</u>	\$ 3,310.00	12mths	Subtotal: \$ 39,720.00
<u>Benefits</u>			Subtotal: \$ 17,561.00
Retirement	\$39,720.00 x .1853%		
	(special risk % rate)	\$ 7,360.00	yearly
FICA/Medi.	\$39,720.00 x .0765	\$ 3,038.00	yearly
Health Ins.	\$ 590.00 x 12 months	\$ 7,080.00	yearly
Life Ins.	\$39,720.00 x .0021	\$ 83.00	yearly
		Total	: <u>\$ 57,281.00</u>

ASSISTANT STATE ATTORNEY

ITEM	AMOUNT	TIME	
<u>Salary</u>	\$3,995.00	12mths	Subtotal: \$ 47,940.00
<u>Benefits</u>			Subtotal: \$ 17,507.00
Retirement	\$47,940.00 x 9.37%	\$4,492.00	yearly
FICA/Medi.	\$47,940.00 x .0765	\$3,667.00	yearly
Health Ins.	\$ 765.00 x 12 months	\$9,180.00	yearly
Life Ins.	\$47,940.00 x .0035	\$ 168.00	yearly
		Total	: <u>\$ 65,447.00</u>

NARRATIVE - ESU IV - EXPENSES

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Office supplies are necessary for the continuation of the ESU's law enforcement and community crime prevention training component.. Supplies will enable continued reproduction and disbursement of brochures, informational flyers, crime prevention materials, and law enforcement training curriculum at various community functions and seminars. Such office supplies will consist of, but not be limited to: copier paper and colored brochure paper. Other supplies necessary may include printer ink, pens, legal note pads, etc., and other types of general offices supplies use for the enhancement and continuation of the ESU program.

ESU IV EXPENSES TOTAL BUDGET: \$232.00

ITEM	AMOUNT	QTY	PRICE
Copier paper	\$25.00 per case	x 8 cases	\$200.00
Brochure paper	\$ 4.00 per ream	x 8 reams	\$ 32.00

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G. Conditions of Acceptance and Agreement

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

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

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

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

- (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) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
- (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
- (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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- (4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

c. Other Reports

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

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 OCJG.
- b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

5. Payment Contingent on Appropriation

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.

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

8. Reimbursement Subject to Available Funds

The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.

9. Travel and Training

- a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.
- b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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

13. Ownership of Data and Creative Material

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

14. Copyright

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

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

15. Audit

- a. Subgrant recipients that expend \$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.

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, 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 OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

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

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

19. Extension of a Contract for Contractual Services

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

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major 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.

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23. Access To Records

- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*.
- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The 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, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other 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 OCJG must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal 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

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fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

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

30. Overtime for Law Enforcement Personnel

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

31. Criminal Intelligence System

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

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

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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,

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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 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay -to-Stay"

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

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

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

- a. **General Requirement:** The subgrantee agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.

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- 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.

42. 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

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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

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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):

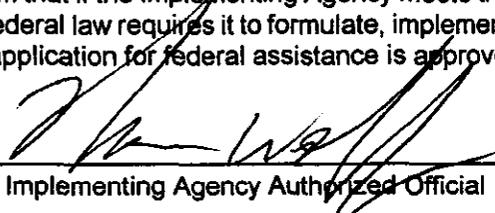
Has a Current EEO Plan

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: HONORABLE NORMAN R. WOLFINGER

Name of Subgrant Recipient: SEMINOLE COUNTY BOARD OF COMMISSIONERS

Name of Implementing Agency: STATE ATTORNEY'S OFFICE, 18TH JUD. CIRCUIT

Title: STATE ATTORNEY

Date: APRIL 26, 2004

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H. Signature Page

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

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

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

Signature: _____

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

Date: _____

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

Typed Name of Subgrant Recipient: Seminole County

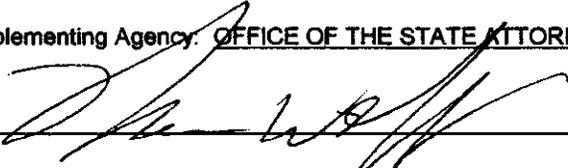
Signature: _____

Typed Name and Title: Daryl McLain, Chairman, Board of County Commissioners

Date: _____

Implementing Agency
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: OFFICE OF THE STATE ATTORNEY, 18TH JUD. CIRCUIT

Signature: 

Typed Name and Title: NORMAN R. WOLFINGER, STATE ATTORNEY

Date: APRIL 26, 2004

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4. Project Director		
Name of Project Director: (Implementing Agency Employee)	Jack Martin	County Seminole
Title:	Commander	Area Code / Phone # 407-571-8232
Address:	175 Newburyport Avenue	SUNCOM #
City, County, State, Zip Code:	Altamonte Springs, Seminole County, Florida 32701	Area Code / Fax # 407-571-8282
E-mail Address:	martin@aspd.org	
5. Contact Person		
Name of Contact Person: (if other than Project Director)	R.L. Stafford	County Seminole
Title:	Senior Police Officer	Area Code / Phone # 407-571-8226
Address:	175 Newburyport Avenue	SUNCOM #
City, County, State, Zip Code:	Altamonte Springs, Seminole County, Florida 32701	Area Code / Fax # 407-571-8193
E-mail Address:	stafford@aspd.org	
6. Person Responsible For Financial Reporting (if known)		
Name:	Cam McCoy	County Seminole
Title:	Deputy Director Finance	Area Code / Phone # 407-571-8093
Address:	175 Newburyport Avenue	SUNCOM #
City, County, State, Zip Code:	Altamonte Springs, Seminole County, Florida 32701	Area Code / Fax # 407-571-8082
E-mail Address:	CamM@altamonte.org	
7. Person Responsible For Programmatic Performance Reporting (if known)		
Name:	R.L. Stafford	County Seminole
Title:	Senior Police Officer	Area Code / Phone # 407-571-8226
Address:	175 Newburyport Avenue	SUNCOM #
City, County, State, Zip Code:	Altamonte Springs, Seminole County, Florida 32701	Area Code / Fax # 407-571-8193
E-mail Address:	Stafford@aspd.org	
8. Service Provider Contact Person		
Name:		County
Title:		
Address:		Area Code / Phone #
City, County, State, Zip Code:		SUNCOM #
E-mail Address:		Area Code / Fax #

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C. Administrative Data		
1. Project Title:	In Car Cameras Catch Criminals II	
2. Identify the year of the project (I, II, III, etc.)	Project II 2004/2005	
3. Project period	Start: 10/1/2004	End: 9/30/2005
D. Fiscal Data		
Remit Warrant to: (This may only be either the individual listed in B2 (Subgrantee CFO) or a designee in their office. If B2 is selected, do not reenter the contact information. This is only needed for designee.)		
B2		
OR		
DESIGNEE _____	B2	
OR		
DESIGNEE _____	<u>Designee _____</u>	
Name:	Maryanne Morse	
Title:	Clerk to the Seminole County Commissioners	
Address:	PO Drawer C	
City, State, Zip	Sanford, Florida 32772	
Phone Number:	407- 665-4335	
2.	Is the subgrantee participating in the State of Florida Comptroller's Office <u>electronic transfer program</u> ? (Reimbursement cannot be remitted to any entity other than the subgrantee.) Yes <input checked="" type="checkbox"/> No	
3.	Frequency of Fiscal Reporting: Monthly _____ Quarterly <input checked="" type="checkbox"/>	
4.	Subgrant Recipient FEID #: 59- <u>6000263</u>	
5.	State Agency SAMAS #: _____	
6.	Project Generated Income (PGI): Will the project earn PGI? (See Section G, Item 9.) Yes _____ No <input checked="" type="checkbox"/>	
7.	Cash Advance: Will you request an advance? Yes _____ Amount _____ No <input checked="" type="checkbox"/> If yes, a letter of request must be submitted with the application or prior to submission of the first claim for reimbursement. Amount requested must be justified and accepted by FDLE.	

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E. Project Narrative

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

Problem Description: The Altamonte Springs Police department purchased five (5) in car camera systems to actively enforcement traffic infractions. The implementation occurred in June 2004, with the installation of the cameras. The vehicles in which the cameras were installed were chosen due to the officers training new recruits, interest in education of the public, traffic enforcement, and DUI productivity. Monthly evaluations were made for system durability, officer usage, and situations where the system was deployed or not deployed.

In Altamonte Springs there has been an increase in people driving under the influence, increase in alcohol related crimes while operating a motor vehicle, and decrease in successful prosecution for the people who are arrested for driving under the influence.

Increase the prosecution rate for all alcohol related traffic incidents by installing in car video camera's in marked patrol vehicles. The video documentation will depict the violation of the driver, actions of the driver, visual proof of the roadside assessment, and a visual of the location of the stop/assessment therefore juries and judges can see for themselves the degree of impairment when the traffic stop occurred.

Problem Significance: Everyone is a potential victim of a person that is driving under the influence. The innocent child waiting for the school bus, the elderly person crossing the road, a family driving down the road to church, and the police officer patrolling the streets of the city, protecting and serving. Altamonte Springs has three major thoroughfares running through our City. State Road 436, State Road 434 and Interstate 4 runs right down the middle of our City. Thousands of people per day travel these roadways to work, Altamonte Mall, church, and back home. Altamonte Springs Police Department through criminal statistics show nine hundred ten (910) driving under influence arrests since 1999, eight thousand two hundred fifty-five (8255) other arrests for crimes possibly involving drugs and alcohol since 1999. Since 1999, the Altamonte Springs Police Department has documented 286,455 contacts with citizens, either through calls for service, traffic stops, or officer initiated activities involving the potential for alcohol to be a contributing factor.

The Altamonte Springs Police Department is aggressive in our approach to stopping drunk drivers. In-car video cameras will let the officers' document crimes with a video account of the traffic violations/infraction, roadside sobriety assessments, driving patterns, and actions of the driver after the traffic stop. There are 23 certified breath test officers working for different division and working different shifts throughout the department.

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The departments Selective Traffic Enforcement Programs (S.T.E.P.) was created many years ago to systematically address problem areas identified through both officers and citizens. Since 2002, the S.T.E.P. program was revised to include greater accountability of enforcement locations through documentation. Zone books are now maintained by each traffic officer including: all current S.T.E.P. locations, previous month high crash locations, and enforcement documentation.

Needs Assessment:

At this time, the police department has one in car video camera due to budget restraints. On every shift we have seven to ten officers on the road. One officer per shift has the ability to utilize this highly needed piece of equipment. The documentation necessity for the successful prosecution for driving under the influence has grown through the years and the officers' testimony need visual assistance to gain a guilty verdict. With the addition of these in car cameras we can place an in car camera vehicle on each side of the City for professional documentation on crimes regarding alcohol and motor vehicles.

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

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

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

Project Description:

One of the Altamonte Springs Police departments' goal's is to make the roads safer, reduce personal injury accidents related to alcohol and violations of motor vehicle laws, and reduce all criminal and civil violations of all traffic laws. These goals are achieved through the departments programs based upon innovated methods of Enforcement, Engineering, and Education. It is the responsibility of the entire police department to identify locations of prominent motor vehicle violations and take aggressive steps to reduce the likelihood of future violations.

The short term goal is to show an initial increase of driving under the influence arrests and successful prosecution. Then show the prevention awareness programs, aggressive targeting of locations, and engineering programs have been successful due to less violations documented in the troubled areas. Altamonte Springs Police department has already established benchmarks for these areas and will be able to easily show the success of the in car cameras in all three methods, Enforcement, Engineering, and Education.

Accident Reduction Program - On a monthly basis, the top five accident locations are recognized as priority for enforcement. Instead of establishing a specific number as the benchmark to classify a highest location, the "Accident Reduction Program" focuses on any intersection currently having the highest crash frequency.

Therefore, there may be instances where an intersection only experiences three (3) accidents for the entire month; however, if this number is identified as the high, this program strategy is applied with the same intensity as if the average was fifteen (15) for the month.

The initial step to success with this program is providing applicable, current information to each traffic officer. The monthly report, created to identify accident reduction locations, is provided to each traffic officer with a break down of a total number of accidents, times of occurrences, and days of the week.

Once at a particular location, high officer visibility and zero tolerance towards infractions is the most effective counter measure to crash occurrences. The officer will utilize the in car video camera to video tape the daily traffic movement and violations being conducted. Then the video tape will be viewed by all officers at briefing to give visual instruction on the location and which violations are being made at specific times. The final goal of this program is to radically reduce accidents in our city.

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Driving Under the Influence (DUI) Enforcement – Although each and every shift, officers are aggressively looking for the violation of DUI; this program will encompass a 12-month effort where officers designate one DUI night per month. In car cameras will be utilized by all officers conducting this special focus night. In car cameras should increase the prosecution rate due to vital evidence being recovered for all judges/juries to view. Officers spotlight the detection and arrest of DUI offenders and simultaneously adopt a zero tolerance policy against any traffic violation, especially moving and equipment violations.

Purchase/Install Equipment – The police department will complete our formal process of purchasing equipment and then have all equipment installed professionally. We will maintain a warranty agreement for all merchandise and installation costs.

Train Officers – The purchase agreement will include professional training for each officer within their assigned vehicle by the company which achieves the bid. It is important for all officers to know exactly how to operate their individual machine by the actual people we have designed same.

Neighborhood Watch Meetings - Police officers are presently working on a formal presentation on driving safety to specifically address audiences of Neighborhood Watch Meetings and students attending driver's education class at local high schools. The presentation is being designed so that any traffic officer will be able to present the information in classroom environment. To educate citizens on the overall effect of driving under the influence (DUI) is the best prevention of this type of crime. We will focus all aspects of DUI to include the physical disabling aspect, criminal penalties, and financial burden on the family. This type of training will not stop at Neighborhood Watch meetings but continue into the public school to educate our new drivers of the same deadly crime.

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

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas. (Select only 1 Program Area)

(#) **022 – DUI Enforcement and Prosecution** (Title)

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

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions. Include Objectives from only 1 program area, Objectives from a different program area could be included as Project Specific Objectives).

- 022.01 During this reporting period, how many offenders were arrested for Driving Under the Influence? **150 offenders for DUI, this is an 8% increase from 2003/04 statistics.**
- 022.03 During this reporting period, how many DUI motor vehicle checkpoint stops were conducted? **15 DUI motor vehicle checkpoint stops, increase of 5 checkpoints in 2003/2004.**
- 022.05 During this reporting period, how many law enforcement officers were trained in the proper use and operation of evidentiary breath test instruments? **Train all new hired officers estimated at 12 officers within the first 20 weeks of employment in the proper use and operation of evidentiary breath test instrument. Increase the Breath Intoxilyzer Inspector by one, at this time we have three agency inspectors.**

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

Subgrant Period (Beginning Date – Ending Date)

Administrative Activities

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests	X											
Submit Financial Closeout Package												X
Submit Quarterly Program Reports	X (04)			X (04)			X (04)			X (04)		
Submit Quarterly PGI Reports (If applicable)												

Programmatic Activities

(Continue on a second page if necessary.)

Be sure to include activities mentioned in the Project Description

ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Driving Under the Influence (DUI) Enforcement				X				X				X
Neighborhood Watch Meetings				X				X				X
Accident Reduction Program						X						X
Purchase/Install Equipment		X	X	X	X							
Train Officers			X	X	X	X						

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F. Project Budget

1. Budget Schedule

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

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

Budget Category	Federal	Match	Total
Salaries And Benefits			
Contractual Services			
Expenses			
Operating Capital Outlay	18,963.00	6,321.00	25,284.00
Indirect Costs			
Totals	18,963.00	6,321.00	25,284.00

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2. Budget Narrative

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

(Continue on additional pages if necessary.)

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

1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
 - a. Identify your specific sources of matching funds.
Police department budget account line 001-0505-521- 60-64 Machinery and Equipment account 2004/05. Total cash match of \$6,321.00.
 - b. Is match available at the start of the grant period? **YES**
 - c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.) **N/A**
2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year? **N/A**
No: _____ If no, please explain.
Yes: _____ If yes, please list number and title of position and type of benefits.
3. Indicate the OCO threshold established by the subgrantee. \$ **750.00**
4. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan. **N/A**
5. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information. **N/A**

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G. Conditions of Acceptance and Agreement

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

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) *Financial Guide* and *Byrne Program Guidance Document* 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.**
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* 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 OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional *Quarterly Project Performance Reports* shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 16 of Section G, performance of Agreement Provisions.
 - (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) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
 - (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
 - (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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- (4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
 - (5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)
 - c. **Other Reports**
The subgrant recipient shall submit other reports as may be reasonably required by OCJG.
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 OCJG.
 - b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.
 - c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.
5. **Payment Contingent on Appropriation**

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.
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 justifying the need for such funds. This request, including the justification, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
8. **Reimbursement Subject to Available Funds**

The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.
9. **Travel and Training**
 - a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.
 - b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
 - c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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

13. Ownership of Data and Creative Material

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

14. Copyright

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

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

15. Audit

- a. Subgrant recipients that expend \$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.

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, 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 OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

18. Excusable Delays

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

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negligence of either of them, the subgrant recipient shall not be deemed in default, unless:

- (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

19. Extension of a Contract for Contractual Services

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

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major 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*, and the U.S. Department of

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Justice Common Rule for State and Local Governments.

- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I. Signature Page, have the authority to request changes to the approved agreement. The 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, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other 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 OCJG must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal 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

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Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

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

30. Overtime for Law Enforcement Personnel

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

31. Criminal Intelligence System

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

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.

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- 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.

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- 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 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. "Pay -to-Stay"

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

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

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with

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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 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 any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
9. Included among the personnel involved in seizing of clandestine methamphetamine laboratories, or have immediate access to, qualified personnel who can respond to the potential health needs of any offender(s)' children or other children present or living at the seized laboratory site. Response actions should include, at a minimum and as necessary, taking children into protective custody, immediately testing them for methamphetamine toxicity, and arranging for any necessary follow-up medical tests, examinations or health care.

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42. 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

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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: Daryl McLain

Title: Chairman, Seminole Board of County Commissioners

Subgrant Recipient: Seminole County

Date: _____

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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: ROBERT C. MERCHANT, JR.

Name of Subgrant Recipient: CITY OF ALTAMONTE SPRINGS

Name of Implementing Agency: ALTAMONTE SPRINGS POLICE DEPARTMENT

Title: CHIEF OF POLICE

Date: 5-7-04

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H. Signature Page

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

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



Signature: _____

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

Date: _____



Typed Name of Subgrant Recipient: Seminole County

Signature: _____

Typed Name and Title: Daryl McLain, Chairman, Board of County Commissioners

Date: _____



Typed Name of Implementing Agency: Altamonte Springs Police Department

Signature:

Typed Name and Title: Robert C. Merchant, Jr., Chief of Police

Date: 5.3.04



BOARD OF COUNTY COMMISSIONERS

May 25, 2004

Mr. Clayton H. Wilder
Community Program 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 county of Seminole approves the distribution of \$ 280,805.00 of Federal Fiscal Year 2004 Byrne Formula Grant Program funds for the following projects within Seminole County:

<u>Subgrantee</u>		<u>Dollar Amount</u>
<u>Seminole County</u>	<u>Computer Crimes IV</u>	<u>51,720.00</u>
<u>Seminole County</u>	<u>Elder Services Unit IV</u>	<u>92,220.00</u>
<u>Seminole County</u>	<u>Career Criminals III</u>	<u>59,568.00</u>
<u>Seminole County</u>	<u>Electronic Monitoring II</u>	<u>58,334.00</u>
<u>Seminole County</u>	<u>Car Camera's Convict Criminals II</u>	<u>18,963.00</u>

Signature

Daryl McLain
Chairman, Seminole Board of County Commissioners