



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

FISCAL YEAR	2007	2008	2009	2010	2011
CAPITAL EXPENDITURES	_____	_____	_____	_____	_____
OPERATING COSTS	_____	564,568	_____	_____	_____
EXTERNAL REVENUES	_____	< 564,568 >	_____	_____	_____
PROGRAM INCOME (County)	_____	_____	_____	_____	_____
IN-KIND MATCH (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	=====	0.00	=====	=====	=====
# OF ADDITIONAL FTE POSITIONS	_____	_____	_____	_____	_____
IS ITEM IN CURRENT BUDGET?	YES ___		NO ___		
BUDGET ACCOUNT NO.:	FUND _____	DEPT _____	UNIT _____		

**B. RECOMMENDED SOURCES OF FUNDS/SUMMARY OF FISCAL IMPACT:**

The Federal funds portion of these grants will be funded by the Federal Byrne Formula Grant Program, passed through the Florida Department of Law Enforcement. Match is not required with the JAG program.

State Attorney's Office-Forensic Acct Federal	\$45,000	PBSO-Violence Against Women Federal	\$ 60,000
PBC CJC/CJSC (WPB) - Alternatives Federal	\$404,592		
City of Riviera Beach-Family Restart Federal	\$16,500		
PBC Court Administration-Drug Court Federal	\$38,476		

The grant budget is included in the Proposed FY2008 budget.

C. DEPARTMENTAL FISCAL REVIEW: June 6-4-07

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Administration Comments:**

<u>Ann Oul 6-6-07</u> OFMB ms 6/5/07 CN 6/5/07	<u>John J. Jacoby 6/17/07</u> Contract Administration
--	--

B. Legal Sufficiency:  
[Signature] 6-7-07  
Assistant County Attorney

C. Other Departmental Review:  
\_\_\_\_\_

Attachment 1

**FDLE**

**Funding**

**Announcement**



Florida Department of  
Law Enforcement

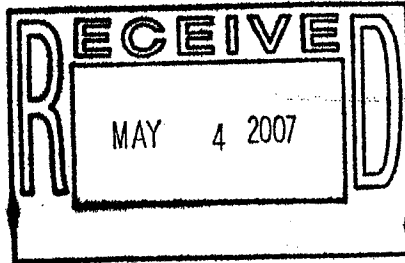
Gerald M. Bailey  
Commissioner

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

*Scott  
Shaw*  
Charlie Crist, Governor  
Bill McCollum, Attorney General  
Alex Sink, Chief Financial Officer  
Charles H. Bronson, Commissioner of Agriculture

May 1, 2007

The Honorable Addie L. Greene  
Chairperson, Palm Beach County  
Board of Commissioners  
301 North Olive Avenue, Suite 1201  
West Palm Beach, Florida 33401



Re: Federal Fiscal Year 2007 Edward Byrne Memorial Justice Assistance Grant  
(JAG) Program

Dear Chairperson Greene:

The Florida Department of Law Enforcement (FDLE) anticipates an award in the amount of \$11,779,041 from the United States Department of Justice for Federal Fiscal Year 2007 JAG funds. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. The FDLE, Office of Criminal Justice Grants, is the State Administrative Agency for these grant funds which will be distributed in accordance with the provisions of Chapter 11D-9, Florida Administrative Code.

FDLE has set aside \$564,568 of these funds for use by all units of government within Palm Beach County. The Federal Fiscal Year 2007 (State Fiscal Year 2008) Program Announcement is enclosed for your use and provides guidance for submission of applications for these funds. These funds may be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation.

The Honorable Addie L. Greene  
May 1, 2007  
Page Two

Developing such consensus will require someone to exercise leadership and assume a coordinating role in the development of applications for these funds. FDLE recommends that the Board of County Commissioners assume this responsibility.

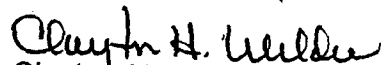
In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

The enclosed Certification of Participation form requests the identification of an individual coordinator. We will send this individual further information regarding the application process in FDLE's on-line grant management system. Please complete the enclosed Certificate of Participation and return it within 30 days from the date of this correspondence to:

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

We look forward to working with you. If you have any questions or if we can provide you with any assistance regarding the JAG Program, please contact me at (850) 410-8700.

Sincerely,

  
Clayton H. Wilder  
Administrator

CHW/JP/mb

Enclosures

cc: Mayors in Palm Beach County  
Law Enforcement Agencies in Palm Beach County  
Project Directors in Palm Beach County

Attachment 2

**BOCC**

**Approval**

**Letter**



Criminal Justice Commission  
301 N. Olive Avenue, Suite 1001  
West Palm Beach, FL 33401-4705

(561) 355-4943

Fax: (561) 355-4941

[www.pbcgov.com/cjc](http://www.pbcgov.com/cjc)

**Palm Beach County  
Board of County  
Commissioners**

Addie L. Greene, Chairperson

Jeff F. Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

**Criminal Justice  
Commission Officers**

Harry A. Johnston, II, Chairman

James Barr, Vice Chairman

Feirmon Johnson, Secretary

Barbara Cheives, Treasurer

**County Administrator**

Robert Weisman

**Executive Director**

Michael L. Rodriguez

E-mail: [mrodrig@co.palm-beach.fl.us](mailto:mrodrig@co.palm-beach.fl.us)

"An Equal Opportunity  
Affirmative Action Employer"

May 7, 2007

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

Re: Certificate of Participation, Federal Fiscal Year 2007

Dear Mr. Wilder,

This is to inform you that the Palm Beach County Board of County Commissioners accepts the invitation to serve as the coordinating unit of government in the Florida Department of Law Enforcement's Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

For purposes of coordinating the participation of our application(s) for grant funds with the Office of Criminal Justice Grants, we have designated the following person:

Name:	Mr. Michael L. Rodriguez
Title:	Executive Director
E-mail Address:	<a href="mailto:mrodrig@pbcgov.com">mrodrig@pbcgov.com</a>
Agency:	Criminal Justice Commission
Address:	301 North Olive Avenue, Suite 1001
Telephone:	(561) 355-2314
County:	Palm Beach

Sincerely,

Addie L. Greene  
Chairperson, Board of County Commissioners

Reviewed and Approved:

  
Assistant County Administrator  
County Attorney's Office

Executive Director

Attachment 3

Mayor

Approval

Letters

(waiting for originals)





**Criminal Justice Commission  
Community Justice Service Center**

301 North Olive Avenue, Suite 1001  
West Palm Beach, FL 33402  
(561) 355-4943  
FAX: (561) 355-4941  
www.pbcgov.com/cjc



**Palm Beach County  
Board of County  
Commissioners**

- Addie L. Greene, Chairperson
- Jeff Koons, Vice Chair
- Karen T. Marcus
- Warren H. Newell
- Mary McCarty
- Burt Aaronson
- Jess R. Santamaria

**County Administrator**  
Robert Weisman



**Criminal Justice  
Commission Officers**

- Harry A. Johnston II, Chairman
- James Barr, Vice Chairman
- Feirmon Johnson, Secretary
- Barbara Cheives, Treasurer

**Executive Director**

Michael L. Rodriguez  
E-mail: mlrodrig@pbcgov.com

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May 29, 2007

To All Palm Beach County Mayors:

The Criminal Justice Commission (CJC) seeks your approval in the allocation of FY2008 (Federal Fiscal Year 2007) JAG funds. The total FY2007 allocation to Palm Beach County is **\$564,568**.

JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. Due to decreased federal grant funding and the uncertainty for continued funding in future years, the CJC voted to support continuation of existing programs. The recommendation for the FY2008 allocation is as follows:

SUBGRANTEE	PROJECT TITLE	FEDERAL FUNDS RECOMMENDED
City of Riviera Beach/ Civil Drug Court	Family Restart	\$16,500
Palm Beach County/CJC	Community Justice Service Center – West Palm Beach	\$404,592
Palm Beach County/ Public Safety	Drug Court Treatment	\$38,476
Palm Beach County/ Sheriff's Office	Violence Against Women	\$60,000
Palm Beach County/ State Attorney's Office	Forensic Accounting	\$45,000
<b>TOTAL</b>		<b>\$564,568</b>

The Florida Department of Law Enforcement (FDLE) requires that fifty-one percent (51%) of the local units of government representing at least fifty-one percent (51%) of the county's population agree on the allocation of these funds.

For your convenience, we have prepared a sample letter for your use. This sample letter can also be e-mailed to you by e-mailing a request to Shairette Major at [SMAJOR@PBCGOV.COM](mailto:SMAJOR@PBCGOV.COM). Due to the application deadline, this letter must be received at the Criminal Justice Commission Office, **no later than June 8, 2007**.



**Criminal Justice Commission  
Community Justice Service Center**

301 North Olive Avenue, Suite 1001  
West Palm Beach, FL 33402  
(561) 355-4943  
FAX: (561) 355-4941  
www.pbcgov.com/cjc



**Palm Beach County  
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Jeff Koons, Vice Chair  
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**County Administrator**

Robert Weisman



**Criminal Justice  
Commission Officers**

Harry A. Johnston II, Chairman  
James Barr, Vice Chairman  
Feirmon Johnson, Secretary  
Barbara Cheives, Treasurer

**Executive Director**

Michael L. Rodriguez

E-mail: mlrodrig@pbcgov.com

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Please send the letter to:

Palm Beach County Criminal Justice Commission  
Attn: Shairette Major  
301 North Olive Avenue, Suite 1001  
West Palm Beach, FL 33401

If you should require additional information or have any questions, please contact Shairette Major at (561) 355-4939. Your immediate attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Rodriguez".

Michael L. Rodriguez  
Executive Director

Cc: Mr. Harry Johnston, CJC Chairman  
All Palm Beach County Police Chiefs

<insert date>

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

Dear Mr. Wilder:

In compliance with the State of Florida *Rule 11D-9, F.A.C.*, the <insert name of city, village or town> approves the distribution of **\$564,568** of Federal Fiscal Year 2007 (FY2008) JAG – Justice Assistance Grant (previously known as Byrne Formula Grant Program funds) for the following projects within Palm Beach County:

SUBGRANTEE	PROJECT TITLE	FEDERAL FUNDS RECOMMENDED
City of Riviera Beach/ Civil Drug Court	Family Restart	\$16,500
Palm Beach County/CJC	Community Justice Service Center – West Palm Beach	\$404,592
Palm Beach County/ Public Safety	Drug Court Treatment	\$38,476
Palm Beach County/ Sheriff's Office	Violence Against Women	\$60,000
Palm Beach County/ State Attorney's Office	Forensic Accounting	\$45,000
<b>TOTAL</b>		<b>\$564,568</b>

Sincerely,

Mayor  
<insert name of city, town, village>

Attachment 4

Signature

Authority

Designation

Letter



**Criminal Justice Commission  
Community Justice Service Center**

301 North Olive Avenue, Suite 1001  
West Palm Beach, FL 33402  
(561) 355-4943  
FAX: (561) 355-4941  
www.pbcgov.com/cjc



**Palm Beach County  
Board of County  
Commissioners**

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Jeff Koons, Vice Chair  
Karen T. Marcus  
Warren H. Newell  
Mary McCarty  
Burt Aaronson  
Jess R. Santamaria

**County Administrator**  
Robert Weisman




**Criminal Justice  
Commission Officers**

Harry A. Johnston II, Chairman  
James Barr, Vice Chairman  
Feirmon Johnson, Secretary  
Barbara Cheives, Treasurer

**Executive Director**

Michael L. Rodriguez  
E-mail: mlrodrig@pbcgov.com

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June 19, 2007

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

Re: FY2007 Edward Byrne Memorial Justice Assistance Grant  
(JAG) Program - Signature Authority Designation

Dear Mr. Wilder:

I am writing to extend signature authority to Mr. Michael L. Rodriguez, Executive Director of the Palm Beach County Criminal Justice Commission, to execute all related documents for the FY2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This authorization includes submitting the application electronically and the execution of all necessary forms and documents as required by the Florida Department of Law Enforcement, Office of Criminal Justice Grants.

If you have any questions, please feel free to call me at (561) 355-2712.

Thank you for your cooperation and attention to this matter.

Sincerely,



Robert Weisman  
County Administrator

Attachment 5a

# Family Restart

## Application

(copy of application attached)

waiting for backup with  
original signatures

## Application for Funding Assistance

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



### Subgrant Recipient

**Organization Name:** City of Riviera Beach  
**County:** Palm Beach

### Chief Official

**Name:** Michael Brown  
**Title:** Mayor  
**Address:** 600 West Blue Heron Boulevard  
**City:** Riviera Beach  
**State:** FL **Zip:** 33404  
**Phone:** 561-845-4095 **Ext:**  
**Fax:** 561-845-3236  
**Suncom:**  
**Email:** mbrown@rivierabch.com

### Chief Financial Officer

**Name:** Jeffery Williams  
**Title:** Assistant Finance Director  
**Address:** 600 West Blue Heron Boulevard  
**City:** Riviera Beach  
**State:** FL **Zip:** 33404  
**Phone:** 561-845-4046 **Ext:**  
**Fax:** 561-845-8843  
**Suncom:**  
**Email:** jwilliams@rivierabch.com

## Application for Funding Assistance

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



### Implementing Agency

**Organization Name:** City of Riviera Beach Civil Drug Court

**County:** Palm Beach

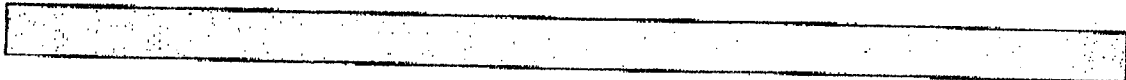
### Chief Official

**Name:** William Wilkins  
**Title:** City Manager  
**Address:** 638 6th Street  
**City:** Riviera Beach  
**State:** FL                      **Zip:** 33404  
**Phone:** 561-845-4010        **Ext:**  
**Fax:** 561-845-3353  
**Suncom:**  
**Email:** wewilkins@rivierabch.com



## Application for Funding Assistance

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



### General Project Information

**Project Title:** FAMILY RESTART (COMPLETE CARE) V  
**Project Sequence No:** 1  
**Subgrant Recipient:** City of Riviera Beach  
**Implementing Agency:** City of Riviera Beach Civil Drug Court  
**Project Start Date:** 10/1/2007      **End Date:** 9/30/2008

### Problem Identification

During FY 2005-2006, the City of Riviera Beach Civil Drug Court identified three key elements that would lead to total success for the substance and their families. Those elements are: participation by the family in the treatment and recovery process; random in-house drug testing, and referrals to social service agencies to meet the individual needs of the client and ensure successful completion of court ordered treatment. These elements continue to lend evidentiary support to their necessity in the complete care of clients who have concluded court ordered treatment.

The Civil Drug Court continues to acknowledge that participation by the family in the treatment and recovery process via family counseling, participation in group counseling, and an opportunity for increased knowledge of the recovery process will assist the family in supporting the substance abuser.

The identified problem continues to be a lack of knowledge and understanding of the process of treatment and recovery by the family, and the lack of social services made available to clients who have completed court ordered treatment. The family has no idea of the need for drastic altering of lifestyle that is imperative and absolutely key to the client maintaining sobriety. The family must be involved in the process and given a clear understanding of the adjustments that will have to be made in order to accommodate the adjustments and changes that will be necessary in the life of the client once court ordered treatment is completed.

### Project Summary

The continuation of the Family Restart Complete Care Program will allow clients and their families? complete care which includes individual, group and family counseling, random drug testing to ensure program compliance and continued assessments to identify the strengths and weaknesses of the client to determine needs for education, employment and housing.

The short term goals will remain to identify the needs of clients through the use of the Addiction Severity Index (ASI). The ASI assists the Civil Drug Court in determining the immediate needs of the clients which will allow the Civil Drug Court to create a plan of action to assure that the client is prepared to re-enter society. The continual long term goals of the Family Restart Complete Care Program are to increase active family participation in the recovery and treatment process including individual, group, and family counseling. Additionally, the Civil Drug Court will seek to partner with additional social service agencies which will seek to provide the clients with additional resources while continuing its relationship with the existing social service agencies which assists clients in identifying and completing educational and employment training as well as identifying housing needs.

## Application for Funding Assistance

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

The Civil Drug Court will utilize the following service providers: Comprehensive Alcohol Rehabilitation Program (CARP) and the Drug Abuse Foundation (DAF). These service provider agencies are not contractual and are not administratively a part of the implementing agency however, an ongoing relationship with these agencies provides for services rendered to the Civil Drug Court. These service provider agencies are located as follows: Comprehensive Alcohol and Rehabilitation Program (CARP), 5400 East Avenue, West Palm Beach, Florida 33407 and the Drug Abuse Foundation (DAF), 400 South Swinton Avenue, Delray Beach, Florida 33444. Both service providers are State certified and possess DCF Certification. CARP and DAF have provided extensive services to the Civil Drug Court and their performance remains professional, courteous and are tailored to meet the individual needs of each client.

Staff includes the following: Case Worker which will link all program participants with the appropriate social service agency, track the performance of clients and house all data collected through the Addiction Severity Index (ASI) and the Civil Drug Court Coordinator who will oversee the program and guarantee that all project requirements are met and that each client successfully completes the Family Restart Complete Care Program. Additionally, the Drug Court Coordinator will verify that all client files are complete and secured. Finally, a Crime Analyst who will serve court ordered summons to both the petitioner and potential clients.

Family Restart Complete Care Program staff will consist of a Drug Court Counselor which will provide individual, group and family counseling. Funds from this grant will be utilized for payment of the contracted Certified Drug Court Counselor.

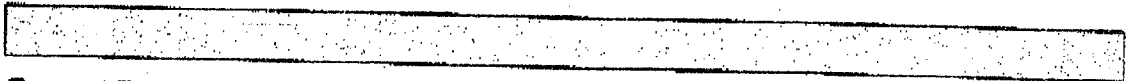
The Family Restart Complete Care Program will be housed within the offices of the City of Riviera Beach Civil Drug Court located in the Port Center at 2051 Martin Luther King Jr., Blvd., Suite 116, Riviera Beach, Florida, 33404. The targeted clients are men and women ages eighteen (18) and older who reside in Palm Beach County.

Through the continued pairing of clients with social service agencies, continued identification of employment and adequate housing needs; restored family relationships and completion of educational requirements for the clients, success of the program will be realized. Additionally, success will also be realized when a client has completed the 60 day court ordered treatment program, followed by a 90 day aftercare service and random drug testing to insure program compliance and completion for the client.

Program services will begin immediately upon receipt of funding.

### Application for Funding Assistance

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



**General Performance Info:**

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 005 - Drug Treatment Programs

State Purpose Area: 20C - Alternatives - Community Courts

	<b>Activity Description</b>	
<b>Activity:</b>	Detoxification	
<b>Target Group:</b>	Drug Offenders	
<b>Geographic Area:</b>	City-Wide	
<b>Location Type:</b>	City-Wide	

	<b>Activity Description</b>	
<b>Activity:</b>	Referrals	
<b>Target Group:</b>	Mentally Ill	
<b>Geographic Area:</b>	City-Wide	
<b>Location Type:</b>	City-Wide	

	<b>Activity Description</b>	
<b>Activity:</b>	Counseling	
<b>Target Group:</b>	Mentally Ill	
<b>Geographic Area:</b>	County-Wide	
<b>Location Type:</b>	City-Wide	

**Objectives and Measures**

**Objective:** 20C.01 - Provide a specified number of clients with community court intervention services through various treatment modalities.

**Measure:** Part 1  
How many clients will receive DETOXIFICATION services?

**Goal:** 35

**Measure:** Part 2  
How many clients will receive INTERVENTION services?

**Goal:** 20

**Measure:** Part 3  
How many clients will receive OUTPATIENT services?

### Application for Funding Assistance

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



Goal: 5

Measure: Part 4

How many clients will receive RESIDENTIAL services?

Goal: 35

Measure: Part 5

How many clients will receive AFTERCARE services?

Goal: 20

**Objective:** 20C.02 - Provide a specified number of clients an array of community court intervention services.

Measure: Part 1

How many clients will receive PSYCHOSOCIAL ASSESSMENTS?

Goal: 30

Measure: Part 8

How many clients will receive CASE MANAGEMENT services?

Goal: 30

Measure: Part 9

How many clients will receive COUNSELING, including Psychotherapy?

Goal: 30

**Objective:** 20C.04 - Assist a specified number of clients in successfully completing their treatment plans.

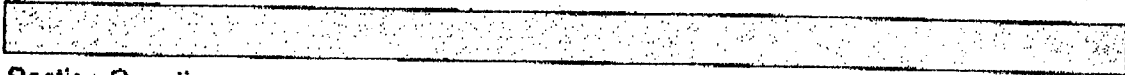
Measure: Part 1

How many clients will successfully complete their treatment plans?

Goal: 25

## Application for Funding Assistance

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



### Section Questions:

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

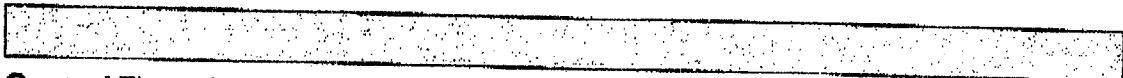
Answer:

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

Answer:

### Application for Funding Assistance

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



**General Financial Info:**

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

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 59-6000417

**Budget:**

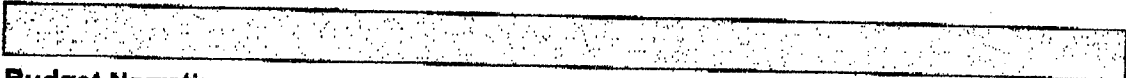
Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$4,160.00	\$0.00	\$4,160.00
Expenses	\$12,340.00	\$0.00	\$12,340.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$16,500.00</b>	<b>\$0.00</b>	<b>\$16,500.00</b>
<b>Percentage</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>

**Project Generated Income:**

Will the project earn project generated income (PGI) ? No

### Application for Funding Assistance

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



**Budget Narrative:**

**Contractual Services**

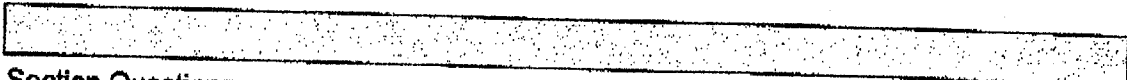
Drug Court Counselor \$20 per hour x four (4) hours x fifty-two (52) weeks \$4,160.

**Expenses:**

Office Supplies and Equipment	\$4,600	
Client supplementals (SS card, Florida State I.D., Birth Certificates \$25 x twenty-five clients		\$ 625
Dedicated telephone line and one (1) cell phone with basic service		\$ 800
Staff Travel including Case Worker/Manager to National Conferences - National Association of		
Drug Court Professionals (NADCP), National Association of Court Management	\$5,500	
Stationary	\$ 425	
Postage	\$ 410	
<b>Total</b>	<b>\$16,500</b>	

## Application for Funding Assistance

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



### Section Questions:

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

Answer: 0

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: No

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

Answer: N/A

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

Answer: N/A



## **Application for Funding Assistance**

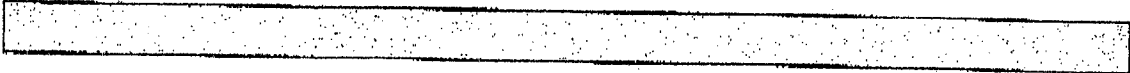
Florida Department of Law Enforcement  
Justice Assistance Grant - County-wide

### **Section 5: Standard Conditions**

**Insert Standard Conditions Page here.**

### Application for Funding Assistance

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



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

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

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

Signature: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

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

Typed Name of Subgrant \_\_\_\_\_

Signature: \_\_\_\_\_

Typed Name and \_\_\_\_\_

Date: \_\_\_\_\_

**Implementing Agency  
Official, Administrator or Designated Representative**

Typed Name of Implementing \_\_\_\_\_

Signature: \_\_\_\_\_

Typed Name and \_\_\_\_\_

Date: \_\_\_\_\_

May. 29. 2007 2:52PM

No. 4355 P. 14

## **Application for Funding Assistance**

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



**Insert Certifications and Authorizations here.**

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# FAX

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**TO:** Shairette Major  
**FAX#:** 1-561-355-4941  
**DATE:** May 29, 2007  
**RE:** Byrne grant (JAG)  
**PAGES INCLUDING COVER:** (14)  
**FROM:** Felicia A. Scott  
**FAX#:** 561-840-4828

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Attachment 5b

**Forensic  
Accountant  
Application**

## Application for Funding Assistance

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

### Section 1: Administration

#### Subgrant Recipient

**Organization Name:** Palm Beach County Board of Commissioners  
**County:** Palm Beach

#### Chief Official

**Name:** Addie Greene  
**Title:** Chairperson  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-2207 **Ext:**  
**Fax:** 561-355-3990  
**Suncom:**  
**Email:** Agreene@pbcgov.com

#### Chief Financial Officer

**Name:** Carter Hammer  
**Title:** Chief Financial Officer  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-6845 **Ext:**  
**Fax:** 561-355-6727  
**Suncom:**  
**Email:** CHammer@pbcgov.com

## Application for Funding Assistance

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

### Section 1: Administration

#### Implementing Agency

**Organization Name:** State Attorney's Office, 15th judicial Circuit  
**County:** Palm Beach

#### Chief Official

**Name:** Barry Krischer  
**Title:** State Attorney  
**Address:** 401 North Dixie Highway  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-4872 **Ext:**  
**Fax:** 561-355-7274  
**Suncom:**  
**Email:** bkrischer@sa15.state.fl.us

#### Project Director

**Name:** James Acree  
**Title:** Agent in Charge  
**Address:** 401 North Dixie Highway  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-7166 **Ext:**  
**Fax:** 561-355-7379  
**Suncom:**  
**Email:** jacree@sa15.state.fl.us

## Application for Funding Assistance

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

### Section 2: Project Overview

#### General Project Information

**Project Title:** FORENSIC ACCOUNTANT 5  
**Project Sequence No:** 1  
**Subgrant Recipient:** Palm Beach County Board of Commissioners  
**Implementing Agency:** State Attorney's Office, 15th judicial Circuit  
**Project Start Date:** 10/1/2007      **End Date:** 9/30/2008

#### Problem Identification

**Problem Description:** The project attacks money laundering in Palm Beach County, extends to the remainder of Florida, the United States and has foreign linkages. In the fall of 2000 the Palm Beach County State Attorney's Office (SAO) was selected as one of nine sites that received Financial Crime-Free Community Support Program (C-FIC) funds. Because of that support the MLTF (Money Laundering Task Force) was formed and staffed by local law enforcement. The MLTF became fully operational, worked cooperatively with numerous agencies to investigate, file and prosecute money laundering cases.

**Problem Significance:** The Financial Crimes Enforcement Network publishes suspicious activity reports (SARs) filings nationwide, including state-by-state breakdowns by violation types. Florida ranks third among all states in the number of SARs filed with 89,413 reports submitted from April 1996 through June 2004. In the first five months of 2004, Florida ranked fourth in total SARs, replaced in third place by Texas and trailing California and New York. Florida received 25,135 SARs in 2005 and 15,612 in 2006.

The main criminal violation categories reported in SAR filings are BSA/Structuring, check fraud, counterfeit checks, mortgage loan fraud, and others, including violations of the Bank Secrecy Act and structuring of transactions to avoid currency reporting requirements. Also, residential real estate purchases involving the collusion of state licensed mortgage brokers has been identified as a popular integration technique in Palm Beach County.

These financial indicators indicate that while law enforcement has had significant success investigating financial crimes like money laundering, there is still an exorbitant amount of financial activity being conducted in South Florida, including Palm Beach County. Some of these financial transactions, which amount to billions of dollars, obviously result from lucrative narcotics activities. The investigation of the sources of these funds will continue to pose a challenge for Palm Beach County and its MLTF.

**The Need:** This project provides the MLTF a Forensic Accountant, a person who possesses specialized training in document recognition, data analysis and evaluation of financial records related to the investigation and prosecution of money laundering cases as well as identification of seizable assets. This person trains and at the same time provides support to the MLTF; she also works closely with the county's financial community regarding SARs reporting. Valuable SAR information must be received on a timely basis in order to identify incoming and outgoing cash transfers that may be associated with criminal and/or terrorist activities. There is an abundance of various types of financial data available that can be mined by the project, including data available from local, state and federal sources and the Forensic Accountant generated by this project is the key project member responsible for providing that information to MLTF personnel.



## **Application for Funding Assistance**

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

### **Section 2: Project Overview**

## Application for Funding Assistance

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

### Section 2: Project Overview

#### Project Summary

Program Goals: The O9C Program Goals are consistent with the Objectives of the MLTF. The project chooses goals 09C.01, 09C.03, and 09C.04. The quantitative measures for these objectives are as follows:

09C.01 To conduct 24 financial investigations during the grant period

09C.03 To arrest and/or prosecute 15 offenders as a result of financial investigations during the grant period

09C.04 To seize \$235,000 in US currency and assets during the grant period.

#### Cooperating and Participating Agencies/Task Force Agreements

The SAO houses and administers a county-wide Money Laundering Task Force (MLTF), staffed by personnel from the following agencies: Bureau of Immigration and Customs Enforcement, Internal Revenue Service, Palm Beach County Sheriff's Office, Jupiter Police Department, Lantana Police Department, West Palm Beach Police Department, Boca Raton Police Department, Jupiter Island Police Department and the Palm Beach Police Department. All of these agencies have MOUs in place regarding their participation in the MLTF. These are the agencies that provide the personnel who benefit from the services provided by the project's Forensic Accountant.

Project Staff: The project supports a Forensic Accountant, Paige Turek. She works with personnel drawn from numerous agencies which are listed above. These include local law enforcement, the state-wide Money Laundering Task Force as well as personnel drawn from federal agencies. As shown in the budget section and the narrative section, Paige Turek is the Forensic Accountant funded by this project; she is full time agency personnel and her salary is provided by this project.

Forensic Accountant Turek's work responsibilities begin with the need to understand how the MLTF works and its primary work tasks. Briefly, this work process is as follows: 1) cases are referred by federal, state or local law enforcement agencies or based on leads provided by other sources like HIDTA or the State-wide Money Laundering Task Force; 2) cases are also based on information provided by confidential informants, SARs from financial institutions or programs supported by agencies like the Treasury Department; and 3) cases are generated directly through interdiction operations at airports or marine facilities or certain Task Force operations like Blue Lightning Strike Force.

The Forensic Accountant's investigative methodologies include a range of multifaceted law enforcement techniques and tasks. The use of financial data and documents are of special interest here, particularly the use of data and certain investigative support centers. In order to achieve the MLTF's financial/seizure related objectives, the Forensic Accountant conducts the following activities: 1) organizes staff, supervises and coordinates the multi-jurisdictional investigations, provides liaison with the federal and state prosecutions, participates in information sharing with other agencies, and shares intelligence with the other Florida Investigative Support Center as needed; 2) conducts analysis of information and evidence obtained from historical seizures/forfeitures in

## Application for Funding Assistance

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

order to show relationships to other conspirators involved in historical and ongoing criminal activity; 3) researches and reviews various databases and sources of financial information to include SARs, CRTs, 8300s, CMIRs, etc.; 4) follows the money trail to fully identify drug trafficking organizations or related criminal enterprises and their money laundering components; the result will be the successful arrest and prosecution of the top level members of drug trafficking organizations or related criminal enterprises; 5) identifies, locates and assists in the forfeit of assets owned and controlled by drug trafficking organizations or related criminal enterprises; 6) where appropriate, utilizes Title 3 wire intercepts; 7) continues to develop sufficient evidence to prosecute identified members of drug trafficking organizations or related criminal enterprises and money laundering organizations; 8) continues to fully identify illegal organizations and their unknown members in order to criminally prosecute them; 9) continues to disrupt and interdict the flow of narcotics proceeds from the US to Colombia and other foreign countries; 10) seeks to penetrate drug trafficking organizations, related criminal enterprises or illegal organizations to identify other methods and schemes being utilized to launder narcotics proceeds; 11) attempts to identify individuals involved in the laundering of narco-dollars for merchandise that is exported to Central and South America; 12) continues to attempt to identify individuals/organizations that are involved in the pickup of currency that is derived from drug trafficking organizations or related criminal enterprises that launder money through the use of various means (i.e. wire transfers, deposits into financial accounts, etc.); 13) continues to attempt to seize currency and bank accounts that have been identified as the proceeds of unlawful activity; 14) continues to identify persons and/or businesses that appear to launder narcotics proceeds utilizing the Colombian Black Market Peso Exchange system; 15) continues to identify persons owning or operating businesses that appear to fail to the currency reporting forms pursuant to Title 26 and Title 31 of the United States Code; and 16) continues to attempt to identify persons owning or operating businesses as part of a defined or loosely structured international narcotics or money laundering organizations.

How the Forensic Accountant will Address MLTF Objectives, Work Tasks and Short and Long Term Objectives: The short term and long term objectives addressed by the Forensic Accountant revolve around the requirement to provide extended and expanded expertise and technical assistance to the MLTF in terms of its financial investigative and analytical skills. Forensic Accountant Turek is housed with the MLTF at the SAO's main office where she is completely integrated into the MLTF operation and her skills and expertise have made a major impact on the MLTF.

Specific areas to be addressed by Forensic Accountant Turek this project year include the need to improve target analysis, to increase and enhance the scope of the examination of financial networks and institutions, to more fully use existing data bases, especially the Treasure Department resources related to the use of SARs submitted by local financial institutions and to improve MLTF asset seizure and forfeiture procedures. Also, the Forensic Accountant is responsible to make sure the MLTF works more closely with a number of agencies, including local law enforcement and federal units, particularly those concerned with areas like intelligence, organized white collar and economic crime as well as drugs, smuggling and terrorism. The Forensic Accountant previously worked for HIDTA and is well suited for that role. This responsibility also includes liaison with local financial institutions, especially those that strive to attack money laundering operations.

Project Results: The project will be assessed based on the degree to which it attains its quantitative objectives.

## Application for Funding Assistance

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

### Section 3: Performance

#### General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 002 - Prosecution and Court Programs

State Purpose Area: 09C - Financial Investigation Program - Local

#### Activity Description

Activity: Financial Investigations  
Target Group: Money Laundering Offender  
Geographic Area: County-Wide  
Location Type: State Attorney Office

Address(es) :

State Attorney's Office  
401 N. Dixie Highway  
West Palm Beach , FL 33401

#### Activity Description

Activity: Financial Prosecutions  
Target Group: Money Laundering Offender  
Geographic Area: County-Wide  
Location Type: State Attorney Office

#### Objectives and Measures

Objective: 09C.01 - To conduct a specified number of financial investigations during the subgrant period.

Measure: Part 1

How many financial investigations will be conducted?

Goal: 24

Objective: 09C.03 - To arrest and/or prosecute a specified number of offenders as a result of financial investigations during the subgrant period.

Measure: Part 1

How many offenders will be arrested and/or prosecuted as a result of financial investigations?

Goal: 15

## Application for Funding Assistance

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

### Section 3: Performance

**Objective:** 09C.04 - To seize a specified dollar amount of non-drug assets through financial investigations during the subgrant period.

**Measure:** Part 1

How much, in dollars, will be seized of non-drug assets through financial investigations?

**Goal:** 235000

## Application for Funding Assistance

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

### Section 3: Performance

#### Section Questions:

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

Answer: The primary project location is Palm Beach County but includes the rest of South Florida, the rest of the state and possibly the entire country; international linkages are also possible

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

Answer:

## Application for Funding Assistance

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

### Section 4: Financial

#### General Financial Info:

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

Financial Reporting Frequency for this Subgrant: Monthly

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 596000785

#### Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$45,000.00	\$0.00	\$45,000.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$0.00	\$0.00	\$0.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$45,000.00</b>	<b>\$0.00</b>	<b>\$45,000.00</b>
Percentage	100.0	0.0	100.0

#### Project Generated Income:

Will the project earn project generated income (PGI) ? No

## Application for Funding Assistance

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

### Section 4: Financial (cont.)

#### Budget Narrative:

The request covers most of the Forensic Accountants current salary of \$45,885. The SAO assumes the small remainder as well as the SAO fringe benefit package.



## Application for Funding Assistance

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

### Section 4: Financial

#### Section Questions:

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

Answer: \$10000

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: No

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

Answer: none

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

Answer: no unit costs

## Application for Funding Assistance

Florida Department of Law Enforcement  
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### Section 6: Signatures

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

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

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

Signature: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

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

Typed Name of Subgrant Palm Beach County Board of County Commissioners

Signature: \_\_\_\_\_

Typed Name and Addie L. Greene, Chairperson

Date: \_\_\_\_\_

Implementing Agency  
Official, Administrator or Designated Representative

Typed Name of Implementing State Attorney's Office

Signature: *Barry Krischer*

Typed Name and Barry Krischer, State Attorney

Date: 6/1/07

**SIGN  
HERE**

## **Application for Funding Assistance**

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

### **Section 7: Certifications and Authorizations**

**Insert Certifications and Authorizations here.**

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

**Standard Conditions**

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide and Edward Byrne Memorial Justice Assistance Grant (JAG) Program Guidance as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Further, the Subgrant Recipient agrees to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-110, A-102, A-122, A-133, A-87, as applicable; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule and Part 67, Drug-free Workplace.**

2. **Allowable Costs**

- a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
- b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.

3. **Reports**

a. **Project Performance Reports – JAG Countywide Only**

- (1) **Reporting Time Frames:** The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.

- (2) **Report Contents:** Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

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Florida Department of Law Enforcement

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**b. Financial Reports**

(1) Project Expenditure Reports

- (a) The **JAG Countywide** subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Monthly Project Expenditure Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Project Expenditure Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted.
- (b) The **JAG Direct** subgrant recipient shall submit one Project Expenditure Report for the entire subgrant period.
- (c) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCGJ).
- (d) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
- (e) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (f) Reports are to be submitted even when no reimbursement is being requested.

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

(3) If applicable, the subgrant recipient shall submit Quarterly Project Generated Income Reports to the Department by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

**c. Other Reports**

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

**4. Fiscal Control and Fund Accounting Procedures**

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to OJP Financial Guide (as amended), U.S. Department of Justice Common Rule for State and Local Governments, and federal Office of Management and Budget's (OMB) Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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

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

**6. Obligation of Subgrant Recipient Funds**

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

**7. Advance Funding**

- a. JAG Countywide - Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP Financial Guide, and the U.S. Department of Justice Common Rule for State and Local Governments. Advance funding shall be provided to a subgrant recipient upon a written request to the Department. This request, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- b. JAG Direct - The Department shall award program funds to the recipient in a single, lump sum payment.

**8. Trust Funds**

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

**9. Travel and Training**

- a. All travel expenses relating to field trips with youth requires written approval of the Department prior to commencement of actual travel.
- c. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- d. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

**10. Program Income (also known as Project Generated Income)**

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the OJP Financial Guide and U.S. Department of Justice Common Rule for State and Local Governments (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
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**11. Approval of Consultant Contracts**

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

**12. Property Accountability**

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

**13. Ownership of Data and Creative Material**

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OJP Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

**14. Copyright**

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

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

**15. Publication or Printing of Reports**

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

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

**16. Audit**

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The

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contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.

- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OBM Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

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

#### 17. Performance of Agreement Provisions

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



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Florida Department of Law Enforcement

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**18. Commencement of Project**

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

**19. Excusable Delays**

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
  - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
  - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
  - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

**20. Written Approval of Changes in this Approved Agreement**

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

- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;

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

**21. Disputes and Appeals**

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

**22. Conferences and Inspection of Work**

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.

**23. Access To Records**

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

**24. Retention of Records**

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

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**25. Signature Authority**

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

**26. Delegation of Signature Authority**

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

**27. Personnel Changes**

Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the Department must be notified in writing with documentation to include appropriate signatures.

**28. Background Check**

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

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
  - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
  - (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for

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

**29. Drug Court Projects**

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

**30. Overtime for Law Enforcement Personnel**

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

**31. Criminal Intelligence System**

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

**32. Confidential Funds**

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

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**33. Equal Employment Opportunity (EEO)**

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

**34. Americans with Disabilities Act**

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

**35. Immigration and Nationality Act**

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

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**36. National Environmental Policy Act (NEPA)**

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds,
  - (1) New construction;
  - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
  - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
  - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

**37. Non-Procurement, Debarment and Suspension**

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

**38. Federal Restrictions on Lobbying**

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:

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- (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.
- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

**39. State Restrictions on Lobbying**

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

**40. Additional Restrictions on Lobbying**

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

**41. "Pay-to-Stay"**

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

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

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

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

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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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**43. Limited English Proficiency**

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

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

**44. The Coastal Barrier Resources Act**

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

**45. Enhancement of Security**

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

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

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

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

**47. Flood Disaster Protection Act**

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

**48. National Historic Preservation Act**

The subgrantee will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting

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with the State Historic Preservation Officer as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

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

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

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

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

**51. Human Research Subjects**

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

**52. Global Justice Data Model Specifications**

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

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

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

**54. Privacy Certification**

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

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

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

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

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

**SUBGRANTEE CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

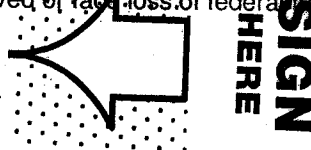
I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved of fact loss of federal funds.



\_\_\_\_\_  
Signature of Subgrantee Authorized Official

Type Name: Addie L. Greene

Title: Chairperson

Subgrant Recipient: Palm Beach County Board of County Commissioners

Date: \_\_\_\_\_

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

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

**IMPLEMENTING AGENCY CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).


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):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.
- Is Included in the EEO Plan of the Subgrant Recipient.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

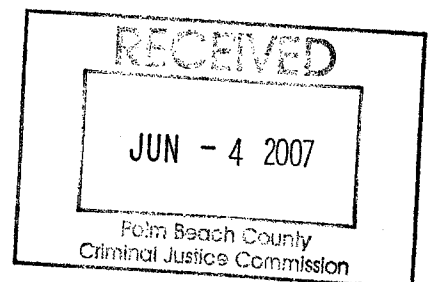
  
Signature of Implementing Agency Authorized Official

Type Name: Barry Krischer

Title: State Attorney, 15th Judicial Circuit

Implementing Agency: State Attorney's Office

Date: 06/01/2007



Attachment 5c

Community  
Justice  
Service  
Center  
(WPB)

Application

## Application for Funding Assistance

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

### Section 1: Administration

#### Subgrant Recipient

**Organization Name:** Palm Beach County Board of Commissioners

**County:** Palm Beach

#### Chief Official

**Name:** Addie Greene  
**Title:** Chairperson  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-2207 **Ext:**  
**Fax:** 561-355-3990  
**Suncom:**  
**Email:** Agreene@pbcgov.com

#### Chief Financial Officer

**Name:** Carter Hammer  
**Title:** Chief Financial Officer  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-6845 **Ext:**  
**Fax:** 561-355-6727  
**Suncom:**  
**Email:** CHammer@pbcgov.com

## Application for Funding Assistance

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

### Section 1: Administration

#### Implementing Agency

**Organization Name:** Palm Beach County Criminal Justice Commission  
**County:** Palm Beach

#### Chief Official

**Name:** Michael Rodriguez  
**Title:** Executive Director  
**Address:** 301 North Olive Avenue, Suite 1001  
**City:** West Palm Beach  
**State:** FL **Zip:** 33402  
**Phone:** 561-355-2314 **Ext:**  
**Fax:** 561-355-4941  
**Suncom:**  
**Email:** mlrodrig@pbcgov.com

#### Project Director

**Name:** Faith Martin  
**Title:** Community Justice Service Center Coordinator  
**Address:** 2107 North Tamarind Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33407  
**Phone:** 561-355-6124 **Ext:**  
**Fax:** 561-355-6126  
**Suncom:**  
**Email:** fmartin@co.palm-beach.fl.us



## Application for Funding Assistance

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

### Section 2: Project Overview

#### General Project Information

**Project Title:** COMMUNITY JUSTICE SERVICE CENTER (CJSC)  
**Project Sequence No:** 1  
**Subgrant Recipient:** Palm Beach County Board of Commissioners  
**Implementing Agency:** Palm Beach County Criminal Justice Commission  
**Project Start Date:** 10/1/2007      **End Date:** 9/30/2008

#### Problem Identification

The Community Justice Service Center addresses low level nuisance crimes that deteriorate neighborhoods. The sub-grant funds will assist with responding to non-violent misdemeanor crimes and breaking the cycle of violence and substance abuse. Low level crimes are significant to the sub-grantee because they not only affect the offender, but the victim of these crimes, the community. Many of these nuisance crimes, i.e. trespassing, open container violations, low level drug sales are known as victimless crimes; but the community is the one that suffers. People congregate on street corners, trash piles up, parks are not utilized, and residents move away due to nuisance crimes. These quality of life offenses deteriorate neighborhoods and are the predecessor to more serious crimes. The conditions in the West Palm Beach community demonstrate a distinct need for a problem-solving program. The area has a high level of law enforcement service need and exhibits a high concentration of low income households. Located on the outskirts of downtown West Palm Beach, it is a distressed and crime-ridden area. Conditions include high crime, abandoned buildings, code enforcement issues, and trash and debris. On a criminal justice level, it is an innovated ways to deliver justice and provide meaningful resolutions for offenders. The decision to create this program was data driven by research conducted by the CJC. The problem solving strategy provides a program to the community and offers a broad range of services. The goals are to assist with the restoration of the designated area, by assigning offenders to perform community service hours in the community in which they offended; to increase the reporting for these offenses and ultimately reduce the quality-of-life crimes, by helping offenders deal with problems that lead to crime through counseling and treatment services; to realize a greater sensitivity and strong emphasis for the community as a victim by ensuring the community receives validation and provision of social services, neighborhood revitalization and offender accountability through community service. The overall goal is to positively impact the restoration of the community by reducing the incidence of quality of life crimes. By the overwhelming citizen support, the community has favorably responded to having a stake in the production of justice, a voice in the Center, and shaping of sanctions and service provided. As the community improves, residents are less tolerant of crime and work cooperatively with law enforcement, prosecutors, and service providers on solving the community's crime problems. CJC implements the project. The CJSC has a level of commitment by community representatives, the criminal justice system, social service organizations and agencies, and their willingness to devote resources to the program. Stakeholders such as Judiciary, State Attorney, Public Defender, Clerk and Comptroller of the Court and WPB Police Department have committed to staff and resources necessary to fulfill their offices function as they relate to the operation of the Center. Stakeholders acknowledge that the long-term impact of the Center is beneficial to their respective offices and the community. Both the Public Defender and State Attorney are supportive of the project and have committed staff. Both are involved with assisting in identifying, targeting and solving the community's crime problems. The WPB Police Department initiated community policing and problem solving policing. The Community Service Supervisor

## Application for Funding Assistance

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

### Section 2: Project Overview

supervises offender's work crews, develops community worksites, keeps complete records on job sites and offenders performance in the program, reports statistics and is the liaison to community organizations. The Court Case Advisor is responsible for ensuring all data is collected from pre-trial assessment to post-disposition. The Advisor provides monthly statistical reports; resource coordination, and provides information to make correct sanction decisions. The Clinical Program Specialist manages the social service delivery and is responsible for establishing on-site treatment readiness services and identifying resources. The Specialist evaluates providers and continues to build a continuum of services. This position provides daily case management to assist the offenders through the process and provides in-house substance and alcohol counseling. The Senior Secretary is responsible for the clerical duties and management of the office. The project's services and activities take place at 2107 Tamarind Avenue, WPB. The building is located in the heart of the community with easy access for walk-ins and those needing public transportation. It provides services needed by the neighborhood.

### Project Summary

The following agencies collaborate and provide resources: 15th Judicial Circuit, PBC, the Health Care District, Public Defender, State Attorney, Comprehensive Aids Program, Homeless Hot Team, Clerk and Comptroller, PBC Health Department and neighborhood residents. WPB Community Policing Officers issue a notice to appear to those committing on-violent misdemeanor crimes. Once offenders appear they meet with the Court Case Advisor for an assessment to obtain pertinent information to identify problems and circumstances, such as offender arrest history, demographic information, substance abuse, history, homelessness, employment status, health concerns, family/community ties, housing situation and a myriad of other issues. The information obtained in this process is entered into the computer system for staff to access. It is confidential and is used solely for treatment decisions. Staff orients offenders to the services/sanctions available. Offenders are encouraged to take advantage of the social services/sanctions and attend HIV/AIDS and Substance Abuse education. Once screening is complete, the offenders meet with on-site service providers who utilize innovative approaches to assist them with their needs. The Specialist makes referrals to counseling and treatment. Offenders who commit non-violent misdemeanors are in need of substance abuse treatment, housing assistance, mental health treatment, employment and health care. The Specialist assists offenders with accessing these social services. Collaboration is essential for our strategy to work. The following services are available for offenders in-house drug and alcohol counseling; substance abuse treatment is contracted through local providers; job counseling; health screenings; HIV/AIDS education, counseling, testing and housing/homeless services. Offenders are seen by the Assistant Public Defender who reviews their charges. Offenders are offered community service sanctions and are seen by the Community Service Supervisor who will arrange their community service assignment. Community Service Supervisor is responsible for establishing community service projects and locations such as sidewalk and street cleaning, trash removal, house painting, not-for-profit event set-up and clean-up. Offenders offered a treatment sanction begin immediately following Court. Offender's cases are called by the Judge and heard. The Judge reviews their plea agreement. Once ordered, the offender reports for community service and/or treatment sanctions. Community service and social service staff monitor the offender's compliance with the terms of his/her disposition. If the offender's position includes assignment to a long-term treatment program, the treatment program provides the Specialist with daily status reports. The offender appears before the Court for status check hearings. Data on whether an offender has completed sanctions, appeared for status hearings, and successfully completed treatment is entered into the Center's management information system. This information is

## **Application for Funding Assistance**

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

utilized for the Judge to review all status check hearings. Once the offender has successfully completed the sanctions the case is dismissed. Law enforcement encounters those offenders who are eligible to participate in the program by the criteria of committing quality of life crimes within the target area. The criterion is that the crime was committed within the area boundaries and that they committed a non violent misdemeanor. Once at the Center they are assessed for substance abuse. These offenders are given the opportunity to enter into a treatment modality. CJSC currently uses an evaluation system that helps to provide us with recommendations on how the Center operates. CJSC computer software system collects and stores data which is necessary to evaluate and monitor activities to ensure accomplishment of goals. CJSC works closely with offenders for them to successfully complete the program, but for those who fail to appear a warrant for their arrest is issued.

## Application for Funding Assistance

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

### Section 3: Performance

#### General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 005 - Drug Treatment Programs

State Purpose Area: 20C - Alternatives - Community Courts

#### Activity Description

Activity: Alternatives to Incarceration

Target Group: Other

Geographic Area: County-Wide

Location Type: Neighborhood Center

Address(es):

Community Justice Service Center  
2107 Tamarind Avenue  
West Palm Beach, FL 33407

#### Target Group Questions:

Question: Please provide the name of the target group.

Answer: Includes mentally ill, homeless and substance abusers

#### Objectives and Measures

**Objective:** 20C.02 - Provide a specified number of clients an array of community court intervention services.

Measure: Part 3

During this reporting period, how many clients received PSYCHOLOGICAL EVALUATIONS?

Goal: 100

Measure: Part 8

How many clients will receive CASE MANAGEMENT services?

Goal: 100

**Objective:** 20C.03 - Determine how often a specified number of clients appear before a judge in a community court.

Measure: Part 1

How many clients will receive their first appearance session before a judge in court?

Goal: 450

## Application for Funding Assistance

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

### Section 3: Performance

**Objective:** 20C.06 - Provide a specified number of offenders with services as an alternative to incarceration.

**Measure:** Part 1

How many offenders will be provided with services as an alternative to incarceration?

**Goal:** 450

**Objective:** 20C.07 - To have a specified number of offenders successfully complete the program as an alternative to incarceration.

**Measure:** Part 1

How many offenders will be provided with services as an alternative to incarceration?

**Goal:** 450

## Application for Funding Assistance

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

### Section 3: Performance

#### Section Questions:

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

Answer:

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

Answer:

## Application for Funding Assistance

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

### Section 4: Financial

#### General Financial Info:

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

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 596000785

#### Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$225,476.00	\$0.00	\$225,476.00
Contractual Services	\$170,683.00	\$0.00	\$170,683.00
Expenses	\$8,433.00	\$0.00	\$8,433.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$404,592.00</b>	<b>\$0.00</b>	<b>\$404,592.00</b>
Percentage	100.0	0.0	100.0

#### Project Generated Income:

Will the project earn project generated income (PGI) ? No

## Application for Funding Assistance

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

### Section 4: Financial (cont.)

#### Budget Narrative:

#### BUDGET NARRATIVE

West Palm Beach Community Justice Service Center

TOTAL SALARY AND BENEFITS \$225,476

Salaries: \$159,324

Senior Secretary \$33,704

- responsible for the clerical duties and management of the office

Court Case Advisor \$45,572

- ensures all data is collected from pre-trial assessment to post-disposition; provides monthly statistical reports; resource coordination and provides information to make correct sanction decisions.

Clinical Services Program Specialist \$42,388

- manages the social service delivery; responsible for establishing on-site, treatment readiness services and identifying resources; evaluates provider and builds a continuum of services; provides daily case management to assist the offenders throughout the process and provides in-house substance and alcohol counseling.

Community Service Supervisor \$37,660

- supervises offender's work crews, develops community worksites, keeps complete records on job sites and participants performance; reports statistics and is the liaison with community organizations.

Benefits: \$ 66,152

FICA Taxes Salary of \$159,324 x rate of .0062% = \$9,878

FICA Medicare - Salary of \$159,324 x rate of .0145% = \$2,364

Retirement - Salary of \$159,324 x rate of .11% = \$17,526

Health Benefits of \$758 x 12 months x 4 = \$36,384

TOTAL CONTRACTUAL SERVICES \$170,683

Treatment Services \$150,000

- for group and individual counseling a contract will be established with a provider(s) that follows the County's guidelines on contracts. Providers will have insurance and appropriate license to provide treatment.

- Community Justice Service Center staff will initially screen clients and authorize treatment services at an appropriate level of care in accordance with the American Society of Addiction Medicine Placement criteria.

Approximate cost of \$62 per session x 2,419.36 hours of counseling = \$150,000  
OR \$150,000/2,419.36 hours = \$62 per hour (unit)

Unit cost is a calculation based on projected expenditures and number of units of service to be furnished during the contract period, not to exceed the maximum state rates.

(65E-14 (9)(a)1.)

Application Ref # 2008-JAGC-593

Contract -JAGC-PALM- - -

Section #4 Page 2 of 4



## Application for Funding Assistance

Florida Department of Law Enforcement  
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### Budget Narrative (Continued):

Temporary Services \$ 10,000

- receptionist to provide assistance to clients as they enter the facility and the staff in organizing/managing the day to day operations of the center

Security Services \$ 7,083

- provide security for staff, clients and visitors; center located in a distressed, crime-ridden area.

Rent/Office Equipment \$ 3,600

- copier lease (will use County's contract system for obtaining a lease)  
\$300 per month for 12 months

TOTAL EXPENSE \$ 8,433

Court Reporter Service - \$209/month x 12 mo = \$2,500

Travel/Mileage - for 4 employees to attend meetings, training, make home visits, buy supplies, etc.  
- \$100/month x 3.5 mo = \$350

Office Supplies - \$465.25/month x 12 mo = \$5,583

## Application for Funding Assistance

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

### Section 4: Financial

#### Section Questions:

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

Answer: does not apply

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: No

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

Answer: does not apply

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

Answer: Contractual Treatment Services:  
Unit cost is a calculation based on projected expenditures and number of units of service to be furnished during the contract period, not to exceed the maximum state rates. (65E-14 (9)(a)1.)

Temporary Service:  
\$11.97/hour (provider bill rate) x 835.5 hours of service

Security Service:  
\$15.13/hour (provider bill rate) x 468.14 hours of service

Copier Lease;  
\$300/month x 12 months

## Application for Funding Assistance

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

### Section 6: Signatures

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

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

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

Signature: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

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

Typed Name of Subgrant Palm Beach County Board of County Commissioners:

Signature: \_\_\_\_\_

Typed Name and Addie L. Greene, Chairperson

Date: \_\_\_\_\_

Implementing Agency  
Official, Administrator or Designated Representative

Typed Name of Implementing Palm Beach County Criminal Justice Commission

Signature: \_\_\_\_\_

Typed Name and Michael L. Rodriguez, Executive Director

Date: \_\_\_\_\_

**SIGN  
HERE**

## **Application for Funding Assistance**

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

### **Section 7: Certifications and Authorizations**

**Insert Certifications and Authorizations here.**

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

**Standard Conditions**

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide and Edward Byrne Memorial Justice Assistance Grant (JAG) Program Guidance as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Further, the Subgrant Recipient agrees to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-110, A-102, A-122, A-133, A-87, as applicable; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule and Part 67, Drug-free Workplace.**
2. **Allowable Costs**
  - a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
  - b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.
3. **Reports**
  - a. **Project Performance Reports – JAG Countywide Only**
    - (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.  
  
Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.
    - (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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**b. Financial Reports**

(1) Project Expenditure Reports

- (a) The **JAG Countywide** subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Monthly Project Expenditure Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Project Expenditure Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted.
  - (b) The **JAG Direct** subgrant recipient shall submit one Project Expenditure Report for the entire subgrant period.
  - (c) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCGJ).
  - (d) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
  - (e) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
  - (f) Reports are to be submitted even when no reimbursement is being requested.
- (2) The Closeout Documentation shall be submitted to the Department within forty-five (45) days of the subgrant termination period.
- (3) If applicable, the subgrant recipient shall submit Quarterly Project Generated Income Reports to the Department by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

**c. Other Reports**

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

**4. Fiscal Control and Fund Accounting Procedures**

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to OJP Financial Guide (as amended), U.S. Department of Justice Common Rule for State and Local Governments, and federal Office of Management and Budget's (OMB) Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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

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

**6. Obligation of Subgrant Recipient Funds**

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

**7. Advance Funding**

- a. JAG Countywide - Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP Financial Guide, and the U.S. Department of Justice Common Rule for State and Local Governments. Advance funding shall be provided to a subgrant recipient upon a written request to the Department. This request, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- b. JAG Direct - The Department shall award program funds to the recipient in a single, lump sum payment.

**8. Trust Funds**

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

**9. Travel and Training**

- a. All travel expenses relating to field trips with youth requires written approval of the Department prior to commencement of actual travel.
- c. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- d. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

**10. Program Income (also known as Project Generated Income)**

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the OJP Financial Guide and U.S. Department of Justice Common Rule for State and Local Governments (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
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**11. Approval of Consultant Contracts**

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

**12. Property Accountability**

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

**13. Ownership of Data and Creative Material**

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OJP Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

**14. Copyright**

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

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

**15. Publication or Printing of Reports**

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

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

**16. Audit**

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The



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contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.

- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OBM Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

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

**17. Performance of Agreement Provisions**

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

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**18. Commencement of Project**

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

**19. Excusable Delays**

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
  - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
  - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
  - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

**20. Written Approval of Changes in this Approved Agreement**

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

- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;

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

**21. Disputes and Appeals**

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

**22. Conferences and Inspection of Work**

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.

**23. Access To Records**

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

**24. Retention of Records**

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

**25. Signature Authority**

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

**26. Delegation of Signature Authority**

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

**27. Personnel Changes**

Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the Department must be notified in writing with documentation to include appropriate signatures.

**28. Background Check**

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

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
  - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
  - (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for

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

**29. Drug Court Projects**

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

**30. Overtime for Law Enforcement Personnel**

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

**31. Criminal Intelligence System**

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

**32. Confidential Funds**

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

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**33. Equal Employment Opportunity (EEO)**

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

**34. Americans with Disabilities Act**

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

**35. Immigration and Nationality Act**

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

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**36. National Environmental Policy Act (NEPA)**

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds,
- (1) New construction;
  - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
  - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
  - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

**37. Non-Procurement, Debarment and Suspension**

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

**38. Federal Restrictions on Lobbying**

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:

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- (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.
- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

**39. State Restrictions on Lobbying**

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

**40. Additional Restrictions on Lobbying**

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

**41. "Pay -to-Stay"**

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

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

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

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



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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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**43. Limited English Proficiency**

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

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

**44. The Coastal Barrier Resources Act**

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

**45. Enhancement of Security**

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

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

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

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

**47. Flood Disaster Protection Act**

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

**48. National Historic Preservation Act**

The subgrantee will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting

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with the State Historic Preservation Officer as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

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

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

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

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

**51. Human Research Subjects**

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

**52. Global Justice Data Model Specifications**

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

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

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

**54. Privacy Certification**

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

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

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

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

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**SUBGRANTEE CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

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):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

\_\_\_\_\_  
Signature of Subgrantee Authorized Official

Type Name: Addie L. Greene

Title: Chairperson

Subgrant Recipient: Palm Beach County Board of County Commissioners

Date: \_\_\_\_\_

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

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

**IMPLEMENTING AGENCY CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

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):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.
- Is Included in the EEO Plan of the Subgrant Recipient.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

  
\_\_\_\_\_  
Signature of Implementing Agency Authorized Official

Type Name: Michael L. Rodriguez

Title: Executive Director

Implementing Agency: Palm Beach County Criminal Justice Commission

Date: \_\_\_\_\_

Domestic  
Violence  
Application

## Application for Funding Assistance

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

### Section 1: Administration

#### Subgrant Recipient

**Organization Name:** Palm Beach County Board of Commissioners  
**County:** Palm Beach

#### Chief Official

**Name:** Addie Greene  
**Title:** Chairperson  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-2207 **Ext:**  
**Fax:** 561-355-3990  
**Suncom:**  
**Email:** Agreene@pbcgov.com

#### Chief Financial Officer

**Name:** Carter Hammer  
**Title:** Chief Financial Officer  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-6845 **Ext:**  
**Fax:** 561-355-6727  
**Suncom:**  
**Email:** CHammer@pbcgov.com



## Application for Funding Assistance

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

### Section 1: Administration

#### Implementing Agency

**Organization Name:** Palm Beach County Sheriff's Office

**County:** Palm Beach

#### Chief Official

**Name:** Ric Bradshaw

**Title:** Sheriff

**Address:** 3228 Gun Club Road

**City:** West Palm Beach

**State:** FL **Zip:** 33406

**Phone:** 561-688-3021 **Ext:**

**Fax:** 561-688-3033

**Suncom:**

**Email:** bradshawr@pbso.org

#### Project Director

**Name:** Scott Shoemaker

**Title:** Sgt.

**Address:** 3228 Gun Club Road

**City:** West Palm Beach

**State:** FL **Zip:** 33406

**Phone:** 561-688-4162 **Ext:**

**Fax:** 561-688-3977

**Suncom:**

**Email:** shoemakers@pbso.org

## Application for Funding Assistance

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

### Section 2: Project Overview

#### General Project Information

**Project Title:** PALM BEACH SHERIFF'S OFFICE DOMESTIC VIOLENCE  
**Project Sequence No:** 1  
**Subgrant Recipient:** Palm Beach County Board of Commissioners  
**Implementing Agency:** Palm Beach County Sheriff's Office  
**Project Start Date:** 10/1/2007      **End Date:** 9/30/2008

#### Problem Identification

Domestic Violence continues to be a major epidemic facing our national, state, and local communities. According to national studies, one out of every four women will experience violence by an intimate partner sometime during her lifetime. Even more disturbing, women are far more likely than men to be murdered by an intimate partner. Although the crimes of domestic violence often go unreported, the number of reported domestic violence rates are staggering. In 2006, PBSO responded to 563,510 calls for service, of which 8,478 were calls for domestic related incidents, including 2,825 cases determined to be violent in nature (assaults, battery, sexual battery, stalking and murder).

Palm Beach County has been in the forefront of reducing the incidence of domestic violence through proactive law enforcement initiatives, aggressive prosecution of perpetrators and grass-roots advocacy from a coalition of community-based providers, including the Palm Beach County Victim Services Division. The Palm Beach County Sheriff's Office (PBSO) is committed to serve the needs of victims of domestic violence.

To this end, we have implemented three major programs in our effort to address the domestic violence crisis. First, PBSO implemented a Domestic Abuse Response Team (DART) in 1998 where officers are specially trained and equipped to handle domestic violence calls. Currently, PBSO has approximately 240 DART officers who work various shifts 24/7 throughout the unincorporated areas and municipal districts under the jurisdiction of PBSO. Second, PBSO implemented the Victim Volunteer Advisors Program in 1998, to assist victims of domestic violence over the phone when an officer responds to the scene and determines that a crime occurred and a victim advisor is needed to assist the victim. Third, PBSO created the Domestic Violence Internet Program in 2001, a secured password-protected web-site to serve as a conduit of information for interested parties (prosecutor, judges, domestic violence centers, probation officers, and victim advocates) to view details of a crime and to make informed decisions regarding services and whether a protection order is warranted.

We are requesting grant funds to support the continued employment of our Domestic Violence Detective, an integral member of our Domestic Violence Unit.

#### Project Summary

The Palm Beach Sheriff's Office created the Domestic Violence Unit to provide an organized, holistic and victim-focused approach to special crimes stemming from intra-familial and interpersonal violence so that victims can break the cyclic and inter-generational patterns of violence. With early identification and intervention, through outreach and educational efforts and through victim empowerment, victims and family members can break free from the cycle of violence or abuse.

The Domestic Violence Unit is comprised of one (1) sergeant, one (1) detective, and (2)

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Section #2 Page 1 of 2

Contract -JAGC-PALM- - -

## **Application for Funding Assistance**

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

victim advocates and currently 24 volunteer domestic violence advisors. The Domestic Violence Unit is responsible for the follow-up investigation of reported domestic violence cases, including but not limited to: domestic-related battery, aggravated battery, aggravated assault, kidnapping, false imprisonment, attempted homicide, aggravated stalking, and violations of Injunctions for Protection. The Unit also provides in-service training to all PBSO deputies and other local law enforcement agencies in addition to training new hires. The Unit also acts as a clearinghouse for victims to call if they have a concern as to how their case was handled and to review reports from the responding officers as to whether they enforced applicable statutes and protection orders. The Unit staff also attends various community meetings to network and share information among domestic violence providers.

The grant-funded detective is an integral member of the Domestic Violence Team and is responsible for the coordination, training, and administration of the DART program. During the course of this grant, we expect that this detective will train additional officers in the DART program. The training includes dynamics of domestic violence, investigative techniques, collection of evidence, enforcement of applicable statutes, enforcement of protection orders, and the effect this violence has on children.

The detective will continue to be responsible for maintaining the Domestic Violence Internet Program, ensuring that all evidence is being properly downloaded into the website by PBSO deputies and participating municipalities and to follow up on related evidence regarding the investigations. Evidence entered into the secured internet site may include a lethality assessment, 911 taped calls, witness statements, previous incidents related to the batterer and/or the victim, and any other pertinent information to the investigation. The detective will also train outside municipalities who wish to participate in the internet program, and allowing access to this secure internet site to more service providers, county-wide.

One of the short-term goals of this project is to increase the overall number of DART trained deputies. The long term goal is to increase the successful apprehension of perpetrators, facilitate an improvement in the prosecution of domestic violence crimes via increasing access to pertinent data, and to promote the safety of our victim citizens by providing community referrals to victims through our DART trained officers and victim advocates.

Project success will be measured by the number of officers trained in the DART program and the of domestic violence cases investigated through access to the Domestic Violence Internet site for the purpose of prosecution, first appearance matters, and community service advocacy/service provision. Referrals to community resources will also be monitored.

## Application for Funding Assistance

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

### Section 3: Performance

#### General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 001 - Law Enforcement Programs

State Purpose Area: 018 - Domestic Violence

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#### Activity Description

**Activity:** Domestic Violence Training

**Target Group:** Law Enforcement

**Geographic Area:** County-Wide

**Location Type:** County-Wide

**Address(es) :**

**Palm Beach County Sheriff's Office**  
3228 Gun Club Road  
West Palm Beach , FL 33406

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#### Activity Description

**Activity:** Criminal Investigation

**Target Group:** Law Enforcement

**Geographic Area:** County-Wide

**Location Type:** County Court

**Address(es) :**

**Palm Beach County Sheriff's Office**  
3228 Gun Club Road  
West Palm Beach , FL 33406

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#### Activity Description

**Activity:** Onsite Supervision

**Target Group:** Law Enforcement

**Geographic Area:** County-Wide

**Location Type:** County-Wide

**Address(es) :**

## Application for Funding Assistance

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

### Section 3: Performance

**Palm Beach County Sheriff's Office**  
3228 Gun Club Road  
West Palm Beach , FL 33406

#### Objectives and Measures

**Objective:** 018.01 - Investigate a specified number of domestic violence cases.

**Measure:** Part 1

How many domestic violence investigations will be initiated?

**Goal:** 750

**Objective:** 018.02 - Arrest a specified number of domestic violence offenders.

**Measure:** Part 1

How many domestic violence offenders will be arrested?

**Goal:** 275

**Objective:** 018.04 - Provide case management services to a specified number of domestic violence victims.

**Measure:** Part 1

How many domestic violence victims will be provided case management services?

**Goal:** 400

**Objective:** 018.05 - Refer a specified number of domestic violence victims to community resources.

**Measure:** Part 1

How many domestic violence victims will be referred to community resources?

**Goal:** 400

**Objective:** 018.06 - Provide shelter services to a specified number of domestic violence victims.

**Measure:** Part 1

How many domestic violence victims will be NEW ADMISSIONS and/or READMISSIONS to shelter services?

## Application for Funding Assistance

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

### Section 3: Performance

Goal: 150

**Objective:** 018.07 - Provide counseling services to a specified number of domestic violence victims.

Measure: Part 1

How many domestic violence victims will be NEW ADMISSIONS and/or READMISSIONS to counseling services?

Goal: 400

**Objective:** 018.10 - Provide education and training on domestic violence issues to a specified number of criminal justice personnel.

Measure: Part 1

How many criminal justice personnel will COMPLETE education and training on domestic violence?

Goal: 12

**Objective:** 018.11 - Provide information on domestic violence issues to the general public.

Measure: Part 1

Will information on domestic violence issues be provided to the general public?

Goal: Yes

## Application for Funding Assistance

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

### Section 3: Performance

#### Section Questions:

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

Answer:

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

Answer:

## Application for Funding Assistance

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

### Section 4: Financial

#### General Financial Info:

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

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 59-6000785

#### Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$60,000.00	\$51,342.00	\$111,342.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$0.00	\$0.00	\$0.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$60,000.00</b>	<b>\$51,342.00</b>	<b>\$111,342.00</b>
<b>Percentage</b>	<b>53.888</b>	<b>46.1119</b>	<b>100.0</b>

#### Project Generated Income:

Will the project earn project generated income (PGI) ? No



## Application for Funding Assistance

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

### Section 4: Financial (cont.)

#### Budget Narrative:

##### I. Salaries/Benefits:

###### A. Salary:

(1) Full-Time Detective for the Domestic Violence Unit= \$76,717

###### B. Benefits:

Fica/Med (7.65%)= \$5,869

Retirement (20.92%)= \$16,049

Health Insurance= \$11,569

Dental Insurance= \$462

Vision= \$55

Life (.0031%)= \$237

Disability (.0028%)= \$384

Sub-Total Benefits= \$34,625

Total Salary/Benefits= \$111,342

Federal=\$60,000

Match= \$51,342

## Application for Funding Assistance

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

### Section 4: Financial

#### Section Questions:

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

Answer: \$1000

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: Yes

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

Answer: N/A

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

Answer: N/A

## **Application for Funding Assistance**

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



**Insert Standard Conditions Page here.**

## Application for Funding Assistance

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

### Section 6: Signatures

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

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

Signature: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

Typed Name of Subgrant Palm Beach County Board of County  
Commissioners

Signature: \_\_\_\_\_

Typed Name and Addie L. Greene, Chairperson

Date: \_\_\_\_\_

Typed Name of Implementing Palm Beach Sheriff's Office

Signature: \_\_\_\_\_

Typed Name and Ric L. Bradshaw, Sheriff

Date: 5/21/07

## **Application for Funding Assistance**

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

### **Section 7: Certifications and Authorizations**

**Insert Certifications and Authorizations here.**

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

**Standard Conditions**

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide and Edward Byrne Memorial Justice Assistance Grant (JAG) Program Guidance as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Further, the Subgrant Recipient agrees to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-110, A-102, A-122, A-133, A-87, as applicable; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule and Part 67, Drug-free Workplace.**
2. **Allowable Costs**
  - a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
  - b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.
3. **Reports**
  - a. **Project Performance Reports – JAG Countywide Only**
    - (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.  
  
Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.
    - (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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**b. Financial Reports**

(1) Project Expenditure Reports

- (a) The **JAG Countywide** subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Monthly Project Expenditure Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Project Expenditure Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted.
- (b) The **JAG Direct** subgrant recipient shall submit one Project Expenditure Report for the entire subgrant period.
- (c) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCGJ).
- (d) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
- (e) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (f) Reports are to be submitted even when no reimbursement is being requested.

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

(3) If applicable, the subgrant recipient shall submit Quarterly Project Generated Income Reports to the Department by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

c. Other Reports

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

**4. Fiscal Control and Fund Accounting Procedures**

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to OJP Financial Guide (as amended), U.S. Department of Justice Common Rule for State and Local Governments, and federal Office of Management and Budget's (OMB) Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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

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

**6. Obligation of Subgrant Recipient Funds**

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

**7. Advance Funding**

- a. JAG Countywide - Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP Financial Guide, and the U.S. Department of Justice Common Rule for State and Local Governments. Advance funding shall be provided to a subgrant recipient upon a written request to the Department. This request, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- b. JAG Direct - The Department shall award program funds to the recipient in a single, lump sum payment.

**8. Trust Funds**

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

**9. Travel and Training**

- a. All travel expenses relating to field trips with youth requires written approval of the Department prior to commencement of actual travel.
- c. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- d. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

**10. Program Income (also known as Project Generated Income)**

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the OJP Financial Guide and U.S. Department of Justice Common Rule for State and Local Governments (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).



Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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**11. Approval of Consultant Contracts**

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

**12. Property Accountability**

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

**13. Ownership of Data and Creative Material**

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OJP Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

**14. Copyright**

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

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

**15. Publication or Printing of Reports**

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

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

**16. Audit**

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.

- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OBM Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

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

#### 17. Performance of Agreement Provisions

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

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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**18. Commencement of Project**

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

**19. Excusable Delays**

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
  - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
  - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
  - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

**20. Written Approval of Changes in this Approved Agreement**

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

- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;

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

**21. Disputes and Appeals**

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

**22. Conferences and Inspection of Work**

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.

**23. Access To Records**

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

**24. Retention of Records**

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

**25. Signature Authority**

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

**26. Delegation of Signature Authority**

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

**27. Personnel Changes**

Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the Department must be notified in writing with documentation to include appropriate signatures.

**28. Background Check**

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

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
  - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
  - (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for

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

**29. Drug Court Projects**

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

**30. Overtime for Law Enforcement Personnel**

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

**31. Criminal Intelligence System**

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

**32. Confidential Funds**

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

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**33. Equal Employment Opportunity (EEO)**

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

**34. Americans with Disabilities Act**

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

**35. Immigration and Nationality Act**

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

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**36. National Environmental Policy Act (NEPA)**

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds,
- (1) New construction;
  - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
  - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
  - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

**37. Non-Procurement, Debarment and Suspension**

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

**38. Federal Restrictions on Lobbying**

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:



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- (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.
- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

**39. State Restrictions on Lobbying**

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

**40. Additional Restrictions on Lobbying**

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

**41. "Pay-to-Stay"**

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

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

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

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

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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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**43. Limited English Proficiency**

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

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

**44. The Coastal Barrier Resources Act**

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

**45. Enhancement of Security**

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

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

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

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

**47. Flood Disaster Protection Act**

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

**48. National Historic Preservation Act**

The subgrantee will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting

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with the State Historic Preservation Officer as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

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

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

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

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

**51. Human Research Subjects**

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

**52. Global Justice Data Model Specifications**

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

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

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

**54. Privacy Certification**

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

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

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

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

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

**SUBGRANTEE CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEO Plan must still be prepared, but must focus on employment practices affecting women only).

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):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

Signature of Subgrantee Authorized Official

Type Name: Addie L. Greene

Title: Chairperson

Subgrant Recipient: Palm Beach County BCC

Date: \_\_\_\_\_

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

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

**IMPLEMENTING AGENCY CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

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):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.
- Is Included in the EEO Plan of the Subgrant Recipient.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

\_\_\_\_\_  
Signature of Implementing Agency Authorized Official

Type Name: Ric L. Bradshaw

Title: Sheriff

Implementing Agency: Palm Beach Sheriff's Office

Date: 5/30/07

Drug  
Court  
Application



## Application for Funding Assistance

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

### Section 1: Administration

#### Subgrant Recipient

**Organization Name:** Palm Beach County Board of Commissioners  
**County:** Palm Beach

#### Chief Official

**Name:** Addie Greene  
**Title:** Chairperson  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-2207 **Ext:**  
**Fax:** 561-355-3990  
**Suncom:**  
**Email:** Agreene@pbcgov.com

#### Chief Financial Officer

**Name:** Carter Hammer  
**Title:** Chief Financial Officer  
**Address:** 301 North Olive Avenue  
**City:** West Palm Beach  
**State:** FL **Zip:** 33401  
**Phone:** 561-355-6845 **Ext:**  
**Fax:** 561-355-6727  
**Suncom:**  
**Email:** CHammer@pbcgov.com

## Application for Funding Assistance

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

### Section 1: Administration

#### Implementing Agency

**Organization Name:** Palm Beach County Public Safety  
**County:** Palm Beach

#### Chief Official

**Name:** Paul Milelli  
**Title:** Director  
**Address:** 20 South Military Trail  
**City:** West Palm Beach  
**State:** FL **Zip:** 33415  
**Phone:** 561-712-6470 **Ext:**  
**Fax:** 561-712-6490  
**Suncom:**  
**Email:** pmilelli@co.palm-beach.fl.us

#### Project Director

**Name:** Dorrie Tyng  
**Title:** Drug Court Coordinator  
**Address:** 3228 Gun Club Road, Room B-126  
**City:** West Palm Beach  
**State:** FL **Zip:** 33406  
**Phone:** 561-688-4530 **Ext:**  
**Fax:** 561-688-4635  
**Suncom:**  
**Email:** dtyng@co.palm-beach.fl.us

## Application for Funding Assistance

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

### Section 2: Project Overview

#### General Project Information

**Project Title:** PALM BEACH COUNTY DRUG COURT PROGRAM  
**Project Sequence No:** 1  
**Subgrant Recipient:** Palm Beach County Board of Commissioners  
**Implementing Agency:** Palm Beach County Public Safety  
**Project Start Date:** 10/1/2007      **End Date:** 9/30/2008

#### Problem Identification

Local drug overdoses, drug use and drug activity in Palm Beach County is a legitimate concern. The Florida Drug Control Strategy 1999-2005, Office of Drug Control, Executive Office of the Governor, State of Florida, utilizing data from the Florida Department of Children and Families Substance Abuse Programs Office, estimates that Florida's rate of drug use is approximately 25 percent (25%) higher than the national average. Cocaine related deaths are rising at a steady pace, over 65 percent (65%) in the last six years. The heroine death rate has risen over 50 percent (50%) in the past year alone, and many experts believe that not all of the heroin-induced deaths are being captured in statistics. To add to an ever increasing problem, new drugs are consistently being illegally manufactured and distributed.

The Palm Beach County Sheriff's Office reports an average of 87.5 inmates housed in the County jail on any given day in 2003, for drug charges (includes sales and possessions, not including) drug-related arrests). To further demonstrate the growing urgency, the Medical Examiners office reports 421 drug overdoses in Palm Beach County from January 1st 2002 to May 5th 2004. The financial burden reaches the entire community. The estimated taxpayer cost to incarcerate the average offender in the Palm Beach County Jail is \$87.00 per day. The average cost for a Drug Court graduate is approximately \$1,900 annually or \$5.28 per day.

This project will divert drug-addicted individuals from incarceration and endeavor to make them productive members of society while gradually minimizing criminal justice involvement. The Drug Court will impact the community by reducing incarceration costs, reducing the recidivism rate and increasing jail space for more serious offenders. In coordination with a drug court judge, the drug court staff utilizes criminal justice partnerships to assist the defendant with supportive social services including, employment, educational/vocational, and transportation.

Funding for treatment services is necessary in order to continue the program in its current design. Currently there is an average of 250 participants in the program. Without this funding, many individuals, who would otherwise be qualified, would not be offered the benefits of Drug Court. Without the benefits of treatment, these offenders will most likely contribute further to the perpetual "revolving door" in our system.

#### Project Summary

##### Project Goals:

The Drug Court will provide approximately 100 offenders outpatient individual and group substance abuse counseling, and drug testing. Thereby continuing to reduce the impact of repeat drug offenders on the criminal justice system, and increasing jail space for more serious offenders. Treatment and Prevention Project:

The Drug Court contracts with three treatment providers. The Drug Abuse Foundation is

## Application for Funding Assistance

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

located in Delray Beach and West Palm Beach. Comprehensive Alcohol Rehabilitation Program is located in West Palm Beach, Lake Worth and Belle Glade. Family Health Counseling Center is located in West Palm Beach. Since 1991, they have been a part of the consortium for the Sheriff's Substance Abuse Awareness Program (SAAP). These not-for profit agencies providing services to Drug Court are licensed and certified in accordance with the State of Florida licensure standards of Palm Beach County.

### Cooperating and Participating Agencies:

Judge Bollinger was assigned to be the Drug Court Judge in January 2005. The Sheriff's Office provides our program with an assessor and treatment liaison. The assessor's primary role is to make treatment recommendations to the Team. The treatment liaison assures delivery of quality treatment. The Dept. of Corrections provides two officers to supervise clients. The officers ensure client compliance with court orders. The Asst. State Attorney assigned to our division determines client eligibility. The Asst. Public Defender assists with the initial screening and councils participants. These partnerships have been in place since 2000.

### Project Staff:

The Drug Court program office is staffed by a state funded Coordinator, a state funded Administrative Assistant, and a county funded Secretary and two Court Program Specialists. The program office staff conducts screenings, interviews, orientations, case management and data entry.

**Project Location:** The Palm Beach County Drug Court will serve the citizens of the 15th Judicial Circuit. All Drug Court hearings will be held at the Gun Club Criminal Justice Complex in West Palm Beach. Referrals for treatment will be made by considering the participant's home or work address, to insure the client's convenience to meet all treatment responsibilities.

### Project Summary:

The Drug Court Program is a judicially supervised, multi-phase, comprehensive treatment program lasting for a minimum of one year, depending on individual progress. Each phase consists of specified requirements for advancement into the next phase. After the initial application, the applicant has a bio-psycho-social assessment performed within seven days. This assessment determines the appropriate entrance phase. All participants, regardless of starting phase, are required to attend AA/NA meetings, drug testing, reports to probation, and regular court meetings. Phase specific requirements are as follows: Phase I - Three group sessions per week, three individual sessions per month. Phase II - Two group sessions per week, two individual sessions per month. Phase III - One group session per week, one individual session per month. Phase IV - Aftercare consists of continuing with monthly individual counseling sessions. Drug Education participants receive twelve weeks of education classes.

### Target Population:

The target population is adult male and female, non-violent felony level offenders. The candidate must be charged with one of the following charges: possession of a controlled substance, attempted purchase of a controlled substance, or obtaining a controlled substance by fraud. No other pending felony charges, no prior violent felony convictions, and no domestic battery convictions are allowed.

### Project Results:

The Drug Court's program office collects and analyzes data, targets problematic areas and provides recommendations for improvement to the Drug Court team. Other goals are measured by comparing our monthly statistics with the national standard.

A "Table of Sanctions" based on specific sanctions for a specific behavior was written, to insure that sanctions are applied in a fair and consistent manner. Examples of incentives: gift certificates to local retail stores and "Short List" wherein participants are recognized for accomplishments. Example of court sanctions include increased drug testing, writing

## **Application for Funding Assistance**

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

an essay, short detention sentences, return to a prior treatment phase, residential treatment and possible termination from program. If the offender successfully meets all program criteria, the charge will be dismissed.

The 10 key elements outlined in the program guidelines were instrumental in the planning of our program and are visible in our operational goals and objectives.

## Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

### Section 3: Performance

#### General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 005 - Drug Treatment Programs

State Purpose Area: 013 - Offender Community Treatment  
(13A-State; 13B-Local, 13C-Juvenile Assessment Center; 13D-Drug Court)

Objectives and Questions are the same for each of the above, sub-areas specify where services are provided.

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#### Activity Description

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Activity: Drug Court  
Target Group: Drug Offenders  
Geographic Area: Court Circuit  
Location Type: County-Wide

Address(es) :

Gun Club Criminal Justice Complex  
3228 Gun Club Road  
B-126  
West Palm Beach , FL 33406

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#### Objectives and Measures

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Objective: 013.02 - Provide an array of treatment services.

Measure: Part 1  
Will most clients be provided psychosocial assessments?

Goal: Yes

Measure: Part 3  
Will most clients be provided urinalysis?

Goal: Yes

Measure: Part 4  
Will most clients be provided case management services?

Goal: Yes

Measure: Part 5

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Contract -JAGC-PALM- - -

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## Application for Funding Assistance

Florida Department of Law Enforcement  
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### Section 3: Performance

Will most clients be provided counseling services?

Goal: Yes

Measure: Part 7

Will some clients be provided with court liaison services?

Goal: Yes

Measure: Part 8

Will a significant number of clients be referred to outpatient or residential treatment or other community services?

Goal: Yes

Measure: Part 9

Will most clients be provided relapse prevention training services?

Goal: Yes

**Objective:** 013.03 - Assist a specified number of clients to successfully complete their treatment plan.

Measure: Part 1

How many DETOXIFICATION clients will successfully COMPLETE their treatment?

Goal: 5

Measure: Part 3

How many OUTPATIENT clients will successfully COMPLETE their treatment?

Goal: 15

Measure: Part 4

How many RESIDENTIAL clients will successfully COMPLETE their treatment?

Goal: 2

Measure: Part 5

How many AFTERCARE clients will successfully COMPLETE their treatment?

Goal: 15

**Objective:** 013.04 - Establish or support a drug court program.

Measure: Part 1

Will there be continued judicial supervision over offenders with substance

## Application for Funding Assistance

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

### Section 3: Performance

- abuse problems who are not violent offenders?
- Goal: Yes
- Measure: Part 2  
Will there be mandatory periodic testing of each offender for the use of controlled substances or other addictive substances during any period of supervised release or probation?
- Goal: Yes
- Measure: Part 3  
Will there be substance abuse treatment for each participant; probation or other supervised release involving the prosecution?
- Goal: Yes
- Measure: Part 4  
Will there be confinement, or incarceration because of noncompliance with program requirements or failure to show satisfactory progress?
- Goal: Yes
- Measure: Part 5  
Will there be programmatic, offender management and aftercare services such as relapse prevention, vocational job training, and job and housing placement?
- Goal: Yes
- Objective:** 013.05 - Serve a specified number of participants in a drug court program.
- Measure: Part 1  
How many participants will there be in a drug court program?
- Goal: 20
- Objective:** 013.06 - Determine a specified number of participants who will successfully graduate from participation in a drug court program.
- Measure: Part 1  
How many drug court participants will successfully graduate from the program?
- Goal: 15



## Application for Funding Assistance

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

### Section 3: Performance

**Objective:** 013.07 - Provide a specified number of aftercare programs.

**Measure:** Part 1

How many aftercare programs will be provided?

**Goal:** 0

## Application for Funding Assistance

Florida Department of Law Enforcement  
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### Section 3: Performance

#### Section Questions:

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

Answer:

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

Answer:

## Application for Funding Assistance

Florida Department of Law Enforcement  
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### Section 4: Financial

#### General Financial Info:

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

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 596000785

#### Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$38,471.00	\$0.00	\$38,471.00
Expenses	\$0.00	\$0.00	\$0.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$38,471.00</b>	<b>\$0.00</b>	<b>\$38,471.00</b>
Percentage	100.0	0.0	100.0

#### Project Generated Income:

Will the project earn project generated income (PGI) ? No

## Application for Funding Assistance

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

### Section 4: Financial (cont.)

#### Budget Narrative:

Budget Category: Contractual Services

All funds requested in this proposal will be used for outpatient individual and group substance abuse counseling and drug testing for approximately (20 Clients) depending on the assessed starting phase. The individual unit cost were determined by using the costs listed on the Palm Beach County Sheriff's Office-Substance Abuse Awareness Program contract and with the FY2007 contract between the same treatment providers and Palm Beach County, Board of county Commissioners. The units, type of Service, itemized cost, description and total for each type of service is as follows:

- 1) 720 Out-patient group counseling @ \$22.50/one and a half hour session, Totaling \$16,200
- 2) 180 Out-patient (Individual Counseling) @ \$57.68/one hour sessions, Totaling \$10,382
- 3) 850 Drug Test @ \$14.00/7-Panel drug test, Totaling \$11,900

Total of all services \$38,482

## Application for Funding Assistance

Florida Department of Law Enforcement  
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### Section 4: Financial

#### Section Questions:

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

Answer: 1000

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: No

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

Answer: There are no indirect cost included in the budget.

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

Answer: The individual unit cost were determined by using the costs listed on the Palm Beach County Sheriff's Office-Substance Abuse Awareness Program contract and with the FY2007 contract between the same treatment providers and Palm Beach County, Board of county Commissioners. The units, type of Service, itemized cost, description and total for each type of service is as follows:

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2) 180 Out-patient (Individual Counseling) @ \$57.68/one hour sessions, Totaling \$10,382

3) 850 Drug Test @ \$14.00/7-Panel drug test, Totaling \$11,900

Total of all services \$38,482

## **Application for Funding Assistance**

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

### **Section 5: Standard Conditions**

**Insert Standard Conditions Page here.**

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

**Standard Conditions**

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide and Edward Byrne Memorial Justice Assistance Grant (JAG) Program Guidance as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Further, the Subgrant Recipient agrees to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-110, A-102, A-122, A-133, A-87, as applicable; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule and Part 67, Drug-free Workplace.**
2. **Allowable Costs**
  - a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
  - b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.
3. **Reports**
  - a. **Project Performance Reports – JAG Countywide Only**
    - (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.  
  
Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.
    - (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

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Florida Department of Law Enforcement

**b. Financial Reports**

(1) Project Expenditure Reports

- (a) The **JAG Countywide** subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Monthly Project Expenditure Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Project Expenditure Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted.
  - (b) The **JAG Direct** subgrant recipient shall submit one Project Expenditure Report for the entire subgrant period.
  - (c) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCGJ).
  - (d) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
  - (e) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
  - (f) Reports are to be submitted even when no reimbursement is being requested.
- (2) The Closeout Documentation shall be submitted to the Department within forty-five (45) days of the subgrant termination period.
- (3) If applicable, the subgrant recipient shall submit Quarterly Project Generated Income Reports to the Department by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

c. Other Reports

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

**4. Fiscal Control and Fund Accounting Procedures**

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to OJP Financial Guide (as amended), U.S. Department of Justice Common Rule for State and Local Governments, and federal Office of Management and Budget's (OMB) Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.



Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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

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

**6. Obligation of Subgrant Recipient Funds**

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

**7. Advance Funding**

- a. JAG Countywide - Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP Financial Guide, and the U.S. Department of Justice Common Rule for State and Local Governments. Advance funding shall be provided to a subgrant recipient upon a written request to the Department. This request, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- b. JAG Direct - The Department shall award program funds to the recipient in a single, lump sum payment.

**8. Trust Funds**

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

**9. Travel and Training**

- a. All travel expenses relating to field trips with youth requires written approval of the Department prior to commencement of actual travel.
- c. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- d. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

**10. Program Income (also known as Project Generated Income)**

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the OJP Financial Guide and U.S. Department of Justice Common Rule for State and Local Governments (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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**11. Approval of Consultant Contracts**

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

**12. Property Accountability**

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

**13. Ownership of Data and Creative Material**

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OJP Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

**14. Copyright**

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

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

**15. Publication or Printing of Reports**

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

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

**16. Audit**

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The

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

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contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.

- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OBM Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

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

**17. Performance of Agreement Provisions**

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

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Florida Department of Law Enforcement

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**18. Commencement of Project**

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

**19. Excusable Delays**

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
  - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
  - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
  - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

**20. Written Approval of Changes in this Approved Agreement**

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

- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;

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

**21. Disputes and Appeals**

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

**22. Conferences and Inspection of Work**

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.

**23. Access To Records**

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

**24. Retention of Records**

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

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**25. Signature Authority**

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

**26. Delegation of Signature Authority**

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

**27. Personnel Changes**

Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the Department must be notified in writing with documentation to include appropriate signatures.

**28. Background Check**

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

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
  - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
  - (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for

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

**29. Drug Court Projects**

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

**30. Overtime for Law Enforcement Personnel**

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

**31. Criminal Intelligence System**

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

**32. Confidential Funds**

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

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**33. Equal Employment Opportunity (EEO)**

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

**34. Americans with Disabilities Act**

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

**35. Immigration and Nationality Act**

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



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**36. National Environmental Policy Act (NEPA)**

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds,
- (1) New construction;
  - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
  - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
  - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

**37. Non-Procurement, Debarment and Suspension**

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

**38. Federal Restrictions on Lobbying**

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:

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- (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.
- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

**39. State Restrictions on Lobbying**

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

**40. Additional Restrictions on Lobbying**

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

**41. "Pay-to-Stay"**

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

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

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

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

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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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**43. Limited English Proficiency**

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

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

**44. The Coastal Barrier Resources Act**

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

**45. Enhancement of Security**

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

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

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

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

**47. Flood Disaster Protection Act**

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

**48. National Historic Preservation Act**

The subgrantee will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting

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with the State Historic Preservation Officer as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

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

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

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

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

**51. Human Research Subjects**

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

**52. Global Justice Data Model Specifications**

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

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

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

**54. Privacy Certification**

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

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

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

## Application for Funding Assistance

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

### Section 6: Signatures

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

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

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

Signature: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

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

Typed Name of Subgrant Palm Beach County Board of County Commissioners

Signature: \_\_\_\_\_

Typed Name and Addie L. Greene, Chairperson

Date: \_\_\_\_\_

Implementing Agency  
Official, Administrator or Designated Representative

Typed Name of Implementing Palm Beach County, Public Safety Department

Signature: Paul Milelli

Typed Name and Paul Milelli, Director

Date: 6/1/07

**SIGN  
HERE**

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

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

**SUBGRANTEE CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEO Plan must still be prepared, but must focus on employment practices affecting women only).

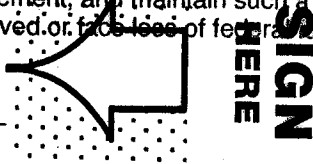
I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or ~~receives~~ ~~loses~~ ~~of~~ ~~federal~~ ~~funds~~.



\_\_\_\_\_  
Signature of Subgrantee Authorized Official

Type Name: Addie L. Greene

Title: Chairperson

Subgrant Recipient: Palm Beach County Board of County Commissioners

Date: \_\_\_\_\_



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

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

**IMPLEMENTING AGENCY CERTIFICATION**

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEO Plan must still be prepared, but must focus on employment practices affecting women only).

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):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.
- Is Included in the EEO Plan of the Subgrant Recipient.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

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 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

Paul Milelli  
Signature of Implementing Agency Authorized Official  
Type Name: Paul Milelli  
Title: Director, Public Safety  
Implementing Agency: Palm Beach County, Public Safety Department  
Date: 6/1/07

