

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
December 7, 2010

Attachments to the items below can be viewed at the following link:

<http://www.fdle.state.fl.us/Content/getdoc/b2d2beb1-8be5-4fae-81bd-df25a3dab70d/test-home.aspx>

ITEM 1. Respectfully submit the **Minutes of the September 28, 2010 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit **Final Adoption of Proposed Rule:**

11D-2.005, FAC, Methamphetamine Precursor Electronic Monitoring System – Implements Section 893.1495, FS, for FDLE to provide an approved electronic recordkeeping system for retailers to record the purchase of products containing ephedrine or related compounds.

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's FY 2010-11 1st Quarter Performance Report, with Contracts, Agreements and Purchases over \$100,000 for July 1 through September 30, 2010.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4. Respectfully submit **FY 2011-12 Legislative Budget Request.**

(See Attachment 4)

RECOMMEND APPROVAL

**MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

September 28, 2010

The Florida Department of Law Enforcement met on this date in the Cabinet Meeting Room, LL-03, The Capitol, Tallahassee, Florida with the following Cabinet members present:

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

ITEM 1. Respectfully submit the **Minutes of the June 8, 2010 Cabinet Meeting.**

Motion to approve by Commissioner Bronson. Seconded by Chief Financial Officer Sink.

Minutes approved without objection.

ITEM 2. Respectfully submit the **Minutes of the July 29, 2010 Cabinet Meeting.**

Motion to approve by Commissioner Bronson. Seconded by Attorney General McCollum.

Minutes approved without objection.

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's FY 2009-10 Annual Performance Report, with Contracts, Agreements and Purchases over \$100,000 for April 1 through June 30, 2010.**

Motion to approve by Attorney General McCollum. Seconded by Commissioner Bronson.

Report approved without objection.

ITEM 4. Respectfully withdraw submission for **Final Adoption of Proposed Rule:**

11B-30 - State Officer Certification Examination – Revises State Officer Certification Examination fee to conform with Section 943.1397(3), FS, as set by the Criminal Justice Standards and Training Commission.

Motion to withdraw approved by Chief Financial Officer Sink. Seconded by Commissioner Bronson.

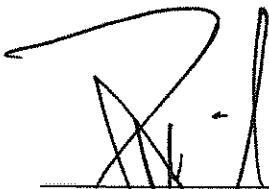
Item withdrawn without objection.

ITEM 5. Respectfully submit **Notice of Proposed Rule:**

11D-2.001 – Methamphetamine Precursor Electronic Monitoring System –
Implements Section 893.1495, FS, for FDLE to provide an approved electronic recordkeeping system for retailers to record the purchase of products containing ephedrine or related compounds.

Motion to approve by Attorney General McCollum. Seconded by Chief Financial Officer Sink.

Report approved without objection.



Gerald W. Bailey
Commissioner



Debbie Haire
Executive Assistant

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11D-2, FLORIDA ADMINISTRATIVE CODE
CREATING RULE 11D-2.005, F.A.C.

METHAMPHETAMINE PRECURSOR ELECTRONIC MONITORING SYSTEM

SUMMARY OF THE RULE

Rule 11D-2.005, F.A.C. implements Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers that sell non-prescription products containing ephedrine or related compounds. It provides definitions, and specifies a process for a retailer to request a statutory exemption from the recordkeeping requirements.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 11D-2.005, F.A.C. is created to implement Florida Statute Section 893.1495 for FDLE to provide an approved electronic recordkeeping system for retailers to record the real-time purchase of products containing ephedrine or related compounds for the purpose of monitoring this information to prevent or investigate illegal purchases of these products. Access to the electronic recordkeeping system shall be provided to a retailer without any additional cost or expense. Tracking of the purchase of the products must be implemented by January 1, 2011 or sooner.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

HB 1565 (CHAPTER 2010-279, LOF) IMPACT

None.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT
Division of Local Law Enforcement Assistance

Rule No.: RULE TITLE

11D-2.005: Methamphetamine Precursor Electronic Monitoring System

PURPOSE AND EFFECT: Rule 11D-2.005, F.A.C. is created to implement Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers to record the real-time purchase of products containing ephedrine or related compounds for the purpose of monitoring this information to prevent or investigate illegal purchases of these products. Access to the electronic recordkeeping system shall be provided to a retailer without any additional cost or expense. Tracking of the purchase of the products must be implemented by January 1, 2011 or sooner.

SUMMARY: Rule 11D-2.005, F.A.C. implements Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers that sell non-prescription products containing ephedrine or related compounds. It provides definitions, and specifies a process for a retailer to request a statutory exemption from the recordkeeping requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 893.1495(15), 943.03(4) FS.

LAW IMPLEMENTED: 893.1495 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, November 3, 2010 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308.

DATE AND TIME: Wednesday, November 4, 2010 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 500 W. Robinson Street, Orlando, FL 32801-1771

DATE AND TIME: Thursday, November 5, 2010 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 1030 N.W. 111th Avenue, Miami, FL 33172

Please advise 72 hours in advance if requesting a public hearing.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010 as Rule Section 11D-2.001

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-2.005 Methamphetamine Precursor Electronic Monitoring System

(1) A pharmacy or retailer conducting business within the state of Florida who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall be required to participate in the Methamphetamine Precursor Electronic Monitoring System

(2) Definitions:

(a) "Department" means the Florida Department of Law Enforcement (FDLE).

(b) "Exemption" refers to the two part criteria outlined in 893.1495(5)(b), F.S., which states: "a pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period."

(c) "National Precursor Log Exchange" (NPLEx) refers to the FDLE approved Methamphetamine Precursor Electronic Monitoring System.

(d) "Retailer" refers to any person, entity, or business including a pharmacy, within the state of Florida, who engages in the sale of nonprescription compounds, mixtures, or preparations containing ephedrine or related compounds, ephedrine or related products that does not meet the criteria in Sections 893.1495(5)(b), or 893.1495(10), F.S.

(3) Each retailer who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall contact the Department to enroll in NPLEx. Requests for information, enrollment, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for Meth Monitoring System), by email to MethLaw@fdle.state.fl.us or by telephone, contact the NPLEx administrator at 850-410-8300, or in writing to FDLE NPLEx Administrator, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302-1489.

(4) Exemptions. The Department shall grant an exemption from electronic reporting to a retailer, upon request, if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period.

(a) The "technology necessary to access NPLEx" requires a computer with an Internet connection that is available in any sales area within the retailer location.

(b) The "30 day period" for the purpose of determining an exemption shall be calculated from the 1st day of each calendar month.

(c) The retailer's request for an exemption shall be made by completing FDLE Exemption form, FDLE I&FS-012, created 08/16/2010, and hereby incorporated by reference. The form is available online or can be obtained by contacting the Department. See paragraph (3) above for contact information.

(d) The Exemption form must be completed in its entirety, signed by the retailer or retail manager claiming the exemption, and notarized by a notary public.

(e) The Department will review the request for exemption, and will grant or deny the request within 14 business days.

1. If the retailer disagrees with the Department's decision, the retailer may request, in writing, reconsideration of the denial for exemption based upon mistake of fact or law.

2. The request must state the basis for reconsideration and provide any documentation that is available to support the request.

3. The Department will provide a written response to the request for reconsideration.

(f) A retailer must maintain the exemption letter within its place of business, and make it available upon request by any law enforcement officer.

(g) A retailer granted an exemption in this section must notify the Department, in writing, and within 5 days of the completion of the reporting period, of any change in its exemption status regarding the sales volume of ephedrine or related compounds within the 30 day reporting period, or of obtaining the technology to access NPLEx.

(5) The Department will provide an FDLE NPLEx Administrator:

(a) who will be responsible for reviewing, approving or denying and responding to requests for exemption from participation in NPLEx, and

(b) who will be responsible for communication between the Department and the 3rd party administrator selected to administer NPLEx on all matters to include but not limited to; compliance with

system requirements, system enhancements, and ensuring the availability of system training for retailers and law enforcement who need access to the system.

Contact information is provided in Paragraph (3) above.

(6) Retailer's Duty to Maintain Logbook.

(a) Should a transaction occur during a period in which NPLEEx is inoperable due to states of declared emergency, natural disaster, or other acts of God, the retailer must:

(b) Maintain a written log capturing all required information and enter the transaction data into NPLEEx within seventy-two (72) hours of the system becoming operational.

(c) Should a retailer be granted an exemption from participation in NPLEEx, it is still the duty of any retailer within the state of Florida to maintain a logbook in compliance with the federal Combat Methamphetamine Epidemic Act of 2005, as specified in Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), and Section 893.1495 F.S. (2009).

(7) Law Enforcement Access to NPLEEx.

(a) Information contained within NPLEEx is available to law enforcement officers, designated by their agency, for law enforcement purposes, pursuant to Section 893.1495, Florida Statutes (2009).

(b) A law enforcement agency may request access to NPLEEx. Requests for information, participation, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for Meth Monitoring System), by email to MethLaw@fdle.state.fl.us or by telephone, contact the NPLEEx administrator at 850-410-8300, or in writing to FDLE NPLEEx Administrator, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302-1489.

(c) Each law enforcement agency requesting access to the system will identify a single point of contact to be referred to as an "Agency Account Manager," who will be responsible for communicating new account requests and closing of account requests for its law enforcement officers.

Rulemaking Authority 893.1495(15), 943.03(4), FS. Law Implemented 893.1495, FS. History–New

From: Rosenwasser, Fern
Sent: Wednesday, November 17, 2010 10:05 AM
To: Draa, Ronald; Giesecke, Alana
Cc: Rosenwasser, Fern
Subject: Re: Reassigned rule number 11D-2.001/11D-2.005, F.A.C.

From: McIntosh, Vicki [mailto:VMcIntosh@dos.state.fl.us]
Sent: Wednesday, November 17, 2010 10:00 AM
To: Rosenwasser, Fern
Subject: Reassigned rule number

After the Notice of Rule Development was published in the Florida Administrative Weekly for Rule 11D-2.001, F.A.C., it was discovered that Rule number 11D-2.001 had been previously used and Repealed. Therefore this proposed rule had to be renumbered to 11D-2.005 for the Notice of Proposed Rulemaking.

Repealed or Transferred rule numbers cannot be reassigned for new rules in the Florida Administrative Code.

Vicki McIntosh
AAIII
Administrative Code/Weekly
R.A. Gray Bldg., Suite 101
Tallahassee, FL 32399-0250
(850)245-6273

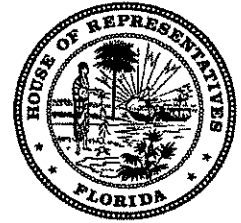
Please take a few minutes to provide feedback on the quality of service you received from our staff. The Florida Department of State values your feedback as a customer. Dawn K. Roberts, Florida Interim Secretary of State, is committed to continuously assessing and improving the level and quality of services provided to you. Simply click on the link to the "DOS Customer Satisfaction Survey." Thank you in advance for your participation.
[DOS Customer Satisfaction Survey](#)

JEFF ATWATER
President



Representative Marti Coley, Chair
Senator Arthenia L. Joyner, Vice-Chair
Senator Charles S. "Charlie" Dean, Sr.
Senator J. Alex Villalobos
Representative Oscar Braynon II
Representative Scott Plakon

LARRY CRETUL
Speaker



F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

October 29, 2010

Ms. Fern Rosenwasser
Assistant General Counsel
Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489

**RE: Department of Law Enforcement
Rule 11D-2.005**

Dear Ms. Rosenwasser:

As we have discussed, the Department lacks specific authority for the requirement that the signature on the form for requesting an exemption from the electronic reporting requirements be notarized. It is my understanding that the jurat on the form will be removed and the rule will be amended to delete this reference. Please file a corrected form with the committee with your response.

Sincerely,

A handwritten signature in cursive script that reads "Susan Stafford".

Susan Stafford
Chief Attorney



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of General Counsel
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

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

November 16, 2010

Chief Attorney Susan Stafford
Joint Administrative Procedures Committee
Room 120, Holland Building
Tallahassee, Florida 32399-1300

Re: Response to JAPC Comments to Rule Section 11D-2.005, F.A.C.

Dear Chief Attorney Stafford:

In response to your letter dated October 29, 2010, regarding your position that "the Department lacks specific authority for the requirement that the signature on the form for requesting an exemption from the electronic reporting requirements be notarized," FDLE provides the following:

FDLE removed the notary requirement from FDLE Form I&S-012, as we have previously discussed, and you have acknowledged that you received a copy of the amended form. FDLE will amend Rule Section 11D-2.005, in its next rulemaking package, to delete the language requiring that the referenced form be notarized.

If you have questions regarding the above rule response, please call me at 850-410-7676.

Sincerely,

Fern Rosenwasser
Assistant General Counsel

Enc/



Small Business
REGULATORY ADVISORY COUNCIL

October 8, 2010

Jeff Beasley
Department of Law Enforcement
Office of Statewide Intelligence
2331 Phillips Road
Tallahassee, FL 32308

Council Members

Chair:
Frank Attkisson

Vice Chair:
Keyna Cary

Dan Baldwin

Humberto Cortina

Fredrick Dudley

Douglas Gualtore

Toby Overdorf

Randy Sansom

Christine Vasconcelo

Advisors:

Barney Bishop
Associated Industries of
Florida

Jeny Cartwright
Florida Small Business
Development Center
Network

MaryAnn Fiala
AA Florida Council

Bill Herrie
National Federation of
Independent Business,
Florida

Todd Kocowrak
Florida Financial Network

Rick McAllister
Florida Retail Federation

Tom Stahl
Florida United
Business Association

Nancy Stephens
Manufacturers
Association of Florida

Adam Babington
Florida Chamber
of Commerce

Dear Mr. Beasley:

It has come to the attention of the Small Business Regulatory Advisory Council that your agency posted Proposed Rule 11D-2.005 on the Florida Administrative Weekly web site on October 8, 2009. This rule appears to have an impact on small businesses. In your comments, you have indicated that no statement of estimated regulatory costs (SERC) had been done in conjunction with the development of this rule. Pursuant to F. S. §120.54, each agency in Florida is required by law to send written notice of any proposed rule that will have an impact on small business to The Council, and to complete a SERC.

The Council cannot make proper commentary on rules we do not receive, nor are we able to make proper recommendations to reduce the impact on small business if we do not receive a SERC. Because these notices to our Council are required by law, we are requesting that your agency take no further action on this proposed rule until we have received a complete notification packet from your agency, together with either a current and relevant SERC, or a written statement as to the bases for not completing a SERC.

Sincerely,

Vicky L. Baker
Program Coordinator

cc: Scott Boyd, JAPC

10/22 11/19

vicky.baker@floridasbrac.org



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of General Counsel
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

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

October 19, 2010

Vicki L. Baker, Program Coordinator
Small Business Regulatory Council
UWF – Bldg. 38
11000 University Parkway
Pensacola, FL 32514-5750

Re: Proposed Rule 11D-2.005
Florida Chapter 2010-191/SB 1050
Amendment of Section 893.1495, F.S.
Retail Sale of Ephedrine and Related Compounds

Dear Ms. Baker:

I am writing in response to our telephone conversation today and your correspondence dated October 8, 2010, advising FDLE to file a SERC in reference to Proposed Rule 11D-2.005, F.A.C. or in the alternative provide a written statement explaining the basis for not filing the SERC.

Pursuant to Section 120.54(3)b.1, F.S., FDLE is not required to file a SERC when the proposed rule does not impact small business. FDLE has determined that its proposed rule does not impact small business in the manner that the statute contemplates.

Historical background:

On July 1, 2010, Section 893.1495, F.S., was amended to require retailers and pharmacies to electronically report the sales of over-the-counter products containing ephedrine and related compounds. Please note that there currently is a federal requirement to report the sale of these substances as part of the Combat Methamphetamine Epidemic Act of 2005. *The amended section must be implemented no later than January 1, 2011.*

The statute mandates that FDLE approve an electronic recordkeeping system for this purpose and that *it shall be provided to a pharmacy or retailer at no additional cost or expense.* The statute specifies the information to be entered into the recordkeeping system. The statute provides an exemption from the State's electronic recordkeeping requirements for a business that "lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30-day period." FDLE is tasked with reviewing the exemption to determine if it meets the statutory criteria. FDLE has no discretion in granting or denying the exemption. See 893.1495(5)(b),(7) F.S.

Sections (14) and (15) of 893.1495, F.S., require FDLE to enter into a memorandum of understanding with a 3rd party provider for the electronic recordkeeping system, and to adopt rules necessary to implement the section.

The Legislature required that the recordkeeping system be made available to the retailers and pharmacies at no additional cost. The Legislature knew that only one provider would provide an electronic recordkeeping system to the businesses at no additional cost, and that the recordkeeping system required a

computer with Internet access or an optional scanning device. The bill was passed by the Legislature with those requirements in mind.

Statutory SERC Discussion:

As you are aware, FDLE filed its Notice of Proposed Rulemaking for Rule 11D-2.005 which implements the electronic recordkeeping language in Section 893.1495, F.S. The notice specifies that the rule has no impact to small business or local government. Your correspondence suggests that the rule may be an impact to business. During our telephone conversation, I realized that you did not have all the necessary information to understand FDLE's reasoning as to its statement of no impact.

First, my understanding of the filing a SERC is to notify businesses, local government, and the public of costs related to an agency's implementation of its rule. In its most simplified summary, if there is a cost to small business or local government, or if the costs are challenged, and there is an alternative rule procedure that would allow for reduced costs, then the agency is requested to adopt the alternative rule procedure. See Sections 120.54(3)(b)2.a., and 120.541, F.S.

FDLE has determined that the proposed rule does not impact small business or local government. The recordkeeping system is provided at no cost, there are no set up fees, and there is no software or equipment to be purchased. The time that it takes to record the statutory information is no longer than what is required currently by federal law.

If there is a financial impact to a small business, a SERC is required and must include the subjects listed below. I have provided information for the Council to review to support FDLE's determination that there is no impact that would affect small business or local government related to a financial burden:

~ A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

FDLE estimates that approximately 10,000 retailers and pharmacies may be subject to the statutory recordkeeping requirements.

~ A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

State and local entities are not required to participate in monitoring the retailers' information that is available in the database; the program is voluntary. There is no cost to FDLE other than its initial effort in executing an MOU, rule adoption and providing the initial support in implementation of the statute and rule exemptions. The costs for manpower are minimal and considered part of FDLE's overall mission regarding drug control. The statute does not provide FDLE with authority to enforce the statutory recordkeeping requirement, nor does it grant authority for FDLE to enforce any violations of the proposed rule. There will be no effect on state or local revenues. It can be argued that the process will actually save state and local law enforcement agencies costs in that the compilation and review of automated information will be more cost-efficient than dealing with manual records.

~ A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

There are no transactional costs that are readily ascertainable by FDLE. If a retailer sells less than 72 grams of ephedrine (approximately 8-9 boxes of the product under various names, including "Sudafed") in a 30 day period; the retailer can choose not to sell the product – the loss of profit for 8-9 boxes of the product within a 30 period is negligible and would not "impact" the retailer's business. The recordkeeping system is in real-time – per the statute, and if a customer purchases more than the lawful amount, the transaction is blocked; the retailer is not required to monitor sales. The reporting requirement takes no longer than is already required by federal law which allows for electronic or manual reporting. State law now requires electronic reporting. The information required is the same. Electronic reporting will result in a shorter transaction time than manual reporting. FDLE understands that the majority of pharmacies are already participating in electronic recordkeeping. Please note that compliance with the State requirements will also meet the federal requirements and the information will be automatically provided to the applicable federal entities. There will be no redundancy in the reporting requirements.

See Section 120.541(2), F.S.

F.S. 120.54(3)(b)1 provides alternative methods for reducing the impact on small businesses including:

- ~ Establishing less stringent compliance or reporting requirements in the rule.
- ~ Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.
- ~ Consolidating or simplifying the rule's compliance or reporting requirements.
- ~ Establishing performance standards or best management practices to replace design or operational standards in the rule.
- ~ Exempting small businesses, small counties, or small cities from any or all requirements of the rule.


It is very important to note that since the recordkeeping requirements are stated by statute, there is nothing in the rule language that can be amended to provide an alternative to reduce the costs to small businesses even if there were to be a small cost impact. The proposed rule cannot change the reporting requirements, the implementation date or compliance deadline. There are no operational or design standards specified in the rule, and there are no exemptions that FDLE can grant other than the previously stated statutory exemption.

The rule process for a retailer to request an exemption requires the retailer to provide a sales record of the last 30 days showing that sales of ephedrine or related products were in an amount less than 72 grams. It requires the retailer to file a form with the sales record. The form requires only the retailer's identifying information and a signed certification. The form and record may be mailed, emailed or faxed to FDLE. (See Attached Request for Exemption Form)

I would also like to inform the Council that FDLE has notified retailer and pharmacy associations as well as the individual retailers of the new statutory reporting requirements and rule development, and have included the retailers in the rulemaking process from the beginning of rule development. FDLE held three regional workshops to discuss rulemaking and published a webpage on its site to provide information. FDLE gained insight from the retailer's perspective and formulated the rules based upon their comments. To date, FDLE has not received any negative comments or issues from the retailers.

I do request that if the Council determines that a SERC should be filed, please advise as soon a practical so that a notice can be filed without jeopardizing the mandated statutory implementation date of January 1, 2011. However, I hope I have responded to your concerns and you will agree that a SERC is not necessary. If you have any questions, please contact me at (850) 410-7676. Thank you in advance, for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fern Rosenwasser", followed by a long horizontal line extending to the right.

Fern Rosenwasser
Assistant General Counsel

Enc/

Cc: Susan Stafford, Chief Assistant Attorney, JAPC

MIKE HARIDOPoulos
President



Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

DEAN CANNON
Speaker



F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL

THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

MEMORANDUM

TO: Agency Heads and General Counsels

FROM: Scott Boyd, Executive Director & General Counsel

A handwritten signature in cursive script that reads "F. Scott Boyd".

DATE: November 17, 2010

SUBJECT: CS/CS/HB 1565 (2010-279, L.O.F.) – Legislative Ratification of Rules

The Florida Legislature, during the special session of November 16, 2010, voted to override the Governor's veto of HB 1565. The bill substantially amends the rulemaking procedures of ss. 120.54 and 120.541, F.S., with respect to agencies' preparation of a statement of estimated regulatory costs for proposed rules and requires legislative ratification of certain rules. By joint resolution, the Legislature voted to make HB 1565 effective on November 17, 2010.

The new legislation provides that if a proposed rule will have an adverse impact on small business, or if the proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 within one year after implementation of the rule, the agency shall prepare a statement of estimated regulatory costs. *See* 120.54(3)(b)1.; 120.541(1)(b).

A statement of estimated regulatory costs shall include an economic analysis showing whether the rule directly or indirectly is likely to have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million within five years after implementation; have an adverse impact on business competitiveness in excess of \$1 million within five years after implementation; or increase regulatory costs in excess of \$1 million within five years after implementation. *See* 120.541(2)(a).

Section 120.541(3) provides that if the adverse impact or regulatory costs of a rule exceed any of the criteria established in s. 120.541(2)(a), the rule shall not take effect until it has been ratified by the Legislature in the next regular legislative session.

Proposed agency rules that have not been filed for adoption, and proposed rules that have been filed for adoption but are not yet effective, as well as proposed rules noticed on or after the effective date of 2010-279, L.O.F., appear to be subject to the new legislation. *See Florida Public Service Commission v. Florida Waterworks Association*, 731 So. 2d 836 (Fla. 1st DCA

1999); Life Care Centers of America, Inc. v. Sawgrass Care Center, Inc., 683 So. 2d 609 (Fla. 1st DCA 1996).

Please review your agency's proposed rules as described above and advise the Committee and the Department of State whether or not the rules require legislative ratification pursuant to s. 120.541(3). Also, please be aware that a proposed rule may now require the preparation of a statement of estimated regulatory costs to meet the requirements of ss. 120.54(3)(b)1. and 120.541(1)(b). The statement must be provided to the Committee at least 21 days before filing the rule for adoption. *See* 120.54(3)(a)4. An existing statement of estimated regulatory costs that is revised to meet the requirements of ss. 120.54(3)(b)1. and 120.541(1)(b) must be provided to the Committee at least 45 days before filing the rule for adoption. *See* 120.541(1)(d).

For your convenience, we have attached a copy of chapter 120 prepared by the Committee staff that includes the new provisions of 2010-279, L.O.F. Please note that this document is not the official version of the Florida Statutes prepared by the Division of Statutory Revision and may contain inadvertent errors.

Please do not hesitate to contact our office if you have questions regarding the requirements of 2010-279, L.O.F.



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of Executive Director
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7001
www.fdle.state.fl.us

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

November 22, 2010

Mr. Scott Boyd
Executive Director and General Counsel
Joint Administrative Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

Dear Mr. Boyd:

Reference is made to your November 17 memorandum regarding the impact of CS/CS/HB 1565 (Ch. 2010-279, Laws of Florida). Florida Department of Law Enforcement rules normally have no adverse impact on small business, nor can we foresee our rules increasing regulatory costs in excess of \$200,000 within one year after implementation. Normally, no FDLE rule will require a statement of estimated regulatory costs addressing the factors found at Section 120.541(2)(a), F.S., and we believe CS/CS/HB 1565 will have minimal impact upon FDLE.

We agree pending or proposed rules appear subject to the legislation. In this regard, FDLE is presenting a proposed rule for final approval to the Governor and Cabinet on December 7, 2010 (Section 11D-2.005, F.A.C. - Methamphetamine Precursor Electronic Monitoring System, which was noticed in the F.A.W. on October 8, 2010). This proposed rule does not adversely impact small business, nor does it meet the threshold monetary criteria of increasing regulatory costs for small business. Additionally, the Small Business Regulatory Advisory Council considered the proposed rule's impact to small business during its October 22, 2010 meeting and agreed it was not necessary for FDLE to file a statement of estimated regulatory costs (i.e., there was no impact to small business). It is our position that this proposed rule does not require legislative ratification pursuant to Section 120.541(3), F.S.

If you desire further information, please contact me at 410-7001 or General Counsel Michael Ramage at 410-7676.

Sincerely,

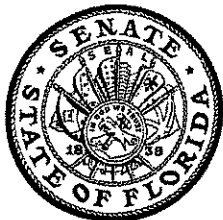


Gerald M. Bailey
Commissioner

GMB/lf

cc: Ms. Dawn K. Roberts, Interim Secretary of State
Honorable Charlie Crist, Governor
Honorable Alex Sink, Chief Financial Officer
Honorable Bill McCollum, Attorney General
Honorable Charles Bronson, Commissioner of Agriculture and Consumer Affairs

JEFF ATWATER
President



Representative Marti Coley, Chair
Senator Arthenia L. Joyner, Vice-Chair
Senator Charles S. "Charlie" Dean, Sr.
Senator J. Alex Villalobos
Representative Oscar Braynon II
Representative Scott Plakon

LARRY CRETUL
Speaker



F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

November 19, 2010

Ms. Fern Rosenwasser
Assistant General Counsel
Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489

**RE: Department of Law Enforcement
Rule 11D-2.005**

Dear Ms. Rosenwasser:

Chapter 2010-279, Laws of Florida, which became effective on November 17, 2010, substantially amends sections 120.54 and 120.541, Florida Statutes. It appears that proposed agency rules that have not been filed for adoption are subject to the new legislation. See Florida Public Service Commission v. Florida Waterworks Association, 731 So. 2d 836 (Fla. 1st DCA 1999); Life Care Centers of America, Inc. v. Sawgrass Care Center, Inc., 683 So. 2d 609 (Fla. 1st DCA 1996).

Please be aware that the above-referenced rule may now require the preparation of a statement of estimated regulatory costs (SERC) to meet the requirements of sections 120.54(3)(b)1. and 120.541(1)(b), Florida Statutes. Please review the chapter law and advise whether a SERC needs to be prepared for the rule. The SERC must be provided to the Committee at least 21 days before filing the rule for adoption. See 120.54(3)(a)4., Fla. Stat. (2010). Also, please advise whether the rule will require legislative ratification pursuant to section 120.541(3), Florida Statutes.

Please do not hesitate to contact me if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Susan Stafford".

Susan Stafford
Chief Attorney

From: Rosenwasser, Fern
Sent: Tuesday, November 23, 2010 1:54 PM
To: 'STAFFORD.SUSAN'
Cc: Rosenwasser, Fern; Draa, Ronald; Giesecke, Alana; Andrews, Samantha
Subject: FDLE JAPC Response Re: Rule 11D-2005
Attachments: Boyd11222010.pdf

Susan,
Per my telephone message of today, I am emailing, and also mailing, FDLE's copy of its original JAPC response, dated November 22, 2010, pertaining to the review of pending rules for the purpose of determining whether a SERC and legislature ratification are required. Please consider the attached response as FDLE's formal response to your correspondence, dated November 19, 2010, requesting the review of Rule 11D - 2.005, for the purpose of determining whether a SERC and legislature ratification are required.

If this needs further discussion, please contact me.

Thanks,

Fern Rosenwasser

Assistant General Counsel
Department of Law Enforcement
850-410-7676



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of Executive Director
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7001
www.fdle.state.fl.us

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

November 22, 2010

Mr. Scott Boyd
Executive Director and General Counsel
Joint Administrative Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

Dear Mr. Boyd:

Reference is made to your November 17 memorandum regarding the impact of CS/CS/HB 1565 (Ch. 2010-279, Laws of Florida). Florida Department of Law Enforcement rules normally have no adverse impact on small business, nor can we foresee our rules increasing regulatory costs in excess of \$200,000 within one year after implementation. Normally, no FDLE rule will require a statement of estimated regulatory costs addressing the factors found at Section 120.541(2)(a), F.S., and we believe CS/CS/HB 1565 will have minimal impact upon FDLE.

We agree pending or proposed rules appear subject to the legislation. In this regard, FDLE is presenting a proposed rule for final approval to the Governor and Cabinet on December 7, 2010 (Section 11D-2.005, F.A.C. - Methamphetamine Precursor Electronic Monitoring System, which was noticed in the F.A.W. on October 8, 2010). This proposed rule does not adversely impact small business, nor does it meet the threshold monetary criteria of increasing regulatory costs for small business. Additionally, the Small Business Regulatory Advisory Council considered the proposed rule's impact to small business during its October 22, 2010 meeting and agreed it was not necessary for FDLE to file a statement of estimated regulatory costs (i.e., there was no impact to small business). It is our position that this proposed rule does not require legislative ratification pursuant to Section 120.541(3), F.S.

If you desire further information, please contact me at 410-7001 or General Counsel Michael Ramage at 410-7676.

Sincerely,



Gerald M. Bailey
Commissioner

GMB/lf

cc: Ms. Dawn K. Roberts, Interim Secretary of State
Honorable Charlie Crist, Governor
Honorable Alex Sink, Chief Financial Officer
Honorable Bill McCollum, Attorney General
Honorable Charles Bronson, Commissioner of Agriculture and Consumer Affairs



1st QUARTER PERFORMANCE REPORT

	1 st Quarter Performance	Standard FY 10-11
Number / percent of lab service requests completed	19,815 99.8%	78,000 95%
Average number of days to complete lab service requests		
AFIS (Automated Fingerprint Identification System)	36	45
CER (Computer Evidence Recovery)	155 ¹	70
Chemistry	16	30
Crime Scene	22	30
Firearms	56	80
Latent Prints	45	60
Trace Evidence	117	115
Serology / DNA	68	111
Toxicology	46 ¹	40
Number of hits, samples added and total samples in DNA Database		
Hits	866	2,000
Samples added	17,650	90,000
Total samples in DNA Database	713,432	700,000
Number of criminal investigations	1,102	3,862
Number / percent of criminal investigations closed	157 ² 15% ²	786 69%
Number / percent of criminal investigations closed resulting in arrest	87 ² 54%	458 58%
Number of domestic security cases	16	30
Number of intelligence initiatives	180	490
Number of public assistance fraud investigations	561	2,350
Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$3.2 M	\$12 M
Number of calls for Capitol Police service	1,005 ³	8,000
Percent of time FCIC is accessible	100%	99.5%
Number of criminal history record checks processed	705,349	2,000,000
Number of registered sexual predators / offenders added and total identified to the public	868 55,171	3,000 52,516
Number of missing persons cases	2,003	4,000
Missing Child Alerts activated	1	6
Amber Alerts activated	3	5
Silver Alerts activated	37	50
Number of arrest records created and maintained	22,129,053	17,686,354
Number / percent of individuals who pass the basic professional certification examination	1,650 78.8%	6,400 80%
Number of professional law enforcement certificates issued	4,034 ⁴	25,000
Number of criminal justice officer disciplinary actions	164	452



Justifications

- 1 **Average number of days to complete lab service requests** – The Department is focusing efforts on backlog reduction. The turnaround time for various disciplines is expected to gradually decline as the number of pending cases decreases. In CER and Toxicology, this included completing older cases that are pending.
- 2 **Investigative measures** – The Department is committed to working complex, protracted high impact criminal investigations. Because of their complexity, cases are lengthy and labor intensive, resulting in agents investing more hours in fewer cases over a longer period of time.
- 3 **Number of calls for Capitol Police service** – Due to a proactive patrol approach by Capitol Police officers, the number of calls for service is less than the standard. Additionally, this measure fluctuates depending upon events scheduled at the Capitol.
- 4 **Number of professional law enforcement certificates issued** – Certificates are issued to individuals meeting training requirements for basic and post-basic programs offered at Criminal Justice Standards and Training Commission certified training schools. FDLE issued certificates for all individuals meeting requirements.



Highlights

Former Hospital Officials Arrested for Racketeering and Fraud – In partnership with the Office of Attorney General, the Department arrested eight former high-ranking hospital administrators on various felony charges including racketeering, Medicaid fraud, money laundering, aggravated white collar crime and operating a scheme to defraud. The arrests are the culmination of an investigation into activities of Trinity Community Hospital in Jasper and its affiliated clinics in Columbia, Hamilton and Suwannee counties. Investigators allege the individuals engaged in a scheme of admitting Medicaid recipients to the hospital without medical necessity. The investigation also established \$660,000 in state grant funds dedicated to hospital improvements were illegally used to support the activities of a criminal enterprise and diverted to the personal use of the hospital owner and its Chief Financial Officer.



Ten Arrested in Multi-Million Dollar Mortgage Fraud and Identity Theft Enterprise – In partnership with the Attorney General's Office of Statewide Prosecution, the Department arrested 10 members of a criminal mortgage fraud and identity theft operation responsible for \$8 million in losses. Investigators allege the scheme included the recruitment of straw buyers, who were provided fraudulent Florida and New Jersey driver licenses and the personal identification information of unsuspecting victims. Using the victims' identities, the straw buyers obtained credit and purchased properties for which they never intended to make any mortgage payments. The same properties were resold numerous times, often using the same scheme. The scheme was used to obtain mortgages on 14 different properties in Miami-Dade and Broward counties. The majority of these properties are currently in foreclosure as a result of the nonpayment of the mortgage loans.

Florida Missing Children's Day - The Department hosted the 12th Annual Florida Missing Children's Day at the Capitol. Commissioner Bailey was joined by Governor Crist, Lt. Governor Kottkamp, Attorney General McCollum, families of missing children, educators, law enforcement personnel and numerous public officials to remember Florida's past and present missing children and to recognize citizens, canine trailing teams and law enforcement officers for their exemplary efforts in missing children investigations. The event also provided an opportunity for school children from surrounding counties to participate in activities such as fingerprinting and safety presentations.



Eighteen Arrested Prescription Drug Trafficking Sweep - In partnership with local law enforcement, the Department arrested 18 individuals as part of a prescription drug trafficking ring in Taylor County. Investigators allege the subjects obtained the drugs by traveling to central Florida and paying doctors to write prescriptions for painkillers, anti-anxiety medicines and muscle relaxants. Some subjects were prescribed the drugs in unusually large quantities and received prescriptions without an existing medical condition. In other cases, doctors provided the subjects blank prescriptions and allowed them to fill in the quantity of the drug themselves.

The subjects would then fill prescriptions at various pharmacies and transport the pills back to Taylor County, where they were distributed and sold to others. The prescription drugs unlawfully obtained and sold included Oxycodone, Methadone, Roxycodone, Hydrocodone, Xanax and Soma. The Department is continuing its investigation into the doctors and pharmacies involved.



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2010

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO1649837	Uber Operations LLC Information Technology (IT) services for the Seaports Access Eligibility System Project. State Term Contract Term: 10/05/09 – 06/30/11	\$141,120
DO1771262	The Bode Technology Group, Inc. Amended to increase amount for testing of forensic biology cases for Investigative and Forensic Program. Agency Invitation to Bid Term: 01/06/10 – 01/05/11	\$200,000
*DO1778618	Kyra Info Tech, Inc. IT services for the Seaports Access Eligibility System. State Term Contract Term: 01/18/10 – 06/30/11	\$102,750
*DO1856513	Infinity Software Development, Inc. IT services for the Sexual Offender/Predator Community Oriented Policing Services (COPS) project. State Term Contract Term: 03/22/10 – 06/30/11	\$111,888
DO1859054	SMK Technologies LLC IT services for the Sexual Offender/Predator Community Oriented Policing Services (COPS) project. State Term Contract Term: 07/01/10 – 06/30/11	\$111,888
*DO1869915	Kyra Info Tech, Inc. IT services for the Seaports Access Eligibility System. State Term Contract Term: 03/22/10 – 06/30/11	\$188,100

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2010

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO1932552	Orchid BioSciences Amended to increase amount for additional testing of forensic biology (DNA) cases for Investigations and Forensic Science Program. Agency Invitation to Bid Term: 05/14/10 – 12/24/13	\$407,960
DO2033120	Morpho Trak, Inc. Maintenance and technical support for the Biometric Identification System (BIS) Single Source Term: 07/01/10 – 10/31/10	\$334,632
DO2035251	Applied Biosystems Reagents and related supplies for conducting DNA analysis at Tampa Bay Regional Crime Lab Biology Section. Single Source Term: 07/01/10 – 06/30/11	\$550,000
*DO2035997	Advanced Systems Design, Inc. IT services providing system analysis and programming for the Computerized Criminal History (CCH) system. State Term Contract Term: 07/01/10 – 06/30/11	\$140,000
DO2036780	Applied Biosystems Reagents and related supplies for conducting analysis at Fort Myers Regional Crime Lab Biology Section. Single Source Term: 07/01/10 – 06/30/11	\$160,000
DO2036813	Applied Biosystems Reagents and related supplies for conducting analysis at Orlando Regional Crime Lab Biology Section. Single Source Term: 07/01/10 – 06/30/11	\$360,000

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2010

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO2037240	Tampa Electric Company Electricity services for the Tampa Bay Regional Operations Center. Exempt – Regulated Utilities Term: 07/01/10 – 06/30/11	\$325,000
*DO2037299	Advanced Systems Design, Inc. IT services providing system analysis and programming for Criminal Justice Professionalism Program records systems. State Term Contract Term: 07/01/10 – 06/30/11	\$139,650
DO2037580	Applied Biosystems Reagents and related supplies for conducting analysis at Jacksonville Regional Crime Lab Biology Section. Single Source Term: 07/01/10 – 06/30/11	\$250,000
DO2038044	Strategic Staffing Solutions IT services for the Florida Law Enforcement Exchange (FLEX) project. State Term Contract Term: 07/01/10 – 06/30/11	\$178,000
DO2038215	Applied Biosystems Reagents and related supplies for conducting analysis at Tallahassee Regional Crime Lab Biology Section. Single Source Term: 07/01/10 – 06/30/11	\$220,000
DO2038526	Applied Biosystems Reagents and related supplies for FDLE's DNA Database Section. Single Source Term: 07/01/10 – 06/30/11	\$1,419,507

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2010

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO2038705	Applied Biosystems Reagents and related supplies for conducting analysis at Pensacola Regional Crime Lab Biology Section. Single Source Term: 07/01/10 – 06/30/11	\$155,000
DO2046084	Strategic Staffing Solutions IT services for the FLEX project. State Term Contract Term: 07/01/10 – 06/30/11	\$124,000
*DO2048132	Kyra Info Tech, Inc. IT services providing system analysis and programming for the Subgrant Information Management Online System (SIMON) State Term Contract Term: 07/01/10 – 06/30/11	\$166,000
DO2067445	EMC Provide maintenance and technical support for storage area network and peripherals. State Term Contract Term: 07/01/10 – 06/30/11	\$156,066
DO2120742	AB SCIEX LLC Two 3200 Q trap instruments for the Tallahassee and Orlando Regional Lab Toxicology Sections. Single Source Term: No Term	\$516,397
DO2135319	Garber Ford Mercury, Inc. (Green Cove Springs, FL) 7 each Ford Taurus. State Term Contract Term: No Term	\$134,015

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2010

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO2135327	Alan Jay Import Center, Inc. (Orlando, FL) 7 each Toyota Camrys. State Term Contract Term: No Term	\$167,132
DO2136056	Beck Nissan, Inc. (Palatka, FL) 7 each Nissan Pathfinders. State Term Contract Term: No Term	\$149,898
FDLE-082-10	Florida Department of Military Affairs/ Florida National Guard Personnel to assist FDLE in the inspection of Florida Seaports. Governmental Agency Term: 07/01/10 – 06/30/11	\$196,067

*Minority Vendor

Florida Department of Law Enforcement
 Legislative Budget Request
 Fiscal Year 2011-12



Issue	FTE	General Revenue	Trust Fund	TOTAL
Expand DNA Database to include Felony Arrests	6	\$918,105		\$918,105
Replenish Criminal Justice Standards and Training Trust Fund		\$2,727,952		\$2,727,952
Authority for National Instant Criminal Background Check System grant*			\$2,227,060	\$2,227,060
Pass-Through Authority for National Instant Criminal Background Check System grant*			\$2,227,060	\$2,227,060
Authority for Toxicology grant			\$561,695	\$561,695
TOTAL REQUEST	6	\$3,646,057	\$5,015,815	\$8,661,872

*Both items required to administer National Instant Criminal Background Check System grant.

Expand DNA Database to include Felony Arrests
\$918,105 General Revenue

Chapter 2009-190, Laws of Florida, requires the collection of DNA samples (contingent upon funding) from any individual who is *arrested* for any felony offense, specified misdemeanor offense or an offense committed to benefit a criminal gang. The Department currently collects DNA samples from offenders *convicted* of those same offenses. The law established a controlled expansion to be implemented over a 10-year period. Over 700,000 samples are currently maintained in the DNA Database, which has experienced over 15,000 hits. The Department anticipates an increase of 200,000 samples during the 10 years, which will translate into significantly more hits and crimes solved.

Although funding for implementation of the law was not previously provided, the Department has identified over \$700,000 in federal grant funding to begin acquiring sufficient infrastructure (computer, Rapid ID device and barcode printer) for collection of DNA samples from specific arrestees (additional grant funding is still required). The Department is requesting funding to purchase equipment (DNA kits and microscopes) and hire six Crime Laboratory Analysts to begin collection of the samples.

Replenish Criminal Justice Standards and Training Trust Fund
\$2,727,952 General Revenue

The Criminal Justice Standards and Training Trust Fund provides monies to educate and train the Florida criminal justice community. Revenue from court penalty assessments, traffic infractions and exams and tuition charges are deposited into the fund in accordance with Chapters 938 and 943, Florida Statutes. Since FY 2007-08 the fund has experienced overall declines in revenue. In FY 2008-09, \$1,227,952 was fund shifted from the Trust Fund to General Revenue and an additional \$1.5 million was swept from the Trust Fund.

The Department is now projecting an approximate \$3 million deficit to the Trust Fund at the end of FY 11-12. A lack of funds will result in the loss of necessary training dollars available to the 41 certified training centers. At one time these centers received over \$100 per student. This amount now stands at \$67 per student. Untrained officers lead to concerns over safety for officers and the public and increased liabilities for local and state governments. The Department is requesting \$1,227,952 in recurring General Revenue and \$1,500,000 in non-recurring General Revenue.

***Authority for National Instant Criminal Background Check System Grant
\$2,227,060 Trust Fund***

The 2007 National Instant Criminal Background Check System (NICS) Improvement Amendments Act helps improve the completeness, automation and transmittal of records to state and federal systems. The Department is requesting \$2,227,060 in non-recurring federal grant trust fund authority through NICS.

This request includes \$1,920,561 for information technology projects such as enhancing processing of court data, developing a warrant data exchange, supporting the mental competency database and re-designing the Firearm Purchase Program. The Department will present a feasibility study to the Technology Review Workgroup by December 31, 2010 to evaluate the information technology components of the grant. Additional funding for any issues identified in the study will be included in an amended LBR in early 2011.

***Pass-Through Authority for National Instant Criminal Background Check System Grant
\$2,227,060 Trust Fund***

The Department is requesting \$2,227,060 in non-recurring pass-through authority to administer the NICS grant (see previous item) through FDLE's Office of Criminal Justice Grants. Pass-through authority is necessary to distribute funding to the operational programs responsible for implementing the grant.

***Authority for Toxicology Grant
\$561,695 Trust Fund***

For the past two years, the Department has received sub-granted federal funding through the Department of Transportation under the US Department of Transportation, State and Community Highway Safety Grant Program. The Department has not previously requested authority related to this program and is seeking a recurring budget authority increase to address impaired driving. The Department is requesting \$561,695 in recurring federal grant trust fund authority to acquire more efficient equipment and software, purchase supplies and fund overtime for Crime Laboratory Analysts to process more evidence submissions.