

**AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
DECEMBER 8, 2009**

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 August 25, 2009 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's FY 2009-10 1st Quarter Performance Report, with Contracts, Agreements and Purchases over \$100,000 for July 1 through September 30, 2009.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's 2010 Proposed Legislative Initiatives.**

(See Attachment 3)

RECOMMEND APPROVAL

MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

August 25, 2009

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 9,2009 Cabinet Meeting**.

Motion to approve by Commissioner Bronson. Seconded by Attorney General McCollum.
Minutes approved without objection.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement Fiscal Year 2008-09, Annual Performance Report with Contracts, Agreements and Purchases over \$100,000 for April 1 through June 30, 2009**.

Motion to approve by Attorney General McCollum. Seconded by Commissioner Bronson.
Report approved without objection.

ITEM 3. Respectfully submit for final adoption the **Proposed Rules** for the following:

11B-18 - Criminal Justice Standards and Training Trust Fund - updates Commission-approved training school names and agency names.

11B-20 - Certification of Criminal Justice Training Instructors - revises requirements for obtaining general, specialized, or high-liability instructor certification; changes affiliation reporting requirements; revises corresponding forms.

11B-21 - Certification of Criminal Justice Training Schools - revises Commission-certified training school staffing and equipment requirements; revises corresponding forms.

11B-27 - Certification and Employment or Appointment - revises requirements for complying with the Commission's Firearms Qualification Standard, Firearms performance evaluation, equivalent canine team training evaluations, and agency or training school affiliation reporting requirements for canine team evaluators; revises corresponding forms.

11B-30 - State Officer Certification Examination - allows applicant to reschedule State Officer Certification Examination if injured in a basic recruit training program and the injury prevents applicant from taking the scheduled examination.

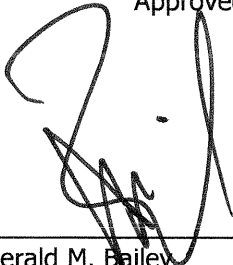
11B-35 - Training Programs - revises requirements and specifications for competency-based training; revises required demonstration of proficiency skills in basic recruit training programs for students transferring from another training school; revises performance requirements for basic recruit training courses and instructor training courses; revises required demonstration of proficiency skills and ratio requirements for certain training courses; revises/creates performance evaluation forms.

11C-6.010 - Retention Of Applicant Fingerprints - deletes a reference to an invoicing option that was previously deleted.

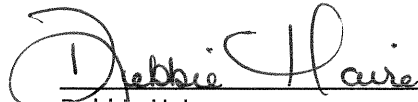
Motion to approve by Commissioner Bronson. Seconded by Attorney General McCollum.
Approved without objection.

ITEM 4. Respectfully submit the **FY 2009-10 Annual Performance Contract**.

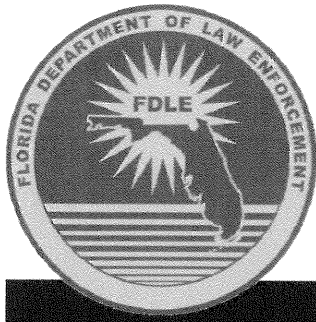
Motion to approve by CFO Sink. Seconded by Commissioner Bronson.
Approved without objection.



Gerald M. Bailey
Commissioner



Debbie Haire
Executive Assistant



1st QUARTER PERFORMANCE REPORT

	1 st Quarter Performance	Standard FY 09-10
Number / percent of lab service requests completed	19,422 94%	78,000 95%
Average number of days to complete lab service requests		
AFIS (Automated Fingerprint Identification System)	39	45
CER (Computer Evidence Recovery)	80 ¹	70
Chemistry	12	30
Crime Scene	38 ¹	30
Firearms	104 ¹	80
Latent Prints	42	60
Trace Evidence	150 ¹	115
Serology / DNA	72	111
Toxicology	39	40
Number of hits, samples added and total samples in DNA Database		
Hits	889	2,000
Samples added	31,231	90,000
Total samples in DNA Database	644,450	700,000
Number of criminal investigations	1,282	3,862
Number / percent of criminal investigations closed	201 19%	786 69%
Number / percent of criminal investigations closed resulting in arrest	119 60%	458 58%
Number of domestic security cases	15	30
Number of intelligence initiatives	135	490
Number of public assistance fraud investigations	498 ²	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	934 ³	8,000
Percent of time FCIC is accessible	100%	99.5%
Number of criminal history record checks processed	666,045	2,000,000
Number of registered sexual predators / offenders added and total identified to the public	709 52,861	3,000 52,516
Number of missing persons cases	1,924	4,000
Missing Child Alerts activated	4	6
Amber Alerts activated	2	5
Silver Alerts activated	36	24
Number of arrest records created and maintained	21,191,182	17,686,354
Number / percent of individuals who pass the basic professional certification examination	1,553 79%	6,400 80%
Number of professional law enforcement certificates issued	4,831 ⁴	25,000
Number of criminal justice officer disciplinary actions	163	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, Crime Scene and Firearms, this included completing older cases that are pending. Trace Evidence services are not initiated until other examinations are completed. Thus, performance in this discipline is dependent upon the processing time in other disciplines.

² **Public Assistance Fraud (PAF) Investigative Services measures** – Funding for the program decreased significantly in recent years. Additionally, the program is engaged in more complex criminal investigations which require more time and effort to investigate, resulting in fewer case closures.

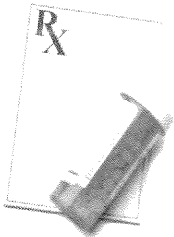
³ **Number of calls for Capitol Police service** – Due to a proactive patrol approach by Capitol Police officers, the number of calls for service is less than the standard. Additionally, this measure fluctuates depending upon events scheduled at the Capitol.

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

Three Arrested in Drug Diversion Scheme – Commissioner Bailey and Attorney General McCollum announced the arrest of three individuals for their role in a multi-million dollar drug diversion scheme. The three are accused of buying prescription drugs from Medicaid recipients, repacking them and reselling them to out of state wholesalers. An FDLE agent followed two of the suspects as they delivered eight boxes of contraband prescription drugs to Federal Express in Miami. The drugs were valued at more than \$500,000 and were not accompanied by required paperwork showing their source. Agents later stopped a semi-trailer loaded with \$1 million worth of contraband prescription drugs as it was leaving a warehouse rented by one of the suspects. Searches of the suspects' residence and two warehouses resulted in the recovery of additional contraband prescription drugs valued at \$500,000 as well as suspected forged documents. The three were arrested and charged with trafficking contraband prescription drugs, organized scheme to defraud and conspiracy charges carrying a combined penalty of 90 years in prison.



Cases Net Grand Theft Arrests – A number of separate, statewide FDLE-led investigations, conducted in partnership with various law enforcement partners, resulted in the apprehension of a number of individuals on various grand theft charges:

- An individual working for a farming company embezzled more than \$160,000 from her employer by altering financial records and diverting funds into her personal bank accounts. She was arrested and faces a 30-year prison sentence.
- The former Hendry County Sheriff's Office jail administrator wrote and cashed checks totaling \$120,000 from the Jail Canteen account. She was charged with grand theft and official misconduct.
- An employee of an aluminum manufacturing company embezzled more than \$310,000 over a four-year period. He would sell company scrap metal to recycling companies and instruct them to send cash payments to his home address.
- An individual embezzled more than \$450,000 over a 17-month period by writing approximately 100 checks to himself while acting as the chief financial officer of a nursing home company. He faces a 30-year prison sentence.
- A former Palm Beach County attorney was arrested after investigators determined the attorney had written a \$200,000 check from a client's trust account. Additionally, the individual was charged with representing himself as an attorney, despite being disbarred by the Florida Bar Association.



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2009

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO1022405	The Bode Technology Group, Inc. Amended to increase amount for testing of forensic biology cases for Investigative and Forensic Program Term period: 7/1/09 through 9/30/09 Agency ITB	\$150,000
DO1529160	Infinity Software Development, Inc. Information Technology (IT) services, systems analysis, and programming for the Florida Crime Information Center (FCIC) for Criminal Justice Information Program. Term period: 7/1/09 through 6/30/10 State Term Contract	\$111,750
DO1531104	Seva Technologies, LLC IT services, systems analysis, and programming for Investigative and Forensic Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$104,737
DO1531386	TYBRIN Corporation IT services, systems analysis, and programming for Civil Workflow Control System for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$110,556
DO1531422	Infinity Software Development, Inc. IT services, systems analysis, and programming for Sex Offender/Predator System for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$157,121
DO1533892	Strategic Staffing Solutions IT services for the Florida Law Enforcement Exchange (FLEX) project for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$178,000

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2009

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
*DO1534122	Kyra Info Tech, Inc. IT services, systems analysis, and programming for Simon System for Business Support Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$161,435
DO1534329	Strategic Staffing Solution IT services for the FLEX project for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$124,000
DO1534490	Technisource, Inc. IT services systems analysis and programming for Career Offender System for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$162,000
*DO1535927	Advanced Systems Design, Inc. IT services systems analysis and programming for Computerized Criminal History (CCH) system for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$128,815
DO1539404	Diverse Computing, Inc. IT services and support for FCIC for Criminal Justice Information Program Term period: 7/1/09 through 6/30/10 State Term Contract	\$184,296
DO1546474	Presidio Corporation Maintenance and technical support services for Cisco Enterprises routers and network switches for Criminal Justice Network (CJNet) for Criminal Justice Information Program Term period: 7/1/09 through 6/30/12 State Term Contract	\$370,646

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CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2009

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO1560820	Liebert Corporations, Inc. Replacement of ten data center HVAC units for Criminal Justice Information Program Agency agreement with DMS Bid by DMS	\$365,125
DO1615703	University of Texas San Antonio (UTSA) Cyber security training for Investigative and Forensic Program No Term Governmental Agency	\$106,297
DO1649837	Uber Operations LLC IT services for the Seaports Access Eligibility Systems project for Criminal Justice Information Program Term period: 10/1/09 through 9/30/10 State Term Contract	\$188,160
C95618	Applied Biosystems Reagents and related supplies for conducting analysis at Tallahassee Regional Crime Lab Biology Section. Term period: 7/1/09 through 6/30/10 Single Source	\$165,000
C95620	Applied Biosystems Reagents and related supplies for FDLE's DNA Database Section. Term period: 7/1/09 through 6/30/10 Single Source	\$1,858,230
C95621	Applied Biosystems Reagents and related supplies for conducting analysis at Jacksonville Regional Crime Lab Biology Section. Term period: 7/1/09 through 6/30/10 Single Source	\$250,000

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2009

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
C95623	Applied Biosystems Reagents and related supplies for conducting analysis at Orlando Regional Crime Lab Biology Section. Term period: 7/1/09 through 6/30/10 Single Source	\$330,000
C95624	Applied Biosystems Reagents and related supplies for conducting analysis at Fort Myers Regional Crime Lab Biology Section. Term period: 7/1/09 through 6/30/10 Single Source	\$160,000
C95619	Applied Biosystems Reagents and related supplies for conducting analysis at Tampa Bay Regional Crime Lab Biology Section. Term period: 7/1/09 through 6/30/10 Single Source	\$400,000
C9530A	Diverse Computing, Inc. eAgents Client Messaging Service software for FCIC for Criminal Justice Information Program Term period: 7/15/09 through 7/14/10 Agency ITN	\$200,000
C1089A	Florida Department of Military Affairs / Florida National Guard Provides manpower to assist FDLE in the inspection of Florida seaports. Term period: 7/1/09 through 6/30/10 Governmental Agency	\$331,089

*Minority Vendor



FLORIDA DEPARTMENT OF LAW ENFORCEMENT 2010 LEGISLATIVE PROPOSAL

Restoration of Ability to Purchase a Firearm Subsequent to Disqualification for Mental Competency Reasons

The proposed legislation revises Section 790.065, FS, to provide "relief of (firearm) disability" for persons who have been committed or adjudicated mentally defective meeting criteria for obtaining such relief and allow them to purchase a firearm unless there is other disqualifying information available. A court order must grant the relief of disability. The National Instant Criminal Background Check System (NICS) Improvement Act authorizes the establishment of state programs that allow individuals to seek relief from the federal mental health firearms disability. It is necessary to bring Florida into alignment with the federal requirements for grant eligibility.

The NICS Improvement Amendments Act, which became law on January 8, 2008, amends the Brady Handgun Violence Prevention Act of 1993. The Brady Act, which established NICS, requires federal firearms licensees to contact NICS before transferring a firearm to an unlicensed person to determine whether the individual is prohibited from receiving or possessing a firearm under state or federal law.

Chapter 2006-176, Laws of Florida, authorized FDLE to create a database with information provided by the clerks of court regarding persons adjudicated mentally defective or committed to a mental institution. The database was established in 2007 and is used in determining a person's eligibility for purchasing a firearm. To date, FDLE has not received any petitions for relief under the current statute. The Department does not anticipate a large number of petitions.

FDLE was recently notified by the Division of Alcohol, Tobacco, Firearms and Explosives that Florida's current relief program does not meet the criteria set forth in Section 105 of the NICS Improvement Act. As a result, Florida was not eligible for federal grants in 2009 and future grants are jeopardized by Florida's failure to conform to NICS criteria. Over \$250 million in grants are appropriated for 2010 and 2011 for projects such as increasing the number of court dispositions in the criminal history repository and another \$125 million is available to the state court system.

Applicant Fingerprint Retention and Notification Program

The proposed legislation revises Section 943.05, FS, to increase the number of state agencies participating in FDLE's Applicant Fingerprint Retention and Notification Program (AFRNP). Currently, applicant fingerprints submitted for state and national criminal history checks are entered and retained by FDLE in the Automated Fingerprint Identification System (AFIS). Agencies statutorily authorized to participate in AFRNP submit fingerprints for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified. Interested agencies would submit a written request to FDLE seeking enrollment in the program. The proposed legislation also requires agencies in AFRNP to notify personnel their fingerprints are being retained.

Initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state and national criminal history records check. There is no retention fee for the first year of participation in the program, but for each succeeding year, a \$6 per record annual fee for fingerprint retention is charged. The retention of prints eliminates the necessity to have a state criminal history record recheck at a cost of \$24, since all incoming Florida arrest information is continuously compared to the retained applicant database. If a recheck is required, it is only for a national criminal history check.

Only digital applicant fingerprints can be entered into AFIS and retained in the AFRNP database. Applicant prints are retained in a manner that makes them distinct from the criminal history record database. When a person's fingerprints submitted for retention is identified with fingerprints from an incoming Florida arrest, FDLE immediately provides written notification of the arrest to the licensing or employing agency which originally submitted the fingerprints.

In 2004, fingerprints of employees of public school districts were retained in the AFRNP. In 2005-06, seaport workers, Department of Juvenile Justice (employees and caretakers) and Department of Business and Professional Regulation (slot machine licensees) were added. In subsequent years, the Department of Elder Affairs (Statewide Public Guardianship Office) and the Clerk of Courts (professional guardianship), criminal justice agencies (sworn and non-sworn personnel) and Volunteer and Employee Criminal History System private schools (state school choice scholarship program participants) also started having applicant fingerprints retained. Mortgage brokers and loan originators will be retained beginning in October 2010.

The FBI is also developing a fingerprint retention and arrest notification system, which should be available in 2013. Once this system is available, governmental agencies and qualified entities conducting a state and national record check may request FDLE to have the fingerprints retained at the national level. This may provide a cost savings to the customers who currently require a national record check rescreen. The proposed legislation authorizes utilization of the FBI option when it becomes available.

Criminal Justice Standards and Training Commission

The proposed legislation revises Section 943.12(16), FS to specifically authorize rules regarding the bi-annual firearms qualification requirement. During recent rule promulgation, the Joint Administrative Procedures Committee suggested the Criminal Justice Standards and Training Commission (CJSTC) should seek specific statutory authority for this requirement, rather than relying upon general powers stated in the current statute.

The CJSTC establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement, correctional, and correctional probation officers. The Commission is responsible for establishing and maintaining officer training programs, curricula requirements, and certification of training schools and training school instructors. It also promulgates rules for the certification and discipline of officers who engage in areas that present a high risk of harm to the officer or public, which in turn increases liability to local criminal justice agencies. In March 2006, the CJSTC formally adopted bi-annual firearms qualification requirements for all certified law enforcement.

The proposed legislation also revises Sections 943.131(2) and 943.1395(3), FS, regarding persons who receive an exemption from basic recruit training but do not complete the proficiency demonstration and pass the certification exam within one year. The revision provides them the option to apply for an additional exemption, provided they are within the eight year break in service.

Currently, if an out-of-state, federal, or military criminal justice officer seeks to relocate to Florida, the officer must provide proof of comparable basic recruit training and possession of one year of full-time, sworn criminal justice experience. Upon documentation of the required training and experience, the officer is eligible for an exemption from Florida basic recruit training. Once an officer is notified of the exemption, he or she has one year to demonstrate proficiency in the high liability areas and pass the certification exam. If they fail to complete both within the one year time limitation, the officer must attend a full basic recruit training program. The same process applies to former Florida officers with a four to eight year break in service.

The proposed legislation revises Section 943.17(1)(g), FS, to remove the basic abilities test requirement for correctional probation officers. The test is redundant for those individuals who possess a four year degree from an accredited college or university. An individual attending a basic recruit training program must pass a CJSTC approved basic abilities test prior to entry into the training program. This requirement applies to all criminal justice disciplines. Currently, the Department of Corrections (DOC) is the only employer of certified correctional probation officers in Florida. To become a correctional probation officer, DOC requires an individual to possess a four year degree.

Florida Criminal Justice Executive Institute – Administration of Tuition

The proposed legislation revises Section 943.1755, FS, to allow Criminal Justice Professionalism Program staff to continue its current criminal justice executive training activities, to administer them from a single trust fund and to provide clear authority for FDLE to continue charging tuition fees as approved by the Florida Criminal Justice Executive Institute (FCJIE) Policy Board.

FCJIE provides training for criminal justice executives in the state. The Institute is affiliated with the State University System and is directed by a policy board established in Section 943.1755, FS. Prior to July 1, 1995, tuition fees for criminal justice executive training were deposited in and expenditures made from the Florida Law Enforcement Academy Trust Fund. Chapter 94-265, LOF, terminated the Florida Law Enforcement Academy Trust Fund and moved fund balances to the Operating Trust Fund where the criminal justice executive training tuition fees have continued to be deposited. This legislation would allow for the continued collection of such tuition fees for deposit in the Criminal Justice Training Trust Fund rather than the Operating Trust Fund.

Training fees for courses for the Executive Leadership Seminar, Continuing Executive Development, and the Center for Advanced Law Enforcement Studies have been deposited in the Operating Trust Fund since 1995. Chapter 943, FS, does not specifically provide for the collection of these tuition fees. This legislation would clearly allow FDLE to collect the tuition fees for deposit in the Criminal Justice Standards and Training Trust Fund. Other courses for the Chief Executive Seminar, Senior Leadership Program and Florida Leadership Academy have been and will continue to be paid from the Criminal Justice Standards and Training Trust Fund.

The proposed legislation does not create any new sources of fees.

Miscellaneous Change

The proposed legislation deletes an obsolete reference in Section 943.32, FS to the Monroe County crime laboratory. The lab was closed by FDLE on July 1, 2001 as a cost-savings measure. It became part of FDLE's state crime lab system in 1994 when the Monroe County Sheriff's Office could no longer afford to operate it. Until that time, the lab received state funding for its operations with FDLE acting as the "pass-through" agency. Transfer of the Monroe County lab to FDLE was done as part of the legislative appropriations process.