



BOARD OF COUNTY COMMISSIONERS

DATE: October 21, 2014

AGENDA ITEM NO. 20

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Approval of Fiscal Year (FY) 2015 State Funding Agreement for State Crime Lab Funding between Pinellas County and the Florida Department of Law Enforcement (FDLE) on Behalf of the Pinellas County Forensic Laboratory.

Department:

Safety and Emergency Services

Staff Member Responsible:

Mike Cooksey, Director,
Justice and Consumer Services

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS APPROVE THE FY 2015 STATE FUNDING AGREEMENT BETWEEN PINELLAS COUNTY AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE), ON BEHALF OF THE PINELLAS COUNTY FORENSIC LABORATORY, FOR STATE CRIME LAB FUNDING AND AUTHORIZE THE CHAIR TO SIGN THE AGREEMENT.

Summary Explanation/Background:

The Pinellas County Medical Examiner operates the Pinellas County Forensic Laboratory. Section 943.32, Florida Statutes, establishes a statewide criminal analysis laboratory system composed of the FDLE laboratories and five locally funded laboratories in Broward, Indian River, Miami-Dade, Palm Beach and Pinellas Counties. These laboratories employ professional staffs who provide the law enforcement community a variety of forensic services, including, but not limited to, crime scene, DNA, firearms, toxicology, and trace evidence analysis.

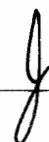
Through this Agreement, and dependent upon the amount of funds collected through criminal fines, the State will provide funding up to 75 percent of the operating costs of the five locally funded crime laboratories. Fines are collected statewide by the Clerk of the Circuit Court and forwarded to FDLE pursuant to Florida Statutes. These include mandatory fines imposed for driving or boating under the influence, and discretionary fines the courts may impose when a locally-funded crime laboratory provides services that are used in the prosecution of a criminal offense.

Fiscal Impact/Cost/Revenue Summary:

The actual amount disbursed to the recipients will be a percentage of the fines collected. For this contract period, Pinellas County will receive 12.78% of the collected funds based on the number of population served in Pinellas County, an estimated amount of \$265,000.00. The Agreement is effective October 1, 2014, to September 30, 2015.

Exhibits/Attachments Attached:

1. Contract Review Transmittal Slip
2. FDLE State Funding Agreement

A handwritten signature, likely of the County Administrator, located at the bottom right of the page.

NON-PURCHASING CONTRACT REVIEW TRANSMITTAL SLIP

PROJECT: FY15 STATE FUNDING AGREEMENT BETWEEN PINELLAS COUNTY AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) ON BEHALF OF THE PINELLAS COUNTY FORENSIC LABORATORY

CONTRACT NO.: N/A

ESTIMATED EXPENDITURE / REVENUE: \$240,000 ~~265,000~~ ^{\$265,000}
(Circle or underline appropriate choice above.)

In accordance with Contract Administration and its Review Process, the attached documents are submitted for your review and comment. Please complete this Non-Purchasing Contract Review Transmittal Slip below with your assessment, and **forward to the next Review Authority on the list, skipping any authority marked "N/A."** Indicate suggested changes by noting those in "Comments" column, or by revising, in RED, the appropriate section(s) of the document(s) to reflect the exact wording of the desired change(s).

OTHER SPECIFICS RELATING TO THE CONTRACT:

State Funding Agreement for fiscal year 2014-15, October 1, 2014 to September 30, 2015.

REVIEW SEQUENCE	DATE	INITIAL/ SIGNATURE	COMMENTS (IF ANY)	COMMENTS REVIEWED & ADDRESSED OR INCORPORATED
Originator: Mike Cooksey Justice & Consumer Svc.				
Risk Mgmt: Virginia Holscher	9/12/14	GW	Public Entity → Public Entity	
Finance: Cassandra Williams	9/17/14	CBW		
OMB: Bill Berger			Revenue estimate is \$265,000	
Legal: Carl Brody	9/26/14	CS	This is a condition to an original Agreement for the purchase of services provided by me	
Executive Director: Bruce Moeller, Safety and Emergency Services	9/30/2014	BM		

Please return to Justice & Consumer Services.

All inquiries should be made to Monica Davis-Griffin ext. 37503.



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

**Criminal Investigations
and Forensic Science Program**
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-8300
www.fdle.state.fl.us

Rick Scott, *Governor*
Pam Bondi, *Attorney General*
Jeff Atwater, *Chief Financial Officer*
Adam Putnam, *Commissioner of Agriculture*

September 8, 2014

Dr. Jon Thogmartin
Pinellas County Forensic Laboratory
10900 Ulmerton Road
Largo, FL 33778

Dear Dr. Thogmartin:

In accordance with Florida Statute 943.35, the Pinellas County Forensic Laboratory receives quarterly disbursements of collected controlled substance fines to support crime laboratory operations. As you know, one of the statutory requirements for this funding is the submission of an annual report to FDLE which includes the laboratory operating budget, expenditures and workload data. Additionally, the Department of Financial Services will now require that all agencies report expenditures funded by these quarterly disbursements, beginning with the 2013-2014 reporting period. In order to meet audit requirements, expenditures must be categorized by laboratory discipline and be easily identifiable should a request for invoices/proof of payment be deemed necessary. Enclosed are the forms needed to satisfy these requirements as well as the FDLE State Funding Agreement. Please have these forms completed and returned to the below address by October 15, 2014.

FDLE Investigations and Forensic Sciences Program
Office of Policy and Planning
Post Office Box 1489
Tallahassee, FL 32302

A copy of the calculation for the fiscal year 2014-2015 distribution based on population served by each local laboratory is also enclosed. Funds will be distributed for the first quarter as soon as the forms are received from each of the laboratories.

If you have any questions regarding reporting or distributions, please contact Danny Van Vliet at (850)410-8374.

Sincerely,

David Coffman
Forensic Services Director
Investigations & Forensic Science

DC/dv

Enclosures

cc: Reta Newman

**Florida Department of Law Enforcement
State Funding Agreement
Agreement Number D0100**

**Statewide Criminal Analysis Laboratory System
Catalog of State Financial Assistance # 71.002**

The Florida Department of Law Enforcement (herein referred to as "FDLE") will provide state funding, pursuant to Sections 943.35-943.361, Florida Statutes, to the Pinellas Board of County Commissioners on behalf of the Pinellas County Forensic Laboratory (herein referred to as "Recipient") for the period of October 1, 2014 – September 30, 2015.

STATE CRIMINAL ANALYSIS LABORATORY SYSTEM OVERVIEW AND FUNDING

Section 943.32, Florida Statutes, establishes a statewide criminal analysis laboratory system composed of the FDLE laboratories and five locally-funded laboratories in Broward, Indian River, Miami-Dade, Palm Beach and Pinellas Counties. These laboratories employ professional staff who provide the law enforcement community a variety of forensic services, including, but not limited to, crime scene, DNA, firearms, toxicology, and trace evidence analysis.

Dependent upon the amount of funds collected through criminal fines, the State will provide funding up to 75 percent of the operating costs of the five locally-funded crime laboratories (943.35, F.S.). Fines are collected statewide by Clerks of Court and forwarded to FDLE pursuant to Sections 938.03 and 938.07, Florida Statutes. These include mandatory fines imposed for driving or boating under the influence and discretionary fines the courts may impose when a locally-funded crime laboratory provides services that are used in the prosecution of any violation included in Title XLVI, CRIMES, chapters 775-896 of the Florida Statutes (943.361, F.S.).

Awards under this program are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

DISTRIBUTION CALCULATION AND PAYMENTS

The actual amount disbursed to the Recipients will be a percentage of the fines collected. The percentage will be based on the population of the counties served by the Recipient, using the 2013 population estimates published by the Florida Legislature, Office of Economic and Demographic Research.

For this contract period, the Recipient will receive **12.78%** of the collected funds.

Crime Lab	Population Served	% of Total Distribution
Broward County Sheriff's Crime Laboratory	1,784,715	24.62%
Indian River Crime Laboratory*	608,576	8.40%
Miami-Dade Police Department Crime Laboratory	2,582,375	35.63%
Palm Beach County Crime Laboratory	1,345,652	18.57%
Pinellas County Forensic Laboratory	926,610	12.78%
Total	7,247,928	100.00%

*Indian River Crime Laboratory service area includes the 19th Judicial Circuit:
Indian River, St. Lucie, Martin, and Okeechobee counties.

Invoicing by the Recipient is not necessary. At the beginning of each quarter, FDLE will evaluate the revenue collected, calculate the distribution amounts, and generate an internal memorandum to initiate the disbursement.

The funds received during the laboratory's fiscal year must be applied to the laboratory's current operating budget, and expenditures incurred outside the contract period (October 1, 2014 – September 30, 2015) are not eligible.

Funds are disbursed as cash advances, and the Recipient may only retain funds up to an amount equal to 75 percent of Recipient's actual operating cost, excluding any federally-funded expenditures, for the Recipient's fiscal year. After the close of the Recipient's current fiscal year September 30, 2015, the amount disbursed under this contract will be compared to the Recipient's actual crime laboratory expenditures as disclosed in the Recipient's subsequent annual report. Any state funds in excess of the 75 percent threshold, as well as any balance of unobligated funds, must be refunded to FDLE by November 30, 2015.

ANNUAL REPORT AND OPERATING BUDGET

On or before October 15, 2014, the Recipient will submit to FDLE an annual written report containing the following information:

Operating Budget: The actual operating cost of the immediate prior fiscal year and the approved operating budget for the current fiscal year

1. Operating budgets will indicate the portion of the operating expenses funded by local or federal sources and will specify the amount of the local appropriation to be used as the basis for computing the State's maximum 75 percent funding contribution.
2. For purposes of this contract, the following functions are not considered laboratory operations and should not be included in the reported budget or operating costs:
 - a. Identification photography
 - b. Identification of fingerprints, other than latent
 - c. Polygraph
 - d. Electronic surveillance
 - e. Medical examiners

Workload Data: including, but not limited to, the volume of casework received and completed by type and sources of workload by law enforcement agency.

Expenditure Tracking: The actual expenditures procured with funding provided by the disbursement of fines during the immediate prior fiscal year. Expenditures must be categorized by laboratory discipline and be easily identifiable should a request for invoices and proof of payment be deemed necessary.

A subsequent annual report is also required by October 15, 2015.

SCOPE OF WORK

The Recipient will provide crime laboratory services on a regular and ongoing basis to meet the forensic science service needs of criminal justice agencies within the Recipient's jurisdiction. The Recipient will maintain adequate staffing levels and provide forensic discipline services based on the specific needs of the law enforcement community it serves, as directed by the Recipient's governing board, county commission, or public unit of governance.

As a partially state-funded laboratory, the Recipient may be called upon by any Florida law enforcement official to provide crime laboratory services, even if the agency is outside the Recipient's regular geographic jurisdiction. The Recipient will provide assistance when possible, based on availability of services, current staffing and workload levels, and the Recipient's internal acceptance guidelines.

In the event the Recipient ceases providing crime laboratory services during this contract period, a final report shall be submitted to FDLE to include the actual operating costs from the beginning of this contract through the date the Recipient ceased laboratory operations. The actual costs will be compared to the distributions to date, and any state funds in excess of 75 percent of the actual operating costs must be refunded to FDLE within 30 days of completion of the final report.

If the Recipient fails to provide criminal laboratory services as directed by the Recipient's governing unit and as outlined in this Agreement, additional distributions of cash will be withheld and future funding under this program may be jeopardized.

SUBMISSIONS

All correspondence, reports, and refunds should be remitted to:

Florida Department of Law Enforcement
Investigations & Forensic Science Program
Forensics Services Director
P. O. Box 1489
Tallahassee, Florida 32302

MONITORING

The expenditure of state financial assistance must be in compliance with all applicable laws, rules, and regulations. The administration of the resources provided by FDLE to the Recipient may be subject to audits and/or monitoring by the FDLE as described below:

In addition to reviews of audits conducted in accordance with Section 215.97, Florida Statutes, monitoring procedures may include, but not be limited to, on-site visits by the FDLE staff and/or other procedures. By accepting above-described state funding, the Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the FDLE. In the event the FDLE determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the FDLE staff to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Florida Department of Financial Services or Florida Auditor General.

AUDIT

The Recipient agrees to comply with Section 215.97, F.S. (also known as the Florida Single Audit Act) and may be subject to audit requirements as provided below:

In the event that the Recipient expends a total amount of all state funding equal to or in excess of \$500,000 in any fiscal year, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes, applicable rules of the Executive Office of the Governor and the Department of Financial Services, and Chapter 10.550 (local governmental entities), Rules of the Auditor General. In determining the state financial assistance expended in its fiscal year, the Recipient shall consider all sources of state funding, including state funding received from FDLE, other state agencies, and nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

In connection with the audit requirements, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2)(e), Florida Statutes, and Chapter 10.550 (local governmental entities), Rules of the Auditor General.

If the Recipient expends less than \$500,000 in state funding in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the Recipient expends less than \$500,000 in state funding in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the receiving entity's resources (i.e., the cost of such an audit must be paid from the Recipient's resources obtained from other than State entities).

Information to help facilitate the Recipient's compliance with the requirements may be found at the following web sites:

- Auditor General - <http://www.state.fl.us/audgen/pages/localgovt.htm>
- Department of Financial Services (Chief Financial Officer) - <https://apps.fldfs.com/fsaa/>

NOTICE OF EXEMPTION FROM AUDIT

If the Recipient expends less than \$500,000 in all state funding in its fiscal year and is exempt from the audit requirements, the Recipient's Chief Financial Officer or designee shall provide written notice of exemption to FDLE. The notice of exemption from audit shall include the Recipient's fiscal year, name of the award from FDLE, catalog of state financial assistance number, amount of the award, and statement that the Recipient is exempt from the audit requirements for its fiscal year due to the threshold requirements for an audit.

The notice of exemption from audit shall be submitted by March 1 following the end of the Recipient's fiscal year to the:

Florida Department of Law Enforcement
Investigations & Forensic Science Program
Forensics Services Director
P. O. Box 1489
Tallahassee, Florida 32302

REPORT SUBMISSION

Recipients should send an audit report directly to each of the following:

Florida Department of Law Enforcement
Investigations & Forensic Science Program
Forensics Services Director
P. O. Box 1489
Tallahassee, Florida 32302

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

Any reports, management letter, or other information required to be submitted to FDLE pursuant to this agreement shall be submitted timely in accordance with Florida Statutes, and Chapter 10.550, Rules of the Auditor General.

When submitting financial reporting packages to FDLE for audits done in accordance with Chapter 10.550, Rules of the Auditor General, the Recipient should indicate the date that the reporting package was delivered to the Recipient in correspondence accompanying the reporting package.

RECORD RETENTION

The Recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of five years from the date the audit report is issued, and shall allow FDLE or its designee, the Florida Chief Financial Officer or Auditor General access to such records upon request. The Recipient shall ensure that audit working papers are made available to FDLE or its designee, the Florida Chief Financial Officer or Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by FDLE.

Please sign below to indicate agreement with the terms:

RECIPIENT

Signature of Chief Financial Officer or Designee

Date

Karen Williams Seel, Chair

Pinellas County Commissioner

Print/Type Name and Title

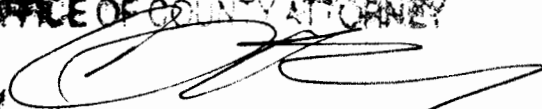
FDLE



David Coffman, Director of Forensic Services, FDLE

9/8/14

Date



Attorney

**Florida Department of Law Enforcement
State Funding Agreement
Agreement Number D0100**

EXHIBIT – 1

State resources awarded to **Pinellas County Forensic Laboratory** pursuant to this agreement consist of the following:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

Federal Program: not applicable

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Project awarded by:	Florida Department of Law Enforcement
Catalog of State Financial Assistance title:	Statewide Criminal Analysis Laboratory System
Catalog of State Financial Assistance number:	71.002
Amount awarded:	12.78% of funds collected (pursuant to Sections 938.08 and 938.07, F.S.), not to exceed 75% of the Recipient's actual operating costs for the award period.

Local Crime Laboratory Budget Request

Laboratory:	F C L C - 1 (Revised 10/12) Page <u>1</u> of <u>1</u> Pages					
Address:	2013 - 2014		2014 - 2015		2015 - 2016	
	# of Positions	Actual Expenditures	# of Positions	Approved Operating Budget	# of Positions	Estimated Budget
Salaries		0		0		0
Benefits/Fringes		0		0		0
Expenses		0		0		0
Operating Capital Outlay		0		0		0
Total		0		0		0
Federal Funds Expended (Do <u>not</u> include in any totals)						
Funding Request (75% of Total)		0		0		0
<p>The following functions are not to be considered laboratory operations for the purpose of appropriating state funds:</p> <ul style="list-style-type: none"> (a) Identification photography; (b) Identification of fingerprints, other than latent; (c) Polygraph; (d) Electronic surveillance; and (e) Medical examiners. 						

Local Crime Laboratory Workload Data Report **Fiscal Year 2013 - 2014**

Laboratory:

DISCIPLINE	Number of Service Requests RECEIVED	Number of Service Requests COMPLETED <i>(returned to contributor)</i>
Biology/DNA		
Chemistry		
Crime Scene		
Digital Evidence		
Firearms		
Latent Prints		
Toxicology		
Trace Evidence		
<i>add additional disciplines as needed</i>		

This information is being collected in accordance with Florida Statute 943.36(1) - For the purpose of providing state funding, each laboratory designated in s. 943.35 shall submit to the Department of Law Enforcement, on or before October 15 of each year, a written report containing the following: [...] (c) Workload data, including, but not limited to, the volume of casework received and completed by type and sources of workload by law enforcement agency.

**DUI / Drug Collected Fines
Distribution Formula FY 14-15**

Distribution of the funds will be based on the population served by the local crime lab. FDLE will use the 2013 population estimates published by the Florida Legislature, Office of Economic and Demographic Research. These are the same figures used in the 2013 Uniform Crime Report.

Laboratory	Population	% of Total
Broward	1,784,715	24.62%
Indian River *	608,576	8.40%
Miami-Dade	2,582,375	35.63%
Palm Beach	1,345,652	18.57%
Pinellas	926,610	12.78%
Total	7,247,928	100.00%

*Indian River population figure includes the 19th
Judicial Circuit: Indian River, St. Lucie, Martin,
and Okeechobee counties

Local Crime Laboratory Expenditures 2013-2014

Laboratory: Pinellas County Forensic Laboratory

2013-2014 Disbursements: \$273,491.16

Crime Lab Discipline	Item	Amount
Total		\$

Report only expenditures funded by the controlled substance fines collected and dispursed in accordance with Florida Statute 943.35

The following functions are not to be considered laboratory operations for the purpose of appropriating state funds:

- (a) Identification photography;
- (b) Identification of fingerprints, other than latent;
- (c) Polygraph;
- (d) Electronic surveillance; and
- (e) Medical examiners.