

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
October 18, 2011

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 16, 2011 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's FY 2010-11 Annual Performance Report, with Contracts, Agreements and Purchases over \$100,000 for April 1 through June 30, 2011.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's FY 2012-13 Legislative Budget Request.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4. Respectfully submit the **Florida Department of Law Enforcement's 2012 Legislative Proposal.**

(See Attachment 4)

RECOMMEND APPROVAL

MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

August 16, 2011

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

ITEM 1. Respectfully submit the **Minutes of the March 9, 2011 Cabinet Meeting**.

Motion to approve by Attorney General Bondi. Seconded by Chief Financial Officer Atwater.
Minutes approved without objection.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's FY 2010-11 3rd Quarter Performance Report, with Contracts, Agreements and Purchases over \$100,000 for January 1 through March 31, 2011**.

Motion to approve by Commissioner Putnam. Seconded by Chief Financial Officer Atwater.
Approved without objection.

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's FY 2011-12 Annual Performance Contract**.

Motion to approve by Attorney General Bondi. Seconded by Commissioner Putnam.
Approved without objection.



Gerald M. Bailey
Commissioner



Debbie Haire
Executive Assistant



ANNUAL PERFORMANCE REPORT

	Actual FY 2010-11	Standard FY 2010-11
Number / percent of lab service requests completed	76,630 100.9%	78,000 95%
Average number of days to complete lab service requests		
AFIS (Automated Fingerprint Identification System)	39	45
CER (Computer Evidence Recovery)	104 ¹	70
Chemistry	15	30
Crime Scene	19	30
Firearms	50	80
Latent Prints	42	60
Trace Evidence	103	115
Serology / DNA	61	111
Toxicology	50 ¹	40
Number of hits, samples added and total samples in DNA Database		
Hits	3,719	2,000
Samples added	70,179 ²	90,000
Total samples in DNA Database	765,960	700,000
Number of criminal investigations	1,964 ³	3,862
Number / percent of criminal investigations closed	611 ³ 62% ³	786 69%
Number / percent of criminal investigations closed resulting in arrest	302 ³ 52% ³	458 58%
Number of domestic security cases	23 ⁴	30
Number of intelligence initiatives	708	490
Number of public assistance fraud investigations	1,013 ⁵	2,350
Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$5.7 M ⁵	\$12 M
Number of calls for Capitol Police service	4,570 ⁶	8,000
Percent of time FCIC is accessible	99.98%	99.5%
Number of criminal history record checks processed	2,769,787	2,000,000
Number of registered sexual predators / offenders added and total identified to the public	3,595 56,880	3,000 52,516
Number of missing persons cases	4,588	4,000
Missing Child Alerts activated	7	6
Amber Alerts activated	11	5
Silver Alerts activated	146	50
Number of arrest records created and maintained	22,790,085	17,686,354
Number / percent of individuals who pass the basic professional certification examination	6,128 79%	6,400 80%
Number of professional law enforcement certificates issued	19,655 ⁷	25,000
Number of criminal justice officer disciplinary actions	675	452



Justifications

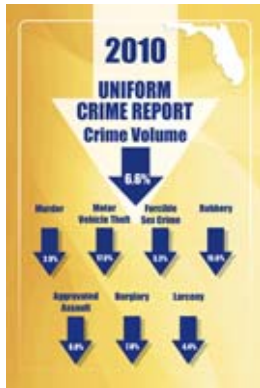
A complete version of the FY 10-11 Annual Performance Report containing performance data, program highlights and noteworthy accomplishments is available in the publications section of the Department's website located at www.fdle.state.fl.us

- ¹ **Average number of days to complete lab service requests** – The Department is focusing efforts on backlog reduction. Analysts in CER and Toxicology disciplines are working older, pending cases. The turnaround time is expected to gradually decline as the number of pending cases decreases.
- ² **Number of samples added in the DNA Database** – The Department enters all samples submitted for the DNA Database. During this quarterly period, fewer submissions were received than anticipated due to a declining number of felony convictions.
- ³ **Investigative measures** – The Department is committed to working complex, protracted high impact criminal investigations. Because of their complexity, they are lengthy and labor intensive. This requires investigators to invest more hours in a fewer number of cases which stay open for a longer period of time.
- ⁴ **Number of domestic security cases** – This measure reports the number of major cases with a nexus to domestic security, that were not worked in conjunction with an FBI Joint Terrorism Task Force. The Department works numerous cases in conjunction with the Task Force which are not reflected due to security restrictions. The Department responded to all reported domestic security threats during the period.
- ⁵ **Public Assistance Fraud measures** – Effective January 1, 2011, the Public Assistance Fraud unit was transferred to the Department of Financial Services. Data was captured from July 1, 2010 – December 31, 2010.
- ⁶ **Number of calls for Capitol Police service** – Due to a more proactive patrol approach by Capitol Police officers, the number of calls for service is less than anticipated. Throughout the year, this measure fluctuates depending upon events scheduled at the Capitol.
- ⁷ **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.





Public Safety Highlights



Lowest Crime Rate in Four Decades. In April 2010, Governor Rick Scott and Commissioner Bailey announced the State's crime rate declined 6.7 percent for 2010 over the previous year, reaching a rate that is the lowest in four decades. The 2010 Uniform Crime Report (UCR) also indicated violent crime (murder, forcible sex offenses, robbery and aggravated assault) is down by 10.1 percent for the year while total non-violent crime (burglary, larceny and motor vehicle theft) declined 6 percent. "It's clear that public safety is a Florida priority," said Commissioner Bailey. "I applaud the work of our chiefs, sheriffs and state law enforcement; our partnerships have been instrumental in bringing the crime rate to record lows."

The UCR includes data submitted by 410 of the state's 415 law enforcement agencies for crimes reported in 2010. The 410 submitting agencies represent 99.98 percent of the total population of the state. The number of murders in Florida dropped by 2.9 percent, forcible sex offenses decreased 3.3 percent, robberies declined by 15.6 percent, and aggravated assault decreased 8.9 percent. In addition, the UCR reported declines in burglary (-7 percent), larceny (-4.4 percent) and motor vehicle thefts (-17.5 percent). Domestic violence offenses declined 2.7 percent.

Jacksonville Child Abduction Response Team Nationally Certified. In June 2010, the Department's Jacksonville Child Abduction Response Team (CART) became the 12th team in the country to obtain national certification. CART is a multi-agency team designed to immediately mobilize assistance and investigative resources to the lead investigative agency when a child is abducted or goes missing under suspicious circumstances. Florida first created CART in 2005 and the initiative has become a national training model of the US Department of Justice.



The team was awarded the prestigious certification by Fox Valley Technical College, which critiques and monitors agencies working to earn the certification. The certification is bestowed jointly by the Office of Juvenile Justice and Delinquency Prevention's Office of Justice Programs, the U.S. Department of Justice and Fox Valley Technical College. Florida teams in Tallahassee and in Miami have also obtained national certification.

The certification process involved a three-county exercise that took place in February 2011 and tested the Jacksonville region's ability to respond to a mock abduction. The exercise evaluated communication capabilities, leads tracking systems, command post operations and search and rescue efforts. Some of the resources used and deployed during the exercise included command posts, K-9s, air support and crime scene assets. The certification drill took place in Bradford, Putnam, and Alachua counties and involved personnel from local, state and federal law enforcement in each of those regions.



FDLE's Office of Inspector General Accredited. On February 7, 2011, the Office of Inspector General's Investigative Function received its initial accreditation from the Commission for Florida Law Enforcement Accreditation (CFA). The voluntary state accreditation process, which involved complying with 42 standards, provides an independent quality assurance review. The accreditation program for Florida agencies' Offices of Inspectors General was implemented by CFA in October 2007 and is designed to ensure professional standards and enhance the quality of investigations.



Investigations and Forensic Science Highlights

FDLE Coordinates Statewide Drug Task Force. On March 28, 2011, Governor Rick Scott and Attorney General Pam Bondi announced a statewide law enforcement response plan to confront criminal drug trafficking in Florida, including, but not limited to, the criminal distribution of prescription drugs. This included creation of a Statewide Drug Strike Force to assist local law enforcement agencies by providing intelligence, analytical and investigative support. Commissioner Bailey serves as the statewide coordinator of the strike force and regional teams are co-led by Florida's sheriffs and police chiefs. The plan allocated grant funds to provide support for the strike forces throughout the state.



On July 1, 2011, the State Surgeon General issued a statewide public health emergency declaration in response to the ongoing problem of prescription drug abuse and diversion in Florida. It required dispensing practitioners no longer authorized to dispense controlled substances in listed in Schedule II and Schedule III of Section 893.03, Florida Statutes, to dispose of any inventory and cooperate fully with the Department of Health (DOH) and Florida's regional teams. On July 5, 2011, compliance inspections resulted in the confiscation of 105,000 pills at 24 locations during a statewide operation to ensure compliance with Florida's new prescription drug law. Through September 30, 2011, the Strike Force has made more than 1,200 arrests, including 20 doctors, and seized almost 280,000 pharmaceutical pills, 45 vehicles, over 50 weapons and \$2.3 million.



Record-Setting Month for Florida's DNA Database. In November 2010, the Department announced its Combined DNA Indexing System, or DNA Database, documented the highest number of hits to unsolved crimes, 379, in a single month since its inception in 1989. The Database contains more than 700,000 samples and receives an average of 7,000 new samples each month. These samples undergo analysis and are entered into the database where they are compared against DNA evidence found at a crime scene. Hits are generated when a DNA sample left at a crime scene matches to a known offender's DNA in the database or when two crime scene samples in the database match one another – indicating the same offender may have been present at both scenes. Florida's system is comprised of FDLE's six regional DNA crime laboratories as well as Florida's five locally-run crime laboratories. It interfaces with the FBI's database, enabling comparisons of DNA profiles between state databases.

Florida law requires offenders convicted of a felony and certain misdemeanors to submit a DNA sample. The law further requires DNA analysis to be performed on each sample and the results of these analyses to be stored for comparison of DNA from unresolved cases in an attempt to identify the perpetrator. In 2009, the Legislature expanded the law, contingent upon funding, to authorize the collection of DNA samples from individuals *arrested* for any felony offense, specified misdemeanor offense or an offense committed to benefit a criminal gang. On July 1, 2011, FDLE began collecting arrestee samples from offenders for murder, assault/battery and sex crimes. Additional offenses will be phased-in over a 10-year period.



Three Arrested for Sale of a Child. The Department arrested three individuals for attempting to sell an eight-week old infant as part of an investigation that began when the child's grandmother approached a third party and offered to sell the infant for \$75,000. The buyer, known to the subjects, worked with law enforcement throughout the investigation. After a series of negotiations, the price for purchase of the infant was agreed upon at \$30,000. That's when the grandmother agreed to meet the buyer met to complete the sale at a Daytona Beach shopping plaza parking lot. At the transaction, agents arrested the grandmother and her boyfriend and turned the infant over to the care of the Department of Children and Families.

The third individual, the child's mother, was arrested for her role in the plot. She and her mother (the child's grandmother) had discussed the selling price for the child and how the funds would be split. Investigators allege she had agreed to receive \$9,000 for the sale of her baby to purchase a new vehicle. She was currently incarcerated in the Manatee County Jail on unrelated charges.

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.



Sixty-Two South Florida Residents Charged with Public Assistance Fraud. In partnership with the US Department of Housing and Urban Development, the Department of Children and Families, the State Attorney's Office (15th Judicial Circuit) and local law enforcement, the Department charged more than 60 public assistance recipients with welfare fraud. "Operation Easy Money" identified public assistance recipients illegally obtaining cash from government issued Electronic Benefit Transfer (EBT) cards which are authorized only for the purchase of approved food staples.

In April 2009, FDLE arrested the operators of Billy's Market in Belle Glade on theft and fraud charges. Investigators subsequently began reviewing EBT transactions occurring at the store between January 2006 and April 2009 and allege various public assistance recipients used food stamp benefits to acquire cash and other items ineligible for purchase. Store employees rang up a transaction that indicated a food staple purchase, but unlawfully provided cash to the food stamp recipients and retained a portion for themselves. In most cases, few or no food items were purchased. The amount each recipient trafficked ranged from \$2,000 to more than \$14,000. Investigators estimate the individuals involved committed a combined \$300,000 in food stamp fraud.



Eight Arrested in Six State, Multi-Million Dollar Burglary Ring. In partnership with the Attorney General's Office of Statewide Prosecution and various local, state and federal law enforcement agencies, the Department arrested eight individuals involved in a high-end burglary ring that targeted jewelry stores and pawn shops in Florida, North Carolina, Tennessee, Virginia, West Virginia and Connecticut. The arrests mark the culmination of a nearly two-year, multi-agency investigation of the group, based in Miami-Dade County, with multiple crews who would burglarize jewelry stores and pawn shops by cutting holes in the roof, disabling alarms and surveillance systems and using torches to access safes. Authorities estimate the value of the jewelry stolen at more than \$6 million.

Fifteen Arrested in Two Separate Mortgage Fraud Enterprises. First, 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.



Second, in partnership with the Attorney General's Office of Statewide Prosecution and the Hillsborough County Consumer Protection Agency, the Department arrested five individuals for their role in a mortgage fraud scheme that spanned Pinellas, Pasco, Hillsborough, Hernando, Osceola, Seminole and Orange counties and other jurisdictions. The investigation centered around fraudulent mortgage applications involving 33 properties purchased from April 2003 to December 2007.

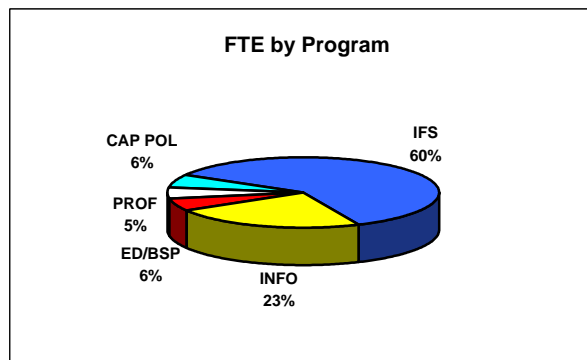
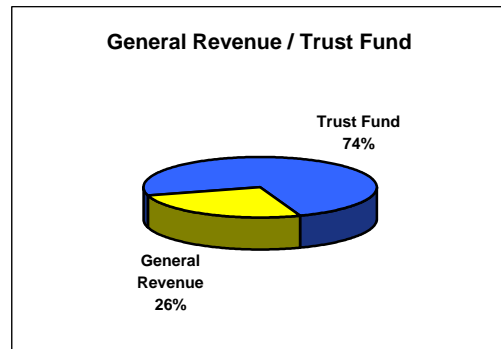
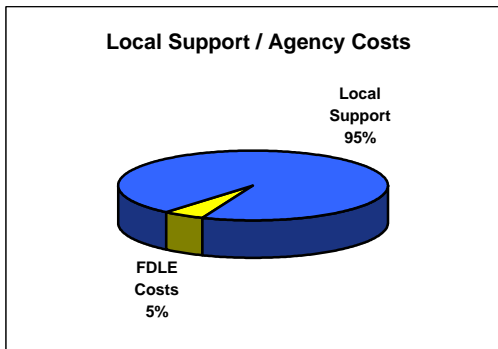
Investigators allege the subjects prepared and submitted 50 fraudulent residential mortgage loan applications and associated documents to deceive mortgage loan lenders. Ultimately, the lenders approved the residential loan applications and funded 50 loan applications totaling approximately \$8.8 million. Of the properties involved, 22 were the subject of foreclosure proceedings which resulted in over \$3 million in final judgments.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
FY 2010-11 FTE AND FUNDING SUMMARY**

	<i>FTE</i>	<i>General Revenue</i>	<i>Trust Fund</i>	<i>Total</i>
Executive Direction and Support (ED/BSP)	102.5	2,807,672	137,513,272	140,320,944
Criminal Investigations and Forensic Science (IFS)*	1041	84,216,547	48,808,786	133,025,333
Criminal Justice Information (INFO)	397	1,196,439	44,040,326	45,236,765
Criminal Justice Professionalism PROF)	95.5	74,018	16,161,308	16,235,326
Florida Capitol Police (CAP POL)	108	9,991	6,201,995	6,211,986
	1,744	88,304,667	252,725,687	341,030,354

*Effective January 1, 2011, Public Assistance Fraud Services (totaling 63 FTE) was transferred to the Department of Financial Services.

Note: \$51 million in Trust Funds supporting Executive Direction and Support are federal pass through funds (\$29 million is Byrne/JAG federal funds).



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 APRIL 1 THROUGH JUNE 30, 2011

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO2478452	Dell Marketing Purchase of 117 notebook computers. State Term Contract One Time Purchase	\$113,629
DO2532306	Dell Marketing Replace two Department data storage systems. State Term Contract One Time Purchase	\$370,050
DO2504855 DO2504856	Florida Counter Drug Procurement Program / Florida Sheriff's Association Two chromatography/mass spectrometry microscope systems. Alternate Contract Source (GSA) One Time Purchase	\$255,186
DO2522491	Forensic Technology WAI, Inc. Two laboratory firearms workstations. Single Source One Time Purchase	\$372,052
DO2566307	Forensic Technology WAI, Inc. Laboratory equipment for analyzing bullet and casing images. Single Source One Time Purchase	\$ 127,036
DO2482005	KLC Consulting, Inc. Information Technology services for the National Instant Check System (NICS) - Firearms Purchase Program project. State Term Contract Term: 05/09/11 - 06/30/12	\$176,400
DO2494704*	Kyra InfoTech, Inc. Information Technology services for the National Instant Check System (NICS) - Criminal Records Repository project State Term Contract Term: 05/19/11 - 06/30/12	\$154,000

*Minority Vendor

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 APRIL 1 THROUGH JUNE 30, 2011

DO2534981	SHI International Corp. Microsoft Office Professional Plus 2010 software licenses. State Term Contract One Time Purchase	\$290,046
DO2482001	SMK Technologies, LLC Information Technology services for the National Instant Check System (NICS) - Firearms Purchase Program project. State Term Contract Term: 05/02/11 - 06/30/12	\$176,400
DO2431807	Strategic IT Alignment Group, LLC Information Technology services for the National Instant Check System (NICS) - Firearms Purchase Program project. State Term Contract Term: 04/25/11 - 06/30/12	\$213,300
DO2518341	Uber Operations, LLC Information Technology services for the Florida Law Enforcement Exchange (FLEX) project. State Term Contract Term: 06/03/11 - 06/30/12	\$205,800

Florida Department of Law Enforcement
 Legislative Budget Request
 Fiscal Year 2012-13



Issue	FTE	General Revenue	Trust Fund	TOTAL
Expand DNA Database		\$872,399		\$872,399
Increase Criminal Justice Information Compliance Audits	2		\$138,307	\$138,307
Improve Investigative Capacity of Electronic Surveillance Support Teams	12	\$1,720,376		\$1,720,376
Create Methamphetamine Lab Cleanup and Removal Program		\$703,500		\$703,500
Increase Spending Authority for Charges Assessed for Criminal History Record Checks			\$492,000	\$492,000
Eliminate Grants-in-Aid Appropriation			(\$4,497,908)	(\$4,497,908)
TOTAL REQUEST	14	\$3,296,275	(\$3,867,601)	(\$571,326)

Expand DNA Database to include Felony Arrests

\$872,399 General Revenue

Section 943.325, Florida Statutes requires the collection of DNA samples from any individual convicted of any felony, attempted felony, specified misdemeanor offense, or any offense that promotes the interests of any gang. In July 2011, persons arrested for felony crimes or attempted felony crimes set forth in Chapters 782 (murder), 784 (assault and battery), 794 (sexual battery) and 800 (lewd or lascivious acts), Florida Statutes, were also required to submit a sample to FDLE's DNA Database.

To avoid a bottleneck in DNA sample processing caused by increased collections, the law established a controlled expansion to be implemented over a 10-year period conditioned upon receipt of funding. Beginning January 1, 2013, Florida is scheduled to again expand DNA collections to include any person arrested for felony or attempted felony violations set forth in Chapters 810 and 812, Florida Statutes (burglary, theft and robbery). This will add 18,000 more samples to FDLE's Database and increase the total volume of submissions to an estimated 112,000 samples annually. Over 750,000 samples are currently maintained in the DNA Database, which has experienced over 19,000 hits.

The Department is requesting funding for additional DNA kits and other supplies, OPS staffing and additional equipment to build the infrastructure to facilitate automated submission at collection sites. Without the infrastructure, the increased volume will create a backlog resulting in delays to state and national DNA profile searches.

Increase Criminal Justice Information Compliance Audits

\$138,307 Operating Trust Fund

2 FTE

The Department conducts technical compliance audits of all agencies connected to the state and national telecommunications system for the purpose of accessing criminal justice information. Federal

and state information security policies provide minimum security requirements associated with the creation, viewing, modification, transmission, dissemination, storage, or destruction of criminal justice information. Agencies accessing information are required to adhere to these requirements, as well as state and national statutes, policies, rules and regulations. Compliance audits are performed on all agencies accessing this information to ensure compliance and security of information.

In recent years, the number of audits performed increased by 75 percent, from 602 in FY 07-08 to 1,051 in FY 10-11. In addition, the scope of the audits has become more complex as agencies are outsourcing data centers, which house criminal justice information, and the Federal Bureau of Investigation revised its policy, increasing the number of technical items that must be addressed through audits.

The Department is requesting two auditor positions to perform the increasing amount of audits. FDLE is responsible for administering the criminal justice network, enforcing standards for those who have access to the information and governing the operation of computers, devices, and other information technology equipment. The requested positions are required to fulfill the state and national requirements for agency compliance.

Improve Investigative Capacity of Electronic Surveillance Support Teams
\$1,720,376 General Revenue

12 FTE

Despite two decades of declining violent crime trends, there were more than 980 murders, 65,000 aggravated assaults and 26,000 robberies in Florida in 2010. Criminals are not confined by jurisdictional boundaries and, increasingly, they are employing today's technology to commit their crimes. The 21st century criminal challenges law enforcement to improve investigative techniques and methodologies, leverage technology and multi-jurisdictional partnerships to improve public safety.

In 2008, the Department partnered with local law enforcement to develop and implement Electronic Surveillance Support Teams (ESST), which are multi-agency teams using advanced technologies and global positioning satellite to locate violent criminal suspects. Team members operate under common investigative protocols and interagency agreements, enabling rapid deployment upon the request of any law enforcement agency within the state. The ESSTs have enhanced law enforcement's capability and improved the speed with which a criminal suspect can be identified, located and apprehended, often within hours of the commission of a crime.

The Department is requesting 12 special agent positions to increase ESST capacity statewide. In addition, recurring funds are needed to finance annual communication maintenance contracts, which facilitate connectivity with all carriers statewide. This capability is essential to support fast activation of electronic surveillance and quick operational response throughout the state.

Create Methamphetamine Lab Cleanup and Removal Program
\$703,500 General Revenue

Recently, the domestic manufacture of methamphetamine within the state has been a concern for law enforcement and the general public. According to the Drug Enforcement Agency (DEA), the number of clandestine methamphetamine labs seized in 2010 increased by 21 percent compared with 2009. While still prevalent in rural areas, some evidence suggests labs are expanding into urban areas.

And methamphetamine laboratory cleanup is costly. The DEA estimates more than \$700,000 was spent for clandestine laboratory cleanup operations on behalf of state and local law enforcement agencies in Florida in 2010. The waste found at a clandestine laboratory may include solvents, reagents, precursors, by-products and the drug product themselves. Many are reactive, explosive, flammable, corrosive

and/or toxic. As a result, law enforcement personnel follow strict guidelines in separating and preparing methamphetamine lab chemicals for disposal. Unfortunately, funding provided by the US Department of Justice has been exhausted and state and local law enforcement is responsible for coordinating and funding the removal of hazardous waste generated by a clandestine methamphetamine production.

The Department is requesting funding to establish a methamphetamine laboratory container program to provide an authorized collection site within each of FDLE's seven regions. FDLE will also provide approved equipment and training for state and local agency personnel. The authorized collection site program will ensure that law enforcement across the state has access to an approved collection station and that Florida has sufficient law enforcement personnel who are certified to process and clean up these dangerous methamphetamine lab crime scenes.

***Increase Spending Authority for Charges Assessed for Criminal History Record Checks
\$492,000 Operating Trust Fund***

The Department accepts credit card payment to conduct criminal history background checks via electronic submission and credit card companies charge a fee to handle this transaction. Until recently, the Department absorbed these fees. However, since FY 05-06, credit card service charges have increased 43 percent. And the charges are projected to continue to rise. In addition, the Department anticipates more customers will transition to electronic submission because an increasing number of agencies are required to undergo state and national background checks. In FY 10-11, the Department processed 2.8 million criminal history background record checks. The Department is requesting additional budget authority to pay the service fees charged by credit card companies.

***Eliminate Grants-in-Aid Appropriation
(\$4,497,908) Federal Grants Trust Fund***

The Community and State Drug Abuse Program grant awarded by the US Department of Education and administered by FDLE's Office of Criminal Justice Grants ended on September 30, 2010. All claims have been filed and \$4,497,908 in trust fund authority is no longer necessary.



FLORIDA DEPARTMENT OF LAW ENFORCEMENT

2012 LEGISLATIVE PROPOSAL

Public Records Exemption for Sex Offender Alert Subscription Information

Chapter 2007-209, L.O.F., required FDLE to provide a sexual predator/offender email subscription service, consistent with the federal Adam Walsh Act, which allows citizens to receive an email if a sexual predator/offender moves within a prescribed radius of a selected address. It also allows subscribers to track an predator/offender's movements; a service that is particularly important to victims, former spouses, complainants, etc.

To sign up for the FDLE Offender Alert System, citizens provide their email address. To track registrant activity related to a specific location (i.e., home, school, day care center), they must also provide a physical address so their interests can be tailored accordingly. A person making a public records request for this information would receive email and physical addresses. This information can be used to determine an individual's name, and most troubling, their likely physical residential address. For instance, many emails utilize an individual's last name (e.g., JDoe@yahoo.com). And a "reverse-address" phonebook search could potentially reveal J. Doe's residential address. Thus, the information may be used to determine where someone lives and where their children attend school.

As a result, a victim seeking out further "protection" by using the alert service may expose their personal information to a sexual predator/offender or anyone acting on their behalf. A repeat offender can use the public records information to locate persons having a concern about predators/offenders, which might suggest the presence of minor children or one's status as a victim of a prior sex offense. While the system does not designate such information, the "pool" of persons signing up for the service logically includes parents of minor children and those who have been previously victimized. The exposure of personal information as a cost of doing business with the state could deter individuals from signing up for a service intended to help protect Florida citizens. Floridians ought not be required to pay a "toll" of surrendering private information in order to access a valuable government service such as the offender alert system.

Sheriff's offices, universities, public utilities and other entities throughout Florida utilize various emergency notification systems in which the agencies may contact the public by a variety of electronic means, including cellular telephones and email, to alert them of imminent disasters, medical emergencies and other dangerous conditions. Public safety is significantly enhanced through the use of such emergency notification programs and expansion of such programs further increases public safety. Chapter 2011-85, L.O.F., created a public records exemption for any information furnished by a person to an agency for the purpose of emergency notification, including the person's name, address, telephone number, email address or other electronic communication address. The purpose of the exemption is to encourage greater participation in emergency notification programs by alleviating concerns about disclosure of information that could be used for criminal purposes.

On August 31, 2011, Florida Attorney General Pam Bondi issued an opinion¹ stating email addresses and corresponding home, school and other "watched addresses of concern" provided for participation in the FDLE Offender Alert System fall within the scope of the exemption afforded by Section 119.071(5)(j), F.S.

Proposed Changes. While the Attorney General's Opinion supports the Department's posture regarding these records, FDLE believes it would be appropriate to specify the exemption of these records in statute. The Department will seek revision of the public records "emergency notification"

¹ Op. Att'y Gen. Fla.. 11-16 (2011)

exemption in Section 119.071(5)(j), F.S, to specifically include information provided to FDLE by persons (other than sexual predators or offenders) for the purpose of requesting access to the sexual predator and offender notification system.

Exemption from Data Center Consolidation

The state data center system was created by the Legislature in 2008. It includes primary data centers, non primary data centers and computing facilities. The Agency for Enterprise Information Technology (AEIT) is responsible for establishing policies and coordinating the state's transition to a consolidated data center system. Each year, AEIT provides the Governor and Legislature with recommendations for consolidating at least two non-primary data centers into a primary data center. These annual recommendations are required until 2019 or until all eligible data centers have been consolidated into primary data centers. The goal of the consolidation is to maximize current and future cost savings.

The Department is scheduled for consolidation into a primary data center by June 30, 2013. FDLE has serious concerns with respect to the consolidation of sensitive law enforcement data which includes open criminal investigations, sensitive public corruptions cases, terrorism investigations, confidential and protected federal and state grand jury information, active criminal intelligence, confidential sources, undercover operations, protective operations and critical infrastructure data. A 2007 data center consolidation cost analysis and feasibility study conducted by Gartner, Inc., on behalf of the Florida Senate, noted the following:

“Among the other governmental agencies reviewed, only the FDLE made a convincing argument that it had critical requirements which might make it problematic for it to participate in a shared data center environment. As part of its core law enforcement mission, FDLE is the major provider of sensitive criminal justice information to most State and local law enforcement agencies within the State of Florida. In essence, FDLE provides a criminal justice “extranet” that connects police departments, sheriff’s offices and other state agencies together and allows them to securely share local, state and federal criminal justice data. While it is possible to do this in a shared data center environment, it is likely that FDLE will have special needs that will need to be accommodated by the State data center.”

The Federal Bureau of Investigation’s (FBI) Criminal Justice Information Services Division (CJIS) maintains multiple systems to include the National Crime Information Center database (NCIC), the Integrated Automated Fingerprint Identification System (IAFIS) and the National Instant Criminal Background Check System (NICS). These systems contain or access data from local, state, tribal and federal agencies across the criminal justice community.

FDLE is designated the Criminal Justice Information Services System Agency (CSA) for Florida, providing criminal justice agency access to NCIC and other state and national information systems. The FBI’s CJIS Security Policy, which governs all states and participating criminal justice agencies, requires FDLE to set, maintain and enforce a variety of provisions, including, but not limited to:

- Standards for the selection, supervision and separation of personnel who have CJIS systems access;
- Policies governing the operations for computers, access devices, circuits, hubs, routers, firewalls, and other components that comprise and support a telecommunications network and related CJIS services;
- Management of security control which includes the authority to set and enforce policies governing the operation of computers, circuits and telecommunications terminals used to process, store, or transmit CJIS data and to guarantee the priority service needed by the criminal justice community; and
- Management control of network security including the authority to set and enforce policies governing the operation of circuits and network equipment used to transmit CJIS data and to guarantee the priority service as determined by the criminal justice community.

If a CSA cannot maintain management control as outlined in the CJIS Security Policy, the CSA could be sanctioned by the FBI's Advisory Policy Board to result in the termination of services.

Pursuant to Chapter 2008-116, L.O.F., each primary data center is headed by a board of trustees comprised of participating agencies and the voting structure is weighted according to revenue contributed by each agency. Chapter 2011-50, L.O.F., mandates that data centers are custodians of resources and equipment that are located, operated, supported and managed by the centers. The data centers assume administrative access rights to the resources and equipment, such as servers, network components and other devices that are consolidated into the primary data center. It further provides that, upon being consolidated, each agency must relinquish all administrative access rights to resources and equipment.

The data center governance model complicates decisions regarding the systems or agencies that have priority to the state in the event of an outage or disaster. On behalf of the criminal justice community, FDLE requires a commitment to "last down, first up, first to fix" support of all FDLE applications. Decisions regarding precedence of work is made via FDLE chain of command and is at the heart of management control. Additionally, the Department determines which employees and contractors have physical and logical access to our facilities and systems based on a comprehensive background investigation that goes beyond a criminal history check alone. If consolidated into a primary data center, FDLE would have no legal authority to request that employees and contractors be subjected to the same level of background screening conducted for FDLE members.

As confirmed by the FBI, the primary data center governance structure would not allow FDLE to maintain management control and would place the department in violation of its agreement with the FBI, thereby threatening access to federal and other state criminal justice data, resulting in a significant impact to both public and officer safety.

Consolidating FDLE's data center into a primary data center also raises concerns over latency and its costs, logistical complications, and the high and unacceptable risks associated with relocating the Biometric Identification System (BIS), Rapid Identification System (RID) and other components which provide the core functionality for all fingerprint identification in the state. These systems receive, compare and store arrest fingerprints. Local law enforcement agencies submit fingerprints on approximately 2,750 arrests daily and FDLE compares incoming fingerprints with the stored fingerprints and provides a response within 10 minutes.

Fingerprint identification is a 24 hours a day, 7 days a week process carried out on a non-stop basis as subjects are arrested and booked across the state. Failure to quickly provide identification services could result in the unintended release of a criminal subject. FDLE currently averages about 7,000 transactions in a 24-hour period. Fingerprint downloads on the Department's Local Area Network currently take less than 3 seconds. The turn-around time of the same process done across a Wide Area Network in a primary data center environment would increase significantly.

FDLE surveyed other states with respect to data center consolidation efforts. Of the 48 states responding, 28 have consolidated state agency data centers and only nine of those states included public safety in their consolidated data centers. Most states opted their CSA out of data center consolidation due to the complexity and problems associated with consolidation.

Proposed Changes. FDLE believes management control issues associated with data center consolidation cannot be mitigated. Due to the sensitive nature of the criminal justice data housed by the Department and the management control requirements mandated by the FBI, FDLE will request the Legislature exempt the Department from data center consolidation.