



MEMORANDUM

Agenda Item No. 7(I)(1)(D)

TO: Honorable Chairperson Barbara
Carey-Shuler, Ed.D and Members,
Board of County Commissioners

DATE: January 20, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Application for Funds from the
Statewide Crime and Drug Control
Council OPERATION ZOMBIE

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the County Manager to apply for \$100,000 in State funds from the Florida Department of Law Enforcement, through the Statewide Violent Crime and Drug Control Council, available under the Matching Drug Control and Money Laundering program, to support a criminal narcotics investigation being conducted by the Miami-Dade Police Department (MDPD) within Miami-Dade County. The resolution additionally authorizes the County Manager to receive, expend, and execute agreements and necessary amendments to the grant application. The grant period begins on the date the grant is awarded and ends at the conclusion of the investigation. The grant requires matching funds in the amount of \$113,500 which are currently allocated in the Department's general fund budget, and will be utilized to cover overtime and investigative expenditures.

BACKGROUND

The Florida Department of Law Enforcement (FDLE) has established Regional Drug Enforcement Coordinating Teams (RDECT) to coordinate the identification and development of multi-agency drug control or illicit money laundering investigative or task force efforts. RDECT(s) operate under the direction of a FDLE Regional Director. The RDECT(s) include representatives of state, local, and federal law enforcement and prosecuting entities working within the area.

The Drug Enforcement Administration and FDLE will be participating in the criminal investigation being conducted by MDPD. This covert investigation targets illegal narcotics being sold at nightclubs throughout Miami-Dade County.

MDPD received notification of the availability of funds from FDLE on October 7, 2003. Initially, MDPD's investigative operations did not meet the criteria to obtain matching funds. As the investigation became more involved, MDPD met eligibility requirements and the appropriate proposal was submitted to FDLE for approval by the state's November 9, 2003 submission deadline. Pursuant to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation program guidelines, the maximum funds available to each agency for investigations who meet their program guidelines is \$200,000 per agency, at \$100,000 per investigation. MDPD, via a companion resolution, has applied for a second grant in the amount of \$100,000 to conduct a confidential narcotics investigation that involves illegal drug trafficking and money laundering.

The requested funds, in the amount of \$100,000, will be utilized to cover overtime and investigative expenses necessary to run the confidential investigation. Matching funds in the amount of \$113,500 are budgeted in the General Fund to cover investigative expenses and overtime compensation.

This covert investigation will facilitate the apprehension, conviction, and imprisonment of criminals who are currently engaged in the distribution and sale of illegal drugs to juveniles and young adults at nightclubs throughout Miami-Dade County.



Susanne M. Torriente
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(I)(1)(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(I)(1)(D)

Veto _____

1-20-04

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MANAGER'S ACTION IN APPLYING FOR STATE FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, THROUGH THE STATEWIDE VIOLENT CRIME AND DRUG CONTROL COUNCIL, AVAILABLE UNDER THE MATCHING DRUG CONTROL AND MONEY LAUNDERING PROGRAM, TO SUPPORT A CONFIDENTIAL CRIMINAL NARCOTICS INVESTIGATION BEING CONDUCTED BY THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZES THE COUNTY MANAGER TO RECEIVE, EXPEND, AND EXECUTE CONTRACTS, AGREEMENTS, AND NECESSARY AMENDMENTS TO THE APPLICATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the County Manager's action in applying for state funds from the Florida Department of Law Enforcement, through the Statewide Violent Crime and Drug Control Council, available under the Matching Drug Control and Money Laundering program, to support a confidential criminal narcotics investigation being conducted by the Miami-Dade Police Department, in substantially the form of the grant application attached hereto and made a part hereof, authorizes the County Manager to receive, expend, and execute such contracts and agreements as required, following their approval by the County Attorney's Office; to expend any and all monies received for the purposes and as described in the application; to receive and expend additional funds should they become available, and to file and execute any necessary amendments to the application for and on behalf of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner
, who moved its adoption. The motion was
seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly
passed and adopted this 20th day of January, 2004. This
resolution shall become effective ten (10) days after the date
of its adoption unless vetoed by the Mayor, and if vetoed, shall
become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. RJB
Ronald J. Bernstein

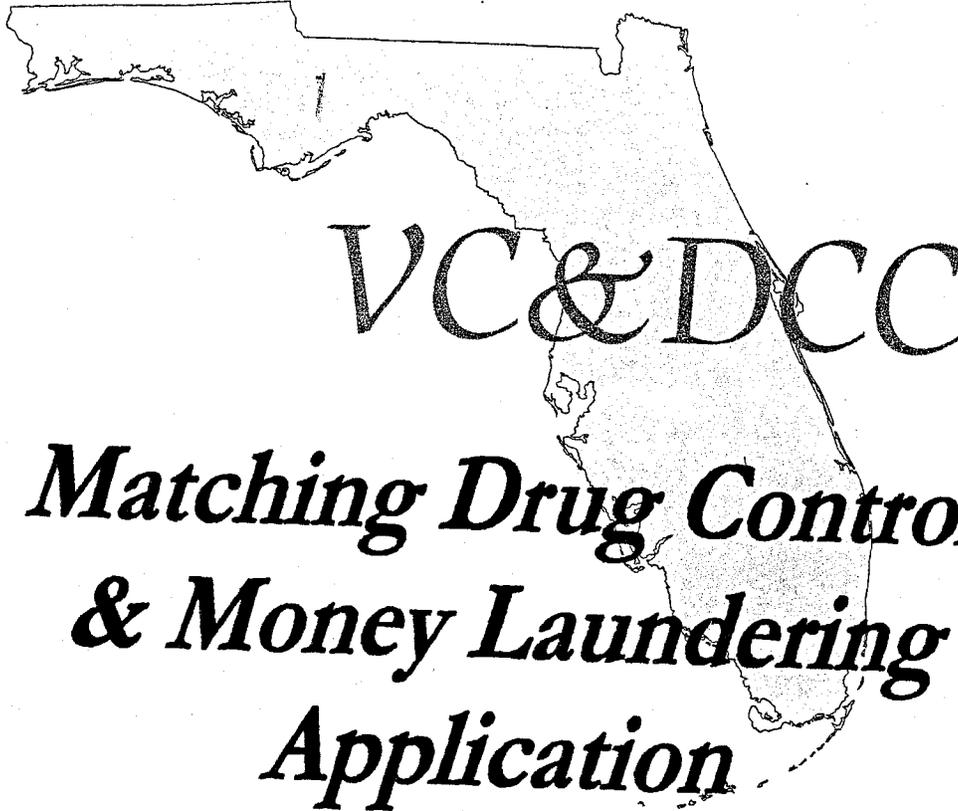
By: _____
Deputy Clerk



Florida Department
of Law Enforcement

OPERATION ZOMBIE

Violent Crime and Drug Control Council



For Additional Information, Please contact:

Jennifer Cook-Pritt
Special Agent

JenniferCook-Pritt@fdle.state.fl.us

Phone: (850) 410-7072

or

Florida Department of Law Enforcement
Violent Crime & Drug Control Council

P.O. Box 1489

Tallahassee, Florida 32302

Phone: (850) 410-7060

Form FDLE/OSI-003
Revised 10/07/02

Matching Drug Control and Money Laundering Application

Rule Reference 11N-1.0051, F.A.C.

Council Administrative Rule concerning Matching Drug Control Investigative Funding

11N-1.0051 Procedures for Funding Requests for Matching Drug Control Investigative Funding.

- (1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Drug Enforcement Coordinating Team (Team) to coordinate the identification and development of multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, F.S. Each Team will be under the direction of the Florida Department of Law Enforcement Regional Director for the area of the state in which the Team operates. The Team should be made up of representatives of state, local, and federal law enforcement and prosecuting entities working within the area.
- (2) All requests for matching drug investigative effort funds from the Violent Crime and Drug Control Council must be developed in conjunction with, and approved by, the Team in the region from in which the lead requesting agency is located. The Council will consider no request submitted without the endorsement of the Team.
- (3) Prior to submitting a request for matching funds to the Department of Law Enforcement for review and consideration for Council funding, the Team shall assure that the various requirements of this rule have been satisfied. The Team shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria are met. In addition, the Team shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The Team shall assure that the funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.
- (4) All submissions to the Department from a Regional Drug Enforcement Coordinating Team must be approved by the Team and deemed complete, as indicated by the written certification of the head of the Team.
- (5) Submissions from a Regional Drug Enforcement Coordinating Team shall be made to the Department of Law Enforcement's Office of Statewide Intelligence. Materials being submitted shall be secured and transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.
- (6) The Office of Statewide Intelligence will receive and review all submissions from the various Regional Drug Enforcement Coordinating Teams utilizing the criteria of this rule, and shall prioritize from the pending submissions those proposals that best meet the criteria of this rule and are determined to be multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that are most likely to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent the most significant of proposed illicit money laundering investigative efforts, or are cases that are best believed to otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, F.S.
- (7) The Office of Statewide Intelligence (OSI) shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases OSI believes should receive funding priority and the amount of matching funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council matching funding.
- (8) The Council will make its matching funding decisions based upon the information presented to it by OSI, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

Matching Drug Control and Money Laundering Application

Rule Reference 11N-1.0051, F.A.C.

(9) Denial of all or a part of a request shall not disqualify the request from future consideration by the Council. However, any such request will be considered a new funding request and must be evaluated and approved through the process set forth in this Rule, beginning with consideration and approval by the Regional Drug Enforcement Coordinating Team.

(10) Council-provided matching funds shall be expended in a manner consistent with the investigative purposes approved by Council, and may not be utilized to pay any part of the commitment made by the recipient agencies in determining the amount of funds to be matched by the Council-provided funds.

(11) If after receipt of funds, it appears that a funded investigative effort will substantially depart from the focus and effort originally approved by the Council, the agencies receiving Council funds shall suspend use of such funds and shall contact the Regional Drug Enforcement Coordinating Team leader and describe the change of focus and effort.

(a) If the new focus and effort is of a type that could be considered for Council funding, the Team and the participating agencies shall secure Council approval for the continued use of Council funds by the funded agencies. Any such request shall be evaluated and approved through the process set forth in this Rule, beginning with consideration and approval by the Regional Drug Enforcement Coordinating Team, but shall be expedited to minimize any negative effect the suspension of spending of Council funds may have on the ongoing investigation.

(b) If authorization for continued use of Council funds must be considered prior to the next regular meeting of the Council, the Council may consider such requests at a special meeting by phone or videoconference.

(c) The Council may endorse changes of focus or efforts and authorize the continued use of Council funds when receiving progress reports during regularly scheduled meetings provided that the Team and the Office of Statewide Intelligence endorse the new focus or efforts for such continued funding.

(12) In order to assure careful consideration of original requests for matching funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the Office of Statewide Intelligence no later than 30 days prior to the meeting of the Council in which the request for matching funding might be considered.

(13) Agencies seeking matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of funds being committed by each participating agency to be matched by Council matching funds. The head of each requesting agency that seeks to receive Council matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE 20-003.

(14) Funding Calculations

(a) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall consider:

1. The base salary (excluding benefits and taxes) and overtime compensation pledged (excluding benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall not consider:

1. funding received by the agencies from federal sources: or

Matching Drug Control and Money Laundering Application

Rule Reference 11N-1.0051, F.A.C.

2. funding utilized for:

- a. purchases of equipment that will be retained in a participating agency's inventory;
- b. the cost of purchased vehicles, vessels, aircrafts, or conveyances;
- c. any expense or purchase that appears to be incidental to, or otherwise failing to be shown to substantially support, the proposed investigative effort;
- d. seminar and training expenses for employees or officers assigned to the proposed effort; and
- e. rental or purchases of buildings and costs associated with the use or operation of such buildings, such as utilities and maintenance.

(15) Council-provided funds shall not be used for any purposes used by the requesting agency in calculating its contribution to be matched by Council Funds. Where an employee's overtime has been pledged by an agency as a contribution to be matched by Council funds, no Council-provided funds may be used for the employee's overtime until such time as the agency's pledged overtime funding has been completely expended. Matching funds shall not be used to purchase or lease vehicles, vessels, aircrafts or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment. Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in matching funds may be applied to an employee's overtime (excluding benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Matching Funding Documentation

(a) Agencies receiving matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Drug Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE 20-004 shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort.

(b) Agencies receiving matching Council funding shall retain documentation supporting the amounts and purposes of expenditures made from matching Council funds, the amounts and purposes of expenditure of funds pledged as the basis for the amount of funds to be matched by the Council, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort.

(c) Agencies receiving matching Council funding shall provide such other information as may be required by the Council to assist the Council in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council in fulfilling its role to monitor the performance of funded investigations.

(17) If funds provided by the Council remain unexpended upon the conclusion of any investigative effort, the participating agencies shall return unexpended Council funds to the Council within 90 days of the conclusion of the investigative effort.

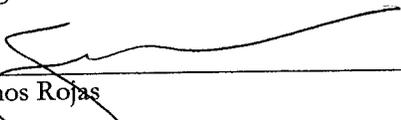
(18) If an agency receiving Council matching funds is subsequently reimbursed or funded from another source of funding for the expenditures funded by the Council, the receiving agency shall return to the Council an amount that is the lesser of the subsequent reimbursement or the matching funding received from the Council.

Matching Drug Control and Money Laundering Application

Rule Reference 11N-1.0051, F.A.C.

ALL FIELDS ARE REQUIRED

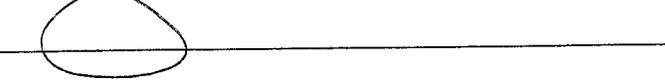
LAW ENFORCEMENT INFORMATION

Lead Law Enforcement Agency:	Miami-Dade Police Department
Lead Agency FEID#:	59-6000573
Lead Agency Contact Person:	Captain Greg Dohring
Lead Agency Contact Address:	3465 N.W. 2 nd Avenue Miami, Florida 33127
Lead Agency Contact Phone #:	(305) 576-8853 Extension 225
Lead Agency Contact Fax #:	(305) 573-7429
Lead Agency Contact E-Mail:	GDOHRING@MDPD.COM
Agency Case Number(s):	241754-B
Lead Agency Chief Financial Officer (CFO)	Angela Brown 
FDLE Regional Director	Arnos Rojas 

Other Agencies to be Reimbursed:
AGENCY NAME/CONTACT PERSON

1.	FDLE - Special Agent Eli Lawson
2.	
3.	
4.	
5.	

I certify that the expenses claimed will be incurred as noted and that the agency matching funds are true and correct to the best of my knowledge and belief, and that the appropriate Regional Drug Enforcement Coordinating Team has approved this case for funding.

Signature of Lead Agency Head:		DATE <u>11/7/03</u>
Signature of Lead Agency CFO:		DATE <u>11/7/02</u>
Signature of FDLE Regional Director:		DATE _____
Signature of Regional Team Leader:	_____	DATE _____

Matching Drug Control and Money Laundering Application

Rule Reference 11N-1.0051, F.A.C.

Funding Request

- a. The Funding Request includes three Budget Categories (Overtime, Investigative Expenses, and Other Expenses) and Total Costs. Total Agency Funds must be a minimum of 50% of the total projected costs of the investigation.
- b. Council funds may be used for overtime payments (limited to \$10,000.00 per officer per fiscal year), but not the base salary of an employee; the overtime rate is excluding taxes and benefits. An agency may show their match with straight salary on overtime. **Please refer to Page 3, Section 15 of this application.**
- c. Show all figures rounded to the next highest dollar; do not include cents.
- d. The Council may reimburse all, a part, or none of the amounts requested.
- e. Please refer to the Council Administrative Rule, which is attached, for specific funding restrictions.

Type or Print Dollar Amounts Only in Applicable Categories and Leave Others Blank.

Budget Category	Council Funds	Agency Funds	Total
Overtime/Salaries	\$55,000.00	\$103,500	\$158,500
Investigative Expenses	\$45,000.00	\$10,000.00	\$ 55,000
Other Expenses	0	0	0
Totals	\$100,000.00	\$113,500.00	\$213,500

Describe any other source of funding for this investigation outside normal departmental funding:

OSI Case #: _____

DrugNet Case #: 75617

Total Amount Approved:

\$