

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
April 22, 2014

ITEM 1. Respectfully submit the **Minutes of the February 6, 2014 Cabinet Meeting**.

(See Attachment 1)

RECOMMEND APPROVAL

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

11B-18 - Updates Commission-approved criminal justice training school names at the request of the training schools and removes a training school that no longer exists.

11B-20 - Revises the Instructor Certification Application form CJSTC-71; revises the Instructor Competency Checklist form CJSTC-81; revises Specialized Instructor Certification title; adds the Criminal Justice Diving Instructor Certification; removes the Law Topics Instructor Certification; revises the rule title of Rule 11B-20.0014; adds the new Criminal Justice Diving Instructor Certification category; adds the certification procedures for the new Underwater Police Science and Technology course; revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10; updates the required years of canine team experience; adds the new Canine Team Training course; adds the new Canine Team Training Instructor course; adds the new Canine Team Instructor Performance Evaluation form CJSTC-20; and revises the four-year expiration date for the original instructor certification, instructor four-year anniversary date, and instructor renewal deadline.

11B-21 - Updates the Driving Range Facility and Equipment Requirements form CJSTC-202 and Defensive Tactics Facility and Equipment Requirements form CJSTC-203.

11B-27 - Clarifies reinstatement of a previously certified officer's certification; adds a new penalty guideline for the new violation of "Misuse of Electronic Databases"; updates the Equivalency-of Training form CJSTC-76; adds other private criminal justice facilities that contract with the Florida Department of Children and Families; clarifies when a Letter of Acknowledgement shall not be issued; deletes conflicting rule language; revises the penalty guideline for the violation of "Misuse of Official Position"; adds the violation of "Misuse of Electronic Databases" and penalty guideline; adds the violation for "Intentional Abuse of Temporary Employment Authorization" and the penalty guideline; adds the violation of "Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another... and the penalty guideline; revises the name of "Patrol Canine Team" to "canine team"; revises the "Patrol Canine Evaluator" to "Canine Evaluator," revises the "Proficiency Examination" to "Performance Evaluation," adds the new 480-hour Canine Team Training course and updates rule reference; revises the "Patrol Canine Team Certification" name to "Canine Team Certification"; revises the Canine Team Certification Application form CJSTC-70; adds new canine team certification requirements; adds procedures for the updated Canine Team Training Course; creates a new Canine Course Equivalency Checklist form CJSTC-70A; adds procedures for equivalent canine team training; revises the Canine Team Performance Evaluation form CJSTC-83; adds procedures for completing canine team performance evaluations; updates the Canine Team Certification renewal

dates; deletes redundant form name references and updates rule reference; adds procedures for obtaining certification for an expired Patrol Canine Team Certification; revises the Canine Team Certification Deficiency Notification Application form CJSTC-270; makes grammatical revision; adds new procedures for instructing the updated Canine Team Training course; adds the requirement for canine team evaluators to complete specific documents; and adds new canine team training maintenance requirements.

11B-30 - Revises the Equivalency-of-Training form CJSTC-76; updates the State Officer Certification Examination website; removes the geographic requirement for computer labs; updates the examination scoring and grade notification; and repeals the Applicant State Officer Certification Overall Test Results form CJSTC-516.

11B-35 - Deletes the requirement to provide printed copies of the Florida Statutes and Florida handbook on jury instructions; retires the 400-hour Canine Team Training course 1112 and adds the 480-hour Canine Team Training Course 1198; deletes the implementation phase of the Florida CMS Correctional Basic Recruit Training Program implements the new Correctional Probation Basic Recruit Training Program in 2015; relocates Physical Fitness Assessment rule language to the appropriate rule section; makes grammatical and paragraph number revisions; removes reference to "correctional probation" in 11B-35.0011, F.A.C., rule title; retires the Florida CMS Law Enforcement Basic Recruit Training Program and adds the new Florida Law Enforcement Academy Program; removes "sequencing" from the instruction of a basic recruit training; retires the Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program; specifies the training required for a law enforcement officer to become a correctional probation officer; revises the title of 11B-35.0021, F.A.C., to add "Specialized Training Program Courses"; adds "Program" to the title of High-Liability Basic Recruit Training Program Courses; retires the 40-hour Canine Team Training Instructor Course 1107 and adds the updated 80-hour Canine Team Training Instructor Course 1199; adds the Specialized Training Program Courses category; adds Specialized Training Program Courses category and updated Canine Team Training Course; adds the Specialized Training Program Courses category; adds Specialized Training Program Courses category and updated Canine Team Training Course; adds the Specialized Training Program Courses category to require instructor to student ratios for instruction of proficiency skills; adds the instructor to student ratio requirements for instruction for the new Underwater Police Science and Technology course; adds the instructor to student ratio requirements for instruction of the new Canine Team Training Course; adds the instructor to student ratio requirements for instruction of the new Canine Team Training Instructor Course; revises the CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS; revises the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS; adds demonstration of proficiency skills for the Underwater Police Science and Technology course; revises the DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS; revises the Speed Measurement Operator Performance Report form CJSTC-11; revises the Speed Measurement Device Instructor Field Evaluation for CJSTC-10; adds the written end-of-course examination and demonstration of proficiency skills requirements for the new Underwater Police Science and Technology; creates the new Criminal Justice Diver Performance Evaluation form CJSTC-19; rewrites the Canine Performance Evaluation form CJSTC-83; adds the training requirements for successfully completing the new Canine Team Instructor Course; creates the new Canine Team Instructor Performance Evaluation form CJSTC-20; revises the Specialized Training Documentation form CJSTC-16; increases the number of hours for the Canine Team Training Instructor Course from 40 to 80; adds the new STEP Course for Red Light Cameras to the Specialized Training Program courses; updates the topics for equivalency-of-training for correctional officers; updates the topics for equivalency-of-training for correctional probation officers; revises the Equivalency-of-Training form CJSTC-76; and updates rule references and rennumbers paragraphs.

11C-4 – Adds a reference to the submission of palm prints and facial images along with fingerprints on an arrest sent to FDLE. Deletes a reference to the submission of hard fingerprint cards.

11C-6 – Amends rule to comply with recent legislation requiring FDLE to provide for methods of payment of criminal history record fees.

11C-7 – Amends Juvenile Diversion Expunction application form to reflect recent legislative changes regarding the extension of the program's application deadline and clarification about a person's eligibility. The new language extends the application deadline to one year and clarifies that a minor is only eligible for relief if he or she was arrested for a non-violent misdemeanor.

11D-8 – Reduces the number of proficiency testing cycles; removes the option to not participate in a proficiency test cycle; and changes to four sets of samples.

11K-1 – Changes the "New Sheriffs Seminar" to "Florida Sheriffs Institute"; provides an FDLE designee the authority to certify that the Florida Sheriffs Institute meets the 40-hour requirement; documents the newly elected sheriffs completion of the Florida Sheriffs Institute; adds executive level courses that will apply toward salary supplement; and allows an FDLE designee to approve recommendations for education and training programs.

(See Attachment 2)

RECOMMEND APPROVAL

STATE OF FLORIDA
MEETING OF THE GOVERNOR & CABINET

February 6, 2014

9:00 a.m.

Florida State Fairgrounds
Tampa, Florida

Reported By:

Penny M. Appleton, Court Reporter

Dempster Berryhill Court Reporting
1875 N. Belcher Road
Clearwater, Florida 33765 (727) 725-9157

A P P E A R A N C E S

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, CFO
Adam Putnam, Commissioner of Agriculture

1 Thereupon, the following proceedings commenced:

2 GOVERNOR SCOTT: Good morning. Good morning,
3 everyone. Welcome to the February 6th, 2014, cabinet
4 meeting, and welcome to the opening day of the 2014
5 Florida State Fair.

6 (Applause.)

7 GOVERNOR SCOTT: It's great to be here. I want to
8 thank Commissioner Putnam, again, for hosting this
9 cabinet meeting. We had a great time turning on the
10 lights. The electricity works, which was great. We
11 did that at what? 6:30 this morning, and it's great
12 weather today.

13 So to start the meeting, I'd like to welcome
14 Pastor Altman of the Grace Family Church to lead us in
15 a prayer. Please remain standing after the invocation
16 for the Pledge of Allegiance, which will be led by
17 students from Maniscalco Elementary School.

18 * * *

19 GOVERNOR SCOTT: Would you like to present the
20 agenda for the Florida -- FDLE?

21 ASSISTANT COMMISSIONER MADDEN: I'll roll right
22 into that. First thing let me -- Governor and Cabinet,
23 let me, I guess, send Commissioner Bailey's regrets for
24 not being here. He is at an accreditation meeting in
25 Jacksonville. It seems like all of us are going in ten

1 different directions right now.

2 We have two items on your agenda this morning.
3 First is the recommendation for your approval of the
4 minutes from the December 10th, 2013, cabinet meeting.

5 GOVERNOR SCOTT: Is there a motion to approve?

6 ATTORNEY GENERAL BONDI: So moved.

7 GOVERNOR SCOTT: Is there a second?

8 CFO ATWATER: Second.

9 GOVERNOR SCOTT: It's been moved and seconded.
10 Show the minutes approved without objection.

11 ASSISTANT COMMISSIONER MADDEN: Thank you,
12 Governor.

13 The second item is our second quarter report, and
14 the highlights from that report include we released the
15 2013 semiannual uniform crime report showing that
16 Florida is down 5.2 percent, which is compared to the
17 first six months of 2012, and this, again, marks
18 Florida's lowest crime volume since we began tracking
19 data 43 years ago. The -- and we believe that that
20 trend will also show up in your next -- your upcoming
21 annual, and it's going to be pleased with what's going
22 on in the State of Florida.

23 The other highlight would be -- another highlight
24 is we arrested -- FDLE arrested six individuals
25 associated with the fraudulent release of inmates from

1 the Franklin Correctional Facility. Those six
2 individuals are now awaiting trial on the charges that
3 were brought and it -- we believe, in cooperation with
4 the Department of Corrections, the clerk's office have
5 addressed a -- let's say a glitch in the way in which
6 items were dealt with. So this is -- has an outcome on
7 future safety of Floridians.

8 We also arrested 32 individuals in two sex
9 predator operations, one in Hillsborough County and one
10 in Clay County. These operations, I'm sorry to say,
11 are continuing to be successful. All of these
12 individuals that were arrested were traveling for the
13 purpose of having sex with children, male and female,
14 between the -- basically, early teen years. That is an
15 issue that we continue to address on a daily basis here
16 in Florida, and we're doing everything we can to have
17 an impact on it.

18 And also, we -- in conjunction with that, we
19 instituted a new Florida sex offender registry campus
20 search with our Florida sex offender and predator
21 website, which allows Floridians to go into the
22 registry and examine the education facility that
23 they -- their kids or themselves are involved in, and,
24 again, sorry to say, we have 60,000 sex offenders and
25 sexual predators identified in the State of Florida.

1 600 of those are working, going to school on one of our
2 educational facilities in the State of Florida.

3 And if -- any other questions?

4 GOVERNOR SCOTT: No.

5 Is there a motion to accept the report?

6 ATTORNEY GENERAL BONDI: So moved.

7 GOVERNOR SCOTT: Is there a second?

8 CFO ATWATER: Second.

9 GOVERNOR SCOTT: Any comments or objections?

10 Hearing none, the motion carries.

11 ASSISTANT COMMISSIONER MADDEN: Thank you.

12 GOVERNOR SCOTT: Thank you everybody at FDLE. You
13 do a great job.

14 ATTORNEY GENERAL BONDI: You sure do.

15 ASSISTANT COMMISSIONER MADDEN: Thank you.

16 (Applause.)

17 GOVERNOR SCOTT: And I would like to recognize
18 Executive Director Ash Williams with the State Board of
19 Administration to present his agenda. A nice easy time
20 in the market.

21 EXECUTIVE DIRECTOR WILLIAMS: Thank you, Governor.
22 Good morning, trustees.

23 As usual, I'll give you a little update we always
24 open with. As of the close yesterday, the Florida
25 Retirement System Trust Fund stood at 138.9 billion

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-18, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-18.004

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF THE RULE

Updates Commission-approved criminal justice training school names at the request of the training schools and removes a training school that no longer exists.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Updates the name of "Brevard Community College of Public Safety" to "Eastern Florida State College of Public Safety" and "Valencia Community College" to "Valencia College" at the request of the training schools, and removes the name of the "Florida Department of Environmental Protection Office of Training and Professional Standards" training school because the Department no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-18; Criminal Justice Standards and Training Trust Fund

RULE NO.:	RULE TITLE:
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11B-18.004	Regional Training Areas
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PURPOSE AND EFFECT:

Updates the name of "Brevard Community College of Public Safety" to "Eastern Florida State College of Public Safety" and "Valencia Community College" to "Valencia College" at the request of the training schools, and removes the name of the "Florida Department of Environmental Protection Office of Training and Professional Standards" training school because the Department no longer exists.

SUMMARY:

Updates Commission-approved criminal justice training school names at the request of the training schools and removes a training school that no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.25(5) FS.

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

DATE AND TIME: Friday, March 7, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.004 Regional Training Areas. For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) – (6) No change.

(7) Region VII.

(a) No change.

(b) Commission-certified training schools within Region VII: ~~Eastern Florida State Brevard Community~~ College Institute of Public Safety, Criminal Justice Institute at Valencia ~~Community~~ College, Daytona State College School of Emergency Services Institute, Criminal Justice Academy of Osceola, Lake Tech Center Institute of Public Safety, and Seminole State College Criminal Justice Institute.

(8) – (14) No change.

(15) Region XV.

(a) No change.

(b) Commission-certified training schools within Region XV: Florida Department of Law Enforcement Bureau of Professional Development, Florida Highway Patrol Training Academy, ~~Florida Department of Environmental Protection Office of Training and Professional Standards~~, and Florida Fish and Wildlife Conservation Commission.

(16) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 9-28-09, 6-3-10, 3-13-13,_____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-20.001, 11B-20.0012, 11B-20.0013, 11B-20.0014, and 11B-20.0017

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

Revises the Instructor Certification Application form CJSTC-71; revises the Instructor Competency Checklist form CJSTC-81; revises Specialized Instructor Certification title; adds the Criminal Justice Diving Instructor Certification; removes the Law Topics Instructor Certification; revises the rule title of Rule 11B-20.0014; adds the new Criminal Justice Diving Instructor Certification category; adds the certification procedures for the new Underwater Police Science and Technology course; revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10; updates the required years of canine team experience; adds the new Canine Team Training course; adds the new Canine Team Training Instructor course; adds the new Canine Team Instructor Performance Evaluation form CJSTC-20; and revises the four-year expiration date for the original instructor certification, instructor four-year anniversary date, and instructor renewal deadline.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(2)(a): Revises the Instructor Certification Application form CJSTC-71 to add the new Criminal Justice Diving Certification category and removes the Law Topics Instructor Certification topic because the certification is no longer required to instruct Commission courses.

11B-20.001(3)(a)3.a.: Revises the Instructor Competency Checklist form CJSTC-81 to add the new Criminal Justice Diving Instructor Certification category and deletes the Law Instructor Certification Category because the certification is no longer required to instruct Commission courses.

11B-20.0012(1), 11B-20.0013(3), 11B-20.0014(3), 11B-20.0017(5), 11B-20.0017(7)(d): Deletes the unnecessary word “topics,” in the “Specialized Topics Instructor Certification” title and renames “Specialized Instructor Certification.”

11B-20.0013(3)(a): Adds the new Criminal Justice Diving Instructor Certification category and removes the Law Topics Instructor Certification category because the certification is no longer required to instruct Commission courses.

11B-20.0014 (Rule Title): Deletes the unnecessary word “topics,” in the Rule Title, and adds an “s” to the word “Certification” to reflect the multiple certifications in Rule 11B-20.0014, F.A.C.

11B-20.0014(3)(a)1.- 4.: Adds the new Criminal Justice Diving Instructor Certification category and certification procedures for the new Underwater Police Science and Technology course.

11B-20.0014(3)(a)4. Old paragraph: Removes the Law Topics Instructor Certification because the certification is no longer required to instruct Commission courses.

11B-20.0014(3)(b)4.: Revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10 to allow a training center director or designee to approve the successful demonstration of a speed measurement device to assist the director in processing evaluations.

11B-20.0014(3)(c)2.: Increases the number of years for canine team experience from three to five years for obtaining a Canine Team Instructor Certification to conform with the current curriculum.

11B-20.0014(3)(c)3.: Updates the Canine Team Training Course and changes the course number from 1112 to 1198 to conform with current curriculum and updates a rule reference.

11B-20.0014(3)(c)4.: Renames the "Canine Team Training course" to "Canine Team Training Instructor course" and adds the course number 1199.

11B-20.0014(3)(c)5 – 8.: Creates the new Canine Team Instructor Performance Evaluation form CJSTC-20 for evaluating canine teams to conform with the current curriculum and renumbers the paragraphs.

11B-20.0017(1): Updates the expiration dates for the original instructor certification, the instructor four-year anniversary date, and the instructor renewal deadline for instructional and continuing education requirements to conform with the current curriculum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative

ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-20; Certification of Criminal Justice Training Instructors

RULE NO.:	RULE TITLE:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0012	Denial and Discipline of Instructor Certification
11B-20.0013	Commission Instructor Certification Categories
11B-20.0014	Minimum Requirements for High-Liability and Specialized Instructor Certifications
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT:

11B-20.001(2)(a): Revises the Instructor Certification Application form CJSTC-71 to add the new Criminal Justice Diving Certification category and removes the Law Topics Instructor Certification topic because the certification is no longer required to instruct Commission courses.

11B-20.001(3)(a)3.a.: Revises the Instructor Competency Checklist form CJSTC-81 to add the new Criminal Justice Diving Instructor Certification category and deletes the Law Instructor Certification Category because the certification is no longer required to instruct Commission courses.

11B-20.0012(1), 11B-20.0013(3), 11B-20.0014(3), 11B-20.0017(5), 11B-20.0017(7)(d): Deletes the unnecessary word "topics," in the "Specialized Topics Instructor Certification" title and renames "Specialized Instructor Certification."

11B-20.0013(3)(a): Adds the new Criminal Justice Diving Instructor Certification category and removes the Law Topics Instructor Certification category because the certification is no longer required to instruct Commission courses.

11B-20.0014 (Rule Title): Deletes the unnecessary word "topics," in the Rule Title, and adds an "s" to the word "Certification" to reflect the multiple certifications in Rule 11B-20.0014, F.A.C.

11B-20.0014(3)(a)1.- 4.: Adds the new Criminal Justice Diving Instructor Certification category and certification procedures for the new Underwater Police Science and Technology course.

11B-20.0014(3)(a)4. Old paragraph: Removes the Law Topics Instructor Certification because the certification is no longer required to instruct Commission courses.

11B-20.0014(3)(b)4.: Revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10 to allow a training center director or designee to approve the successful demonstration of a speed measurement device to assist the director in processing evaluations.

11B-20.0014(3)(c)2.: Increases the number of years for canine team experience from three to five years for obtaining a Canine Team Instructor Certification to conform with the current curriculum.

11B-20.0014(3)(c)3.: Updates the Canine Team Training Course and changes the course number from 1112 to 1198 to conform with current curriculum and updates a rule reference.

11B-20.0014(3)(c)4.: Renames the "Canine Team Training course" to "Canine Team Training Instructor course" and adds the course number 1199.

11B-20.0014(3)(c)5 – 8.: Creates the new Canine Team Instructor Performance Evaluation form CJSTC-20 for evaluating canine teams to conform with the current curriculum and rennumbers the paragraphs.

11B-20.0017(1): Updates the expiration dates for the original instructor certification, the instructor four-year anniversary date, and the instructor renewal deadline for instructional and continuing education requirements to conform with the current curriculum.

SUMMARY:

Revises the Instructor Certification Application form CJSTC-71; revises the Instructor Competency Checklist form CJSTC-81; revises Specialized Instructor Certification title; adds the Criminal Justice Diving Instructor Certification; removes the Law Topics Instructor Certification; revises the rule title of Rule 11B-20.0014; adds the new Criminal Justice Diving Instructor Certification category; adds the certification procedures for the new Underwater Police Science and Technology course; revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10; updates the required years of canine team experience; adds the new Canine Team Training course; adds the new Canine Team Training Instructor course; adds the new Canine Team Instructor Performance Evaluation form CJSTC-20; and revises the four-year expiration date for the original instructor certification, instructor four-year anniversary date, and instructor renewal deadline.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3), (9), 943.13 (6), 943.14(3) FS.

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

DATE AND TIME: Friday, March 7, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

(1) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised November 7, 2013, effective _____, December 16, 2010, (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-71 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615;

(b) – (c) No change.

(3) General Instructor Certification.

(a) Instructor applicants shall comply with the following requirements to obtain General Instructor Certification:

1. – 2. No change.

3. After successful completion of the mandatory instructor training, instructor applicants shall complete an internship.

a. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor. The training center director, agency administrator, or designee shall complete the Instructor Competency Checklist, form CJSTC-81, revised November 7, 2013, effective _____, December 16, 2010, (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-81 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

b. – c. No change.

4. – 5. No change.

a. – c. No change.

(b) – (c) No change.

(4) – (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History–New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, _____.

11B-20.0012 Denial and Discipline of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission shall deny an instructor applicant's request for certification, in the certification categories outlined in Rule 11B-20.0013, F.A.C., if the instructor applicant does not meet the minimum qualification requirements for General, High-Liability, or Specialized ~~Instructor Topics Instruction~~ Certification, pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. The Commission shall notify the instructor applicant by sending a "Notice of Intent to Deny Instructor Certification," which shall specify the reason(s) for the denial of instructor certification. The affected party shall have a right to a hearing pursuant to Section 120.57, F.S., upon denial of certification.

(2) – (8) No change.

Rulemaking ~~Specific~~ Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History–New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, _____.

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct training courses pursuant to Rule Chapter 11B-35, F.A.C., at or through a training school, shall be certified by the Criminal Justice Standards and Training Commission. The Commission offers the following categories of certification to instructor applicants:

(1) – (2) No change.

(3) Specialized ~~Topics~~ Instructor Certifications.

(a) Criminal Justice Diving Instructor Certification. ~~Law Topics Instructor Certification~~.

(b) - (d) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08,_____.

11B-20.0014 Minimum Requirements for High-Liability and Specialized ~~Topics~~ Instructor Certifications
Certification.

(1) - (2) No change.

(3) Specialized ~~Topics~~ Instructor Certifications. Instructor applicants who apply for a Specialized ~~Topics~~ Instructor Certification shall have completed the applicable specialized instructor course within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for a Specialized ~~Topics~~ Instructor Certification more than four years from the date training was completed shall meet the requirements for completing an internship and demonstration of proficiency skills if applicable to the specialized topic. Instructor applicants shall meet the following requirements for each Specialized ~~Topics~~ Instructor Certification requested:-

(a) Criminal Justice Diving Instructor Certification to instruct the Underwater Police Science and Technology course number 077, pursuant to Rule 11B-35.006, F.A.C., shall:

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant requests a Criminal Justice Diving Instructor Certification; and

2. Possess and maintain a current Scuba Instructor Certification from a nationally recognized organization that meets the standards of the World Recreational Scuba Training Council (WRSTC) and have two years of experience as a public safety diver, or possess and maintain a Dive Master Certification from a nationally recognized organization that meets the standards of the WRSTC and have five years of experience as a public safety diver; and

3. Have been employed in the capacity of a public safety diver within the past four years, or have instructed the Underwater Police Science and Technology course within the past four years; and

4. Have successfully completed the Underwater Police Science and Technology course as a student.

~~4. Law Topics Instructor Certification. A law topics instructor certification is no longer required to instruct any Commission approved training course effective July 1, 2012.~~

(b) Speed Measurement Instructor Certification. Instructor applicants who request certification to instruct speed measurement training courses shall:

1. – 3. No change.

4. Complete the Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised November 7, 2013, effective _____, October 30, 2008, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-10 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

5. – 6. No change.

(c) Canine Team Instructor Certification. Instructor applicants who request to obtain certification to instruct Commission-approved canine team training courses shall:

1. No change.

2. Possess a minimum of five ~~three~~ years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency.

3. Successfully complete the Canine Team Training Course number 1198 ~~1112~~ or an equivalent course pursuant to subsection 11B-27.013(3)~~(4)~~, F.A.C.

4. Successfully complete the Canine Team Training Instructor Course number 1199, through a training school.

5. Complete the Canine Team Instructor Performance Evaluation, form CJSTC-20, created November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-20 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

~~6.5.~~ Successfully complete a Canine Team internship supervised by a certified Canine Team Instructor and document on the Instructor Competency form CJSTC-81. An instructor applicant shall instruct any topic of the Canine Team Training or Canine Team Training Instructor Course.

~~7.6.~~ Be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

~~8.7.~~ Provide verification that there is not a sustained "excessive use-of-force" complaint against the instructor applicant, involving the use of the canine at the time a canine was under his or her command, at the agency(s) where

the instructor applicant obtained experience as a canine officer. The verification shall be documented on agency letterhead and signed by the agency administrator or designee.

(d) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 3-13-13,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications. Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 8, 2007, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Form CJSTC-84 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(1) Instructors shall successfully complete the instructional and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

Original Instructor Certification Date	November 21, 2009 2005
Instructor Four-year Anniversary Date	November 21, 2013 2009
Instructor Renewal Deadline	March 31, 2014 2010

(2) – (4) No change.

(5) Specialized ~~Topics~~ Instructor Certification. Instructors who possess a Specialized ~~Topics~~ Instructor Certification shall comply with the following requirements, once during their four-year cycle, to maintain certification:

(a) – (b) No change.

(6) No change.

(7) No change.

(a) – (c) No change.

(d) Specialized ~~Topics~~ Instructor Certification. Instructors whose Specialized ~~Topics~~ Instructor Certification has lapsed shall complete an internship in the applicable specialized topic documented on form CJSTC-81.

(8) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS.

History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13,_____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-21.005

CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS

SUMMARY OF THE RULE

Updates the Driving Range Facility and Equipment Requirements form CJSTC-202 and Defensive Tactics Facility and Equipment Requirements form CJSTC-203.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-21.005(4)(a): Updates the Driving Range Facility and Equipment Requirements form CJSTC-202, to train students in slide recovery exercises in lieu of skid pad training to conform with the current curriculum.

11B-21.005(5): Updates the Defensive Tactics Facility and Equipment Requirements form CJSTC-203, to add a set of flexible cuffs and removal tool to the defensive tactics training supplies list to conform with the current curriculum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the

information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-21; Certification of Criminal Justice Training Schools

RULE NO.:	RULE TITLE:
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11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification
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PURPOSE AND EFFECT:

Updates the Driving Range Facility and Equipment Requirements form CJSTC-202, to train students in slide recovery exercises in lieu of skid pad training, to conform with the current curriculum.

Updates the Defensive Tactics Facility and Equipment Requirements form CJSTC-203, to add a set of flexible cuffs and removal tool to the defensive tactics training supplies list, to conform with the current curriculum.

SUMMARY:

Updates the Driving Range Facility and Equipment Requirements form CJSTC-202 and Defensive Tactics Facility and Equipment Requirements form CJSTC-203 to conform to the training requirements of the current curriculum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) FS.

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

DATE AND TIME: Friday, March 7, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.
Training Schools certified by the Commission shall comply with the following requirements:

(1) – (3) No change.

(4) Driving Range Facility, Equipment, and Instructor to Student Ratio Requirements.

(a) When conducting Commission-approved vehicle operations training, comply with the driving range facility, equipment, and instructor to student ratio requirements set forth in subsection 11B-35.0021(7), F.A.C., and in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised November 7, 2013, effective December 16, 2010, (effective 3/2013), hereby incorporated by reference

<https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-202 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training, comply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(7), F.A.C., and in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised November 7, 2013, effective December 16, 2010, (effective 3/2013), hereby incorporated by reference

<https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-203 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(6) – (12) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13,_____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-27.0011, 11B-27.002, 11B-27.00211,

11B-27.004, 11B-27.005, and 11B-27.013

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

Clarifies reinstatement of a previously certified officer's certification; adds a new penalty guideline for the new violation of "Misuse of Electronic Databases"; updates the Equivalency-of Training form CJSTC-76; adds other private criminal justice facilities that contract with the Florida Department of Children and Families; clarifies when a Letter of Acknowledgement shall not be issued; deletes conflicting rule language; revises the penalty guideline for the violation of "Misuse of Official Position"; adds the violation of "Misuse of Electronic Databases" and penalty guideline; adds the violation for "Intentional Abuse of Temporary Employment Authorization" and the penalty guideline; adds the violation of "Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another... and the penalty guideline; revises the name of "Patrol Canine Team" to "canine team"; revises the "Patrol Canine Evaluator" to "Canine Evaluator," revises the "Proficiency Examination" to "Performance Evaluation," adds the new 480-hour Canine Team Training course and updates rule reference; revises the "Patrol Canine Team Certification" name to "Canine Team Certification"; revises the Canine Team Certification Application form CJSTC-70; adds new canine team certification requirements; adds procedures for the updated Canine Team Training Course; creates a new Canine Course Equivalency Checklist form CJSTC-70A;

adds procedures for equivalent canine team training; revises the Canine Team Performance Evaluation form CJSTC-83; adds procedures for completing canine team performance evaluations; updates the Canine Team Certification renewal dates; deletes redundant form name references and updates rule reference; adds procedures for obtaining certification for an expired Patrol Canine Team Certification; revises the Canine Team Certification Deficiency Notification Application form CJSTC-270; makes grammatical revision; adds new procedures for instructing the updated Canine Team Training course; adds the requirement for canine team evaluators to complete specific documents; and adds new canine team training maintenance requirements.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.0011(3): Clarifies the documents required for the Commission to consider reinstatement of a previously certified officer.

11B-27.0011(4)(c)14.a.-e.: Adds “Misuse of Electronic Databases” as a new officer violation because of increased officer violations.

11B-27.002(3)(a)11.: Revises the Equivalency-of Training form CJSTC-76 to update the comparable training required in the new Florida Law Enforcement Academy program and to clarify the procedures for submitting form CJSTC-76 to Commission staff.

11B-27.00211(2)(a): Adds the name of Florida Department of Children and Families required to submit for processing an applicant’s fingerprints to FDLE.

11B-27.004(9)(e): Adds additional rule language to explain when a Letter of Acknowledgement shall not be issued to an officer.

11B-27.005(1)(a)–(b): Deletes rule language that conflicts with Rule 11B-27.004(7) and 11B-27.005, F.A.C., when issuing a Letter of Acknowledgement.

11B-27.005(5)(c)3.: Revises the penalty range for “Misuse of Official Position,” from “suspension” to “suspension to revocation,” because this violation and penalty was originally used for “misuse of electronic databases.”

11B-27.005(5)(c)13.: Adds the violation of “misuse of electronic databases” and the recommended penalty to correspond with the new moral character violation in Rule 11B-27.0011(4)(c)14., F.A.C.

11B-27.005(5)(c)14.: Adds the violation of “Intentional Abuse of Temporary Employment Authorization” and the recommended penalty because of increased officer violations.

11B-27.005(5)(c)15.: Adds the violation of “Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another....” and the recommended penalty because of increased officer violations.

11B-27.013(1)(a), 11B-27.013(3)(a), 11B-27.013(5), (5)(a)-(c), 11B-27.013(6), and 11B-27.013(6)(c): Revises the name of “Patrol Canine Team” to “canine team” throughout Rule 11B-27.013, F.A.C., to allow for expanded instruction in topics such as search and apprehensive, detection, and tracking and trailing.

11B-27.013(1)(b): Revises the “Patrol Canine Evaluator” to “Canine Evaluator” to allow for expanded instruction in the topics of search and apprehensive, detection, and tracking and trailing, revises the name of the “Proficiency Examination” to “Performance Evaluation” to be consistent with the name of other forms used for courses that require a performance evaluation, and updates the Canine Team Training course to conform with the current curriculum (the course hours increased from 400 to 480 hours, however, this course is not a Commission mandated certification and is an optional course for agencies), and updates a rule reference.

11B-27.013(2): Revises the “Patrol Canine Team Certification” name to “Canine Team Certification” to allow for expanded instruction in the topics of search and apprehensive, detection, and tracking and trailing, and clarifies the procedures for a canine team to obtain equivalent canine training.

11B-27.013(2): Revises the Canine Team Certification Application form CJSTC-70 to conform with the current curriculum.

11B-27.013(3)(b)1.-2.: Requires completion of the updated Canine Team Training course prior to being a certified canine team.

11B-27.013(3)(c): Revises the procedures for completing the updated Canine Team Training course when the course is not delivered at a Commission-certified training school.

11B-27.013(3)(c): Creates the Canine Course Equivalency Checklist form CJSTC-70A to be completed by a Commission-approved evaluator when determining equivalent canine training to conform with the current curriculum.

11B-27.013(3)(d)1.-4.: Revises the procedures for a Commission-approved evaluator to evaluate an equivalent canine training course to conform with the current curriculum.

11B-27.013(3)(e): Reincorporates the Canine Team Performance Evaluation form CJSTC-83 from Rule

11B-27.013(3)(c) to (3)(e) and substantially rewrites the form by reformatting, clarifying the proficiency demonstrations, including an attestation for both the evaluators and applicant, includes additional training information, and revises the canine team performances to conform with the current curriculum.

11B-27.013(3)(e)1.-7.: Updates the procedures for a Commission-approved canine team evaluator when documenting the training of a canine team to conform with the current curriculum.

11B-27.013(4)(a): Updates the Canine Team Certification renewal date to avoid processing renewals during the holiday months.

11B-27.013(4)(b): Deletes redundant form name references and updates the rule reference.

11B-27.013(4)(c): Clarifies the procedures for a canine team to apply for an expired canine team certification.

11B-27.013(5)(c): Revises the name of “Patrol Canine Team” to “canine team” throughout Rule 11B-27.013, F.A.C., to allow for expanded instruction in topics such as search and apprehensive, detection, and tracking and trailing and deletes unnecessary words.

11B-27.013(6)(b): Revises the Canine Team Certification Deficiency Notification Application form CJSTC-270 to require a canine team to complete the updated Canine Team Training course to conform with the current curriculum and updates referenced form names in form CJSTC-270.

11B-27.013(7) & (7)(a): Makes grammatical revisions.

11B-27.013(7)(b): Decreases the number of canine teams from twelve to six for a canine team evaluator to instruct the updated Canine Team Training course to conform with the current curriculum.

11B-27.013(7)(c): Requires an officer to evaluate a minimum of twelve canine teams under the supervision of a Commission-approved evaluator prior to being approved by the Commission as a Canine Team Evaluator to conform with the current curriculum.

11B-27.013(7)(d)-(f): Adds the words “canine team” to “evaluator applicant” for clarification and renumbers the paragraphs.

11B-27.013(7)(g): Updates to require a canine team evaluator to submit a request for evaluator status four years following the date the Commission previously approved the evaluator to conform with the current curriculum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-27; Certification and Employment or Appointment

RULE NO.:	RULE TITLE:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating employment or Appointment of Officers
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.004	Probable Cause Determination
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
11B-27.013	Canine Team Certification

PURPOSE AND EFFECT:

11B-27.0011(3): Clarifies the documents required for the Commission to consider reinstatement of a previously certified officer.

11B-27.0011(4)(c)14.a.-e.: Adds “Misuse of Electronic Databases” as a new officer violation because of increased officer violations.

11B-27.002(3)(a)11.: Revises the Equivalency-of Training form CJSTC-76 to update the comparable training required in the new Florida Law Enforcement Academy program and to clarify the procedures for submitting form CJSTC-76 to Commission staff.

11B-27.00211(2)(a): Adds the name of Florida Department of Children and Families required to submit for processing an applicant’s fingerprints to FDLE.

11B-27.004(9)(e): Adds additional rule language to explain when a Letter of Acknowledgement shall not be issued to an officer.

11B-27.005(1)(a)–(b): Deletes rule language that conflicts with Rule 11B-27.004(7) and 11B-27.005, F.A.C., when issuing a Letter of Acknowledgement.

11B-27.005(5)(c)3.: Revises the penalty range for “Misuse of Official Position,” from “suspension” to “suspension to revocation,” because this violation and penalty was originally used for “misuse of electronic databases.”

11B-27.005(5)(c)13.: Adds the violation of “misuse of electronic databases” and the recommended penalty to correspond with the new moral character violation in Rule 11B-27.0011(4)(c)14., F.A.C.

11B-27.005(5)(c)14.: Adds the violation of “Intentional Abuse of Temporary Employment Authorization” and the recommended penalty because of increased officer violations.

11B-27.005(5)(c)15.: Adds the violation of “Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another....” and the recommended penalty because of increased officer violations.

11B-27.013(1)(a), 11B-27.013(3)(a), 11B-27.013(5), (5)(a)-(c), 11B-27.013(6), and 11B-27.013(6)(c): Revises the name of “Patrol Canine Team” to “canine team” throughout Rule 11B-27.013, F.A.C., to allow for expanded instruction in topics such as search and apprehensive, detection, and tracking and trailing.

11B-27.013(1)(b): Revises the “Patrol Canine Evaluator” to “Canine Evaluator” to allow for expanded instruction in the topics of search and apprehensive, detection, and tracking and trailing, revises the name of the “Proficiency Examination” to “Performance Evaluation” to be consistent with the name of other forms used for courses that require a performance evaluation, and updates the Canine Team Training course to conform with the current curriculum (the course hours increased from 400 to 480 hours, however, this course is not a Commission mandated certification and is an optional course for agencies), and updates a rule reference.

11B-27.013(2): Revises the “Patrol Canine Team Certification” name to “Canine Team Certification” to allow for expanded instruction in the topics of search and apprehensive, detection, and tracking and trailing, and clarifies the procedures for a canine team to obtain equivalent canine training.

11B-27.013(2): Revises the Canine Team Certification Application form CJSTC-70 to conform with the current curriculum.

11B-27.013(3)(b)1.-2.: Requires completion of the updated Canine Team Training course prior to being a certified canine team.

11B-27.013(3)(c): Revises the procedures for completing the updated Canine Team Training course when the course is not delivered at a Commission-certified training school.

11B-27.013(3)(c): Creates the Canine Course Equivalency Checklist form CJSTC-70A to be completed by a Commission-approved evaluator when determining equivalent canine training to conform with the current curriculum.

11B-27.013(3)(d)1.-4.: Revises the procedures for a Commission-approved evaluator to evaluate an equivalent canine training course to conform with the current curriculum.

11B-27.013(3)(e): Reincorporates the Canine Team Performance Evaluation form CJSTC-83 from Rule 11B-27.013(3)(c) to (3)(e) and substantially rewrites the form by reformatting, clarifying the proficiency demonstrations, including an attestation for both the evaluators and applicant, includes additional training information, and revises the canine team performances to conform with the current curriculum.

11B-27.013(3)(e)1.-7.: Updates the procedures for a Commission-approved canine team evaluator when documenting the training of a canine team to conform with the current curriculum.

11B-27.013(4)(a): Updates the Canine Team Certification renewal date to avoid processing renewals during the holiday months.

11B-27.013(4)(b): Deletes redundant form name references and updates the rule reference.

11B-27.013(4)(c): Clarifies the procedures for a canine team to apply for an expired canine team certification.

11B-27.013(5)(c): Revises the name of “Patrol Canine Team” to “canine team” throughout Rule 11B-27.013, F.A.C., to allow for expanded instruction in topics such as search and apprehensive, detection, and tracking and trailing and deletes unnecessary words.

11B-27.013(6)(b): Revises the Canine Team Certification Deficiency Notification Application form CJSTC-270 to require a canine team to complete the updated Canine Team Training course to conform with the current curriculum and updates referenced form names in form CJSTC-270.

11B-27.013(7) & (7)(a): Makes grammatical revisions.

11B-27.013(7)(b): Decreases the number of canine teams from twelve to six for a canine team evaluator to instruct the updated Canine Team Training course to conform with the current curriculum.

11B-27.013(7)(c): Requires an officer to evaluate a minimum of twelve canine teams under the supervision of a Commission-approved evaluator prior to being approved by the Commission as a Canine Team Evaluator to conform with the current curriculum.

11B-27.013(7)(d)-(f): Adds the words “canine team” to “evaluator applicant” for clarification and renumbers the paragraphs.

11B-27.013(7)(g): Updates to require a canine team evaluator to submit a request for evaluator status four years following the date the Commission previously approved the evaluator to conform with the current curriculum.

SUMMARY:

Clarifies reinstatement of a previously certified officer's certification; adds a new penalty guideline for the new violation of "Misuse of Electronic Databases"; updates the Equivalency-of Training form CJSTC-76; adds other private criminal justice facilities that contract with the Florida Department of Children and Families; clarifies when a Letter of Acknowledgement shall not be issued; deletes conflicting rule language; revises the penalty guideline for the violation of "Misuse of Official Position"; adds the violation of "Misuse of Electronic Databases" and penalty guideline; adds the violation for "Intentional Abuse of Temporary Employment Authorization" and the penalty guideline; adds the violation of "Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another..." and the penalty guideline; revises the name of "Patrol Canine Team" to "canine team"; revises the "Patrol Canine Evaluator" to "Canine Evaluator," revises the "Proficiency Examination" to "Performance Evaluation," adds the new 480-hour Canine Team Training course and updates rule reference; revises the "Patrol Canine Team Certification" name to "Canine Team Certification"; revises the Canine Team Certification Application form CJSTC-70; adds new canine team certification requirements; adds procedures for the updated Canine Team Training Course; creates a new Canine Course Equivalency Checklist form CJSTC-70A; adds procedures for equivalent canine team training; revises the Canine Team Performance Evaluation form CJSTC-83; adds procedures for completing canine team performance evaluations; updates the Canine Team Certification renewal dates; deletes redundant form name references and updates rule reference; adds procedures for obtaining certification for an expired Patrol Canine Team Certification; revises the Canine Team Certification Deficiency Notification Application form CJSTC-270; makes grammatical revision; adds new procedures for instructing the updated Canine Team Training course; adds the requirement for canine team evaluators to complete specific documents; and adds new canine team training maintenance requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.1395 FS.

LAW IMPLEMENTED: 943.12(3), 943.13, 943.13(7), (16), 943.133, 943.139, 943.1395, 943.1395(7), (8) FS.

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

DATE AND TIME: Friday, March 7, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) – (2) No change.

(3) Upon written request and submission of materials, the Commission shall evaluate the qualification of an applicant to determine compliance with “good moral character” pursuant to this rule section. Written materials submitted to the Commission upon request for reinstatement of certification shall include, if available, all prior Commission disciplinary records, agency disciplinary records, victim statement(s), or citizen input. The Notice of Petition for reinstatement shall be published in the Florida Administrative Register or in the jurisdiction of the petitioning agency.

(4) For the purposes of the Criminal Justice Standards and Training Commission’s implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer’s failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) – (b) No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. - 13. No change.

14. Misuse of Electronic Database. Willfully and knowingly accessing an electronic database within the trust of an officer, by using said database to access restricted information for an illegitimate or personal purpose with bad intent. Bad intent may be evidenced by:

a. A pattern of misuse that demonstrates improper accesses or violations.

b. If the violation occurred after the officer received agency or Commission discipline for improperly accessing a computer database, or after the officer received formal training on the database(s) that includes provisions on the improper use of said database(s).

c. The existence of a current or past non-amicable or otherwise contentious relationship between the officer and the subject of the query, or when the purpose of the query is to identify person(s) linked or associated to said relationship.

d. Pre-textual queries based on age, race, sex, gender, or other personal identifying characteristics.

e. Any additional action taken by the officer as a result of the information obtained from the query, for example, retaining, copying, or reproducing the information obtained from the query, or disseminating information not listed as confidential or exempt in Chapter 119, Florida Statutes, obtained as a result of the query.

(d) No change.

(5) – (7) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History–New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, _____.

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

(1) – (2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. All documents collected in conjunction with the background investigation shall be available for review. The following documents shall be reviewed for completeness:

1. – 10. No change.

11. An Equivalency-of-Training, form CJSTC-76, revised November 7, 2013, effective, _____ hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, December 16, 2010, (effective 5/2012), and an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised December 16, 2010, (effective 5/2012), hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be

obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. – 15. No change.

(b) No change.

(4) – (6) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History–New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13,_____.

11B-27.00211 Fingerprint Processing and Criminal Record Results. An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response provided from a Live Scan device by the Florida Department of Law Enforcement (FDLE) Certified Mail Application, with the National Crime Information Center (NCIC) criminal history record attached, and an FDLE Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) criminal history record attached. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

(1) No change.

(2) Private Correctional Institutions and Jails.

(a) Private correctional institutions under contract with the Florida Department of Management Services (DMS) ~~or the Florida Department of Children and Families (DCF)~~ shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the respective contract agency (DMS or DCF) ~~DMS~~ for review for compliance with Section 943.13(4), F.S. The contract agency ~~DMS~~ will complete the Fingerprint Notification, form CJSTC-62, revised November 8, 2007, hereby incorporated by reference, or other written notice to document compliance with Section 943.13(4), F.S., and provide it to the private correctional institution. Form CJSTC-62 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(3) – (11) No change.

Rulemaking ~~Specific~~ Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History–New 11-5-02, 11-30-04, 6-9-08,_____.

11B-27.004 Probable Cause Determination. At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) – (8) No change.

(9) Commission staff:

(a) – (d) No change.

(e) Shall not issue a Letter of Acknowledgement to a respondent if the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify suspension to revocation and the respondent was terminated from the employing agency.

(10) – (14) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History–New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 6-9-08, 6-3-10,_____.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) For the purpose of implementing the provisions of Rule 11B-27.004, F.A.C., "significant agency action" is defined as follows:

(a) For an offense that would be sanctioned by suspension of certification under these guidelines herein: Suspension from duty without pay for at least one day, or any change in assignment or duties that results in reduction in compensation, ~~or termination from employment.~~

(b) For an offense that would be sanctioned by probation of certification under these guidelines herein: Any documented or written formal action, any change in assignment or duties that results in reduction in compensation, ~~or termination from employment.~~

(2) – (4) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) – (b) No change.

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

Violation	Recommended Penalty Range
1. – 2. No change.	
3. <u>Misuse of official position</u>	<u>Suspension to revocation</u>
4. – 12. No change.	
13. <u>Misuse of Electronic Database</u>	<u>Probation to suspension</u>
14. <u>Intentional Abuse of a Temporary Employment Authorization</u>	<u>Suspension to revocation</u>
15. <u>Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another or so near thereto as to likely be seen except in any place provided or set apart for that purpose.</u>	<u>Suspension to revocation</u>

(d) No change.

(6) – (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, _____.

11B-27.013 Canine Team Certification.

(1) Definitions.

(a) “~~Canine Patrol canine~~ team” shall refer to a certified officer and a specific ~~patrol~~ canine ~~controlled by the handler~~ working together in the performance of law enforcement or correctional duties. “Handler” refers to the certified officer who trains and controls the canine. This definition does not include canines used by certified officers exclusively for tracking or specific detection, which are excluded from the certification process.

(b) “~~Canine Patrol canine~~ evaluator” shall refer to a person who is authorized by the Commission to administer the ~~Patrol Duty Canine Team Performance Evaluation to Proficiency Examination to patrol duty~~ canine teams and to attest to the proficiency of the canine team pursuant with the performance evaluation. ~~proficiency examination.~~ The evaluator ~~shall is also authorized to~~ determine if training submitted by an agency that is requesting certification is equivalent to the 480-hour Canine Team Training Course number 1198, herein referred to as “Canine Team Training Course.” ~~Commission approved Canine Team Training, which is a minimum of 400 hours.~~ The canine team ~~patrol canine~~ evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection ~~(7)(8)~~ of this rule section, and ~~shall be~~ documented in a request to Commission staff.

(2) ~~Canine Patrol canine~~ team certification requirements. Commission certification of a ~~patrol~~ canine team is not required. Prior to submitting a ~~Patrol~~ Canine Team Certification Application, form CJSTC-70, revised November 7, 2013, effective _____, October 30, 2008, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, the agency employing the ~~patrol~~ canine team shall collect, verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place. The employing agency submitting form CJSTC-70 shall provide documentation of training to the Commission-approved evaluator for review and approval as equivalent training. Form CJSTC-70 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(3) Required documentation for certification of a ~~patrol~~ canine team. Documentation of compliance for Commission certification of ~~patrol~~ canine teams shall include:

(a) A completed Canine Team Certification Application form CJSTC-70.

(b)1.(a) A certificate issued to the canine team by a Commission-certified training school documenting successful completion of the Canine Team Training Course.

2. A previously certified handler assigned a new canine shall comply with the objectives of the Canine Team Training Course, which excludes the academic block of instruction. Commission-approved Canine Team Training, which is a minimum of 400 hours; or

(c)(b) Documentation of successful completion of the Canine Team Training Course not delivered at a Commission-certified training school. The course shall be taught using Commission-certified Canine Instructors approved by a Commission-approved evaluator and documented on the Canine Course Equivalency Checklist, Form CJSTC-70A, created November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref> _____, prior to an evaluator conducting a canine team performance evaluation for Commission Certification. Form CJSTC-70A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. an equivalent training course approved by a Commission-approved evaluator pursuant to subsection (4) of this rule section; and

(d) Successful completion of an equivalent training course approved by a Commission-approved evaluator shall be documented on form CJSTC-70A.

1. Equivalent training is any canine team training course other than a Commission-approved Canine Team Training Course.

2. Equivalent training shall be a minimum of 480 hours and complies with the goals and objectives of the Canine Team Training Course.

3. A Commission-approved evaluator shall not approve equivalent training that he or she taught.

4. The employing agency submitting form CJSTC-70 shall provide documentation of training to the Commission-approved evaluator. The evaluator shall review and document approval of the training on form CJSTC-70A prior to conducting a performance evaluation for Commission certification.

(e) A completed Canine Team Performance Evaluation form CJSTC-83, revised November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref> _____, shall be verified by evaluator(s) to ensure the canine team completed the proficiency requirements. Form CJSTC-83 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

1.(e) Successful completion Documentation of successful completion of the canine team performance evaluation shall be Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators and documented on form CJSTC-83. A Commission-approved canine team evaluator conducting the initial training of a canine team shall not participate in the initial certification of that team. One of the Commission-approved canine team evaluators shall not be affiliated with the employing agency of the canine team being examined for certification. A Commission-approved canine team evaluator shall not administer a performance evaluation to a canine that is assigned as the evaluator's work partner. one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC 83, revised November 8, 2007, hereby incorporated by reference. Form CJSTC 83 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

2. The canine team proficiency topics are permitted to be administered in random order by the evaluator or concurrently by the evaluator.

3.4- During the initial evaluation the canine team shall test in all topics of the performance evaluation. If a canine team fails to successfully demonstrate proficiency on one specific topic during the initial evaluation, one re-evaluation is permitted to be given for the specific topic during the initial evaluation. The handler shall be allowed to remediate with the canine prior to declaring intent to repeat the specific topic. If a canine team fails to complete the specific topic or any additional topics, the canine team shall be deemed to have failed the performance evaluation. Remediation is defined as the handler working with the canine to resolve the topic of deficiency specified in form CJSTC-83 in the "Re-examination and Remediation Process" section. If a canine team fails to demonstrate proficiency on any topic of the proficiency examination, one re-examination may be given for the

~~specific proficiency topic. Remedial training is permitted prior to the re-examination being declared. No more than one re-examination is permitted during the entire proficiency examination.~~

~~4.2. If a canine team fails to successfully demonstrate proficiency for any topic(s) during the first performance evaluation, the handler shall remediate the canine team in the topic(s). The canine team shall retest after a minimum of 24 hours from the date of the first failure and successfully demonstrate proficiency in the specific failed topic(s) under the supervision of two Commission-approved evaluators. One evaluator shall be an original evaluator involved in the initial proficiency failure. The handler shall provide documentation, to include lesson plans and signed attendance rosters, of the remedial training to the Commission-approved evaluators prior to the administration of the re-evaluation. If a canine team fails to successfully demonstrate proficiency the team must repeat the block(s) of training outlined in the Commission-approved training course or an approved equivalent training course for the task failed within the specific topic. Documentation of the remedial training shall be made available to Commission-approved evaluators prior to the administration of a subsequent Patrol Duty Canine Team Proficiency Examination. The examination shall be repeated in its entirety.~~

~~5. If a canine team fails to successfully demonstrate proficiency in the specific failed topic(s) during the second attempt, the handler shall remediate with the same canine in the specific failed topic outlined in the Canine Team Training Course. The canine team shall retest after a minimum of 30 days from the date of the second failure. The handler shall provide documentation, to include lesson plans and signed attendance rosters, of the remedial training to the Commission-approved evaluators prior to the administration of the re-evaluation. The canine team shall repeat the performance evaluation in its entirety under the supervision of two Commission-approved evaluators. One evaluator shall be an evaluator who was involved in the initial proficiency failure for that canine team.~~

~~6. A canine team that has failed a third attempt to pass a Canine Team Performance Evaluation shall be deemed to have failed the certification process, and shall complete the Canine Team Training Course or an equivalent course prior to submitting an application for certification. Form CJSTC-83 shall be used to document the third failure of the canine team and submitted by one of the canine team evaluators to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.~~

~~7. Prior to requesting certification, the canine team shall complete the Canine Team Training Course or equivalent training outlined in paragraph (3)(b), (c), or (d) of this rule section. Documentation of the training shall be made available to the Commission-approved evaluators prior to the administration of a subsequent canine team performance evaluation. The evaluation shall be conducted pursuant with paragraph (3)(e) of this rule section~~

~~(4) Equivalent Training. Equivalent training shall be reviewed and approved by a Commission approved evaluator. Equivalent training for a canine team, with a handler who has never been certified, shall comply with the objectives of the Canine Team Training, which is a minimum of 400 hours. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the Canine Team Training with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application form CJSTC-70, to provide documentation of training to the Commission approved evaluator for review and approval as equivalent training. A Commission approved evaluator shall not approve equivalent training that the evaluator delivered.~~

~~(4)(5) Renewal of Certification.~~

~~(a) A Patrol Canine Team Certification shall lapse if it is not renewed on or before October 31 December 31 of the year following the initial certification.~~

~~(b) If the patrol canine team handler applying for recertification has not changed canines or the certification expired, the employing agency requesting renewal of the certification shall complete the applicable section and submit a Patrol Canine Team Certification Application form CJSTC-70 marked "Renewal," and document the canine team proficiency on a Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83, in compliance with the requirements of paragraph (3)(e) of this rule section. 11B-27.013(3)(e), F.A.C.~~

~~(c) If the canine team's certification has expired, the employing agency requesting renewal of canine team's certification shall submit form CJSTC-70 marked "Renewal," and document the canine team's proficiency on form CJSTC-83, pursuant to paragraph (3)(e) of this rule section. 11B-27.013(3)(d), F.A.C. A Patrol Canine Team Certification that has expired shall comply with the requirements of this rule section and submit to Commission staff form CJSTC-70 marked "New."~~

~~(5)(6) Change of assigned patrol canine team. If a Commission-certified canine handler or patrol canine ceases to be assigned as part of a canine team by the employing agency, the certification shall lapse.~~

~~(a) Notification of changes in a canine team assignment shall be submitted to Commission staff in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, provided the handler is not assigned a new patrol canine.~~

(b) A Commission-certified canine ~~team~~ handler who has been assigned a new ~~patrol~~ canine, shall submit form CJSTC-70, marked "New" and "Canine Team Change" after complying with the requirements of this rule section.

(c) A canine ~~team~~ handler who has not previously been certified by the Commission, shall provide documentation of the ~~patrol~~ canine team's compliance with the requirements ~~of set forth in~~ this rule section, to include lesson plans and signed attendance rosters, regardless of the prior certification of the ~~patrol~~ canine, and shall submit form CJSTC-70 marked "New."

~~(6)(7)~~ Inspection of ~~patrol~~ canine team applicant files.

(a) No change.

(b) Upon issuance of an unfavorable inspection on a Canine Team Certification Deficiency Notification Application, form CJSTC-270, revised November 7, 2013, effective ~~November 8, 2007~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, the deficiencies shall be noted on a Patrol Canine Team Certification Application form CJSTC-270. CJSTC 70 shall note the deficiencies. Form CJSTC-270 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) The employing agency shall receive a ~~Patrol~~ Canine Team Certification if the corrected documentation has been received within the 90-day period or upon a favorable inspection.

~~(7)(8)~~ Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying ~~that~~ the evaluator applicant has complied with the following requirements:

(a) Documentation of one year of experience as a Commission-certified canine team instructor.

(b) Document on form CJSTC-70 Verification that the canine team evaluator applicant has taught the Canine Team Course in its entirety to a minimum of six canine teams that trained a minimum of twelve patrol canine teams, who have successfully completed the Canine Team Certification process, and has been documented on the Patrol Canine Team Certification form CJSTC 70. Canine teams Canines trained exclusively for tracking or specific detection shall not be included in this total.

(c) Verification that the canine team evaluator applicant has evaluated a minimum of twelve canine teams under the supervision of Commission-approved evaluators, which shall be documented on form CJSTC-83. Canine teams trained exclusively for tracking or specific detection shall not be included in this total.

~~(d)(e)~~ A letter of recommendation for the canine team evaluator applicant from a training center director, agency administrator, or designee.

~~(e)(d)~~ Request for evaluator status. A letter from the canine team evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P.O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team evaluator. The letter shall include the evaluator's full name, the last four digits of the evaluator's social security number, complete address, and documentation of compliance with the standards set forth in this rule section.

~~(f)(e)~~ Approval of canine team evaluator status. Upon a review of the documents and determination that the evaluator applicant has complied with the requirements set forth in this rule section, a letter acknowledging approval by the Commission shall be forwarded to the evaluator applicant.

~~(g)(f)~~ Maintenance of canine team evaluator status. Commission-approved evaluators shall be required to submit a request for continuance as an evaluator, to the address in paragraph ~~(7)(e)(8)(d)~~ of this rule section within four years of the date of approval, with documentation that verifies the evaluator has completed a minimum of four canine team performance evaluations examinations within the four-year period. The verifying documentation shall be copies of form CJSTC-70 attesting that the performance evaluation examination of proficiency was administered by the evaluator. A canine team evaluator's "approval status" shall expire four years following the date approved by the Commission. If the Commission-approved evaluator's "approval status" expires, the evaluator shall comply with the maintenance requirements in this rule section as an evaluator applicant under the supervision of two Commission-approved canine team evaluators and shall document the evaluation skills on form CJSTC-83. Canine team evaluators with an expired status shall submit for approval for a "request for evaluator status" and comply with the requirements in section (7)(e) of this rule section An evaluator's "approval status" that is approved prior to November 5, 2002, shall expire on November 5, 2006, unless the requirements of paragraphs (8)(a) - (d) of this rule section are met. An evaluator's "approval status" shall expire four years following the date approved by the Commission.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(16) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13,_____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-30.006, 11B-30.007, 11B-30.011, and 11B-30.012
STATE OFFICER CERTIFICATION EXAMINATION
SUMMARY OF THE RULE

Revises the Equivalency-of-Training form CJSTC-76; updates the State Officer Certification Examination website; removes the geographic requirement for computer labs; updates the examination scoring and grade notification; and repeals the Applicant State Officer Certification Overall Test Results form CJSTC-516.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-30.006(2)(b): Revises the Equivalency-of Training form CJSTC-76 to update the comparable training for the new Florida Law Enforcement Academy and clarifies the procedures for submitting form CJSTC-76 to Commission staff.

11B-30.007(1): Updates the State Officer Certification Examination website to implement online Computer-Based Testing.

11B-30.008(1)(b): Removes the geographic requirement for computer labs used as test centers and allows training schools to set up test sites, regardless of whether the parent college has a test center to implement online Computer-Based Testing. (Not all college test centers are – or want to be – a Pearson VUE test center. Several training centers also expressed their desire to operate their own test sites).

11B-30.011: Updates the examination scoring and grade notification to implement online Computer-Based Testing.

11B-30.011: Repeals the Applicant State Officer Certification Overall Test Results form CJSTC-516 because it is no longer needed due to the implementation Computer-Based Testing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-30; State Officer Certification Examination

RULE NO.:	RULE TITLE:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.008	State Officer Certification Examination Site Administration
11B-30.011	Examination Scoring and Grade Notification

PURPOSE AND EFFECT:

11B-30.006(2)(b): Revises the Equivalency-of Training form CJSTC-76 to update the comparable training for the new Florida Law Enforcement Academy and clarifies the procedures for submitting form CJSTC-76 to Commission staff.

11B-30.007(1): Updates the State Officer Certification Examination website to implement online Computer-Based Testing.

11B-30.008(1)(b): Removes the geographic requirement for computer labs used as test centers and allows training schools to set up test sites, regardless of whether the parent college has a test center to implement online Computer-Based Testing. (Not all college test centers are – or want to be – a Pearson VUE test center. Several training centers also expressed their desire to operate their own test sites).

11B-30.011: Updates the examination scoring and grade notification to implement online Computer-Based Testing.

11B-30.011: Repeals the Applicant State Officer Certification Overall Test Results form CJSTC-516 because it is no longer needed due to the implementation Computer-Based Testing.

SUMMARY:

Revises the Equivalency-of-Training form CJSTC-76; updates the State Officer Certification Examination website; removes the geographic requirement for computer labs; updates the examination scoring and grade notification; and repeals the obsolete Applicant State Officer Certification Overall Test Results form CJSTC-516.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (17) FS.

LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397, 943.1397(1), (3) FS.

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

DATE AND TIME: Friday, March 7, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) No change.

(2) The following individuals are eligible to take the State Officer Certification Examination (SOCE) for the requested criminal justice discipline:

(a) No change.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), F.A.C., and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Equivalency-of-Training, form CJSTC-76, revised November 7, 2013, effective _____, ~~December 16, 2010, (effective 5/2012)~~, incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) No change.

Rulemaking 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, _____.

11B-30.007 Application for the State Officer Certification Examination and Notification Process.

(1) Application to take the State Officer Certification Examination (SOCE) shall be made by submitting an application online per the instructions available on the following FDLE website, <http://www.fdle.state.fl.us/Content/certification-exam.aspx> ~~on-line application electronically, via the internet, at <http://web.fdle.state.fl.us/examregister>.~~ All ~~on-line~~ applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card:

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 5-21-12, _____.

11B-30.008 State Officer Certification Examination Site Administration.

(1) Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida. To be eligible to administer the CB-SOCE, a test site must be:

(a) A test center exclusively dedicated to the administration of academic and/or professional certification or licensure examinations and operated or contracted by a Commission-approved criminal Justice training center or its parent organization; or

(b) A computer lab located at a Commission-approved criminal justice training school ~~only when an affiliated test center does not exist or is located further than 50 miles from the training school.~~

(2) – (3) No change.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2) FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, _____.

11B-30.011 Examination Scoring and Grade Notification.

Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the ~~Paper and Pencil or Computer Based~~ State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Official examination results shall only be stored in, and retrieved from, the Commission's Automated Management System (ATMS). For the Paper and Pencil State Officer Certification Examination (P&P-SOCE), Commission staff shall provide ~~notify~~ the applicant, within thirty days of the test date, with an unofficial grade notification to be used for the applicant's records only. ~~on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC 516, revised August 3, 2006, hereby incorporated by reference. Form CJSTC 516 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The SOCE is an entry level competency examination and therefore examination results are reported as "pass" or "fail" on form CJSTC 516.~~ For the Computer-Based State Officer

Certification Examination (CB-SOCE) the applicant shall receive an unofficial grade notification ~~be notified the examination results~~ at the conclusion of the examination.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.1397(1) FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12,_____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35 FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.0011, 11B-35.002,
11B-35.0021, 11B-35.0024, 11B-35.003, 11B-35.007, and 11B-35.009

TRAINING PROGRAMS

SUMMARY OF THE RULE

Deletes the requirement to provide printed copies of the Florida Statutes and Florida handbook on jury instructions; retires the 400-hour Canine Team Training course 1112 and adds the 480-hour Canine Team Training Course 1198; deletes the implementation phase of the Florida CMS Correctional Basic Recruit Training Program implements the new Correctional Probation Basic Recruit Training Program in 2015; relocates Physical Fitness Assessment rule language to the appropriate rule section; makes grammatical and paragraph number revisions; removes reference to “correctional probation” in 11B-35.0011, F.A.C., rule title; retires the Florida CMS Law Enforcement Basic Recruit Training Program and adds the new Florida Law Enforcement Academy Program; removes “sequencing” from the instruction of a basic recruit training; retires the Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program; specifies the training required for a law enforcement officer to become a correctional probation officer; revises the title of 11B-35.0021, F.A.C., to add “Specialized Training Program Courses”; adds “Program” to the title of High-Liability Basic Recruit Training Program Courses; retires the 40-hour Canine Team Training Instructor Course 1107 and adds the updated 80-hour Canine Team Training Instructor Course 1199; adds the Specialized Training Program Courses category; adds Specialized Training Program Courses

category and updated Canine Team Training Course; adds the Specialized Training Program Courses category; adds Specialized Training Program Courses category and updated Canine Team Training Course; adds the Specialized Training Program Courses category to require instructor to student ratios for instruction of proficiency skills; adds the instructor to student ratio requirements for instruction for the new Underwater Police Science and Technology course; adds the instructor to student ratio requirements for instruction of the new Canine Team Training Course; adds the instructor to student ratio requirements for instruction of the new Canine Team Training Instructor Course; revises the CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS; revises the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS; adds demonstration of proficiency skills for the Underwater Police Science and Technology course; revises the DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS; revises the Speed Measurement Operator Performance Report form CJSTC-11; revises the Speed Measurement Device Instructor Field Evaluation for CJSTC-10; adds the written end-of-course examination and demonstration of proficiency skills requirements for the new Underwater Police Science and Technology; creates the new Criminal Justice Diver Performance Evaluation form CJSTC-19; rewrites the Canine Performance Evaluation form CJSTC-83; adds the training requirements for successfully completing the new Canine Team Instructor Course; creates the new Canine Team Instructor Performance Evaluation form CJSTC-20; revises the Specialized Training Documentation form CJSTC-16; increases the number of hours for the Canine Team Training Instructor Course from 40 to 80; adds the new STEP Course for Red Light Cameras to the Specialized Training Program courses; updates the topics for equivalency-of-training for correctional officers; updates the topics for equivalency-of-training for correctional probation

officers; revises the Equivalency-of-Training form CJSTC-76; and updates rule references and renumbers paragraphs.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(6)(a): Removes the requirement to provide printed copies of the Florida Statutes and Florida handbook on jury instructions because the resources are available online (the 2014 Curriculum will include links to these resources).

11B-35.001(9)(d)1. and 11B-35.007(4)(i): Retires the 400-hour Canine Team Training Course number 1112 effective 11/6/13 and replaces with the updated 480-hour Canine Team Training Course number 1198 effective 11/7/13 (this course is not a Commission mandated certification and is optional for an agency to have its canine team complete the Canine Team Training Course).

11B-35.001(10): Deletes the implementation phase of the Florida CMS Correctional Basic Recruit Training Program due to the completed implementation on July 1, 2012, and adds rule language to allow for implementation of the new Correctional Probation Basic Recruit Training Program in 2015.

11B-35.001(15)(b): Moves the Physical Fitness Assessment rule language in Rule 11B-35.0011(2), F.A.C., to Rule 11B-35.001(15)(b), F.A.C., under Physical Fitness Assessment.

11B-35.001(16): Makes grammatical revisions.

11B-35.0011: Revises the title to remove the correctional probation discipline (correctional probation officers are no longer required to take the Basic Abilities Test).

11B-35.0011(1)(i): Moves American with Disabilities Act rule language from 11B-35.0011(1)(i), F.A.C. to 11B-35.0011(2), F.A.C.

11B-35.0011(2): Moves rule language regarding the American with Disabilities Act in Rule 11B-35.0011(1)(i), F.A.C. to Rule 11B-35.0011(2), F.A.C., and moves the Physical Fitness Assessment rule language from Rule 11B-35.0011(2), F.A.C., to Rule 11B-35.001(15)(b), F.A.C., under Physical Fitness Assessment;

11B-35.002(1)(a)3. & 13.: Retires the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and replaces with the new Florida Law Enforcement Academy Program number 2000

11B-35.002(3): Removes the word “sequencing” for instruction of a basic recruit training course because it conflicts with competency-based instruction in Rule 11B-35.001(12), F.A.C.

11B-35.002(5)(e): Retires the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, effective June 30, 2014

11B-35.002(5)(f)1.-18.: Adds the new Florida Law Enforcement Academy Program number 2000 to replace the retired Florida CMS Law Enforcement Basic Recruit Training Program number 1177, effective July 1, 2014

11B-35.002(5)(g)-(h): Renumbers the rule paragraphs.

11B-35.002(6)(f)3.: Retires the Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184, effective June 30, 2014, at the request of the Department of Corrections.

11B-35.002(6)(f)4.: Clarifies the training required for a law enforcement officer to become a correctional probation officer.

11B-35.002(6)(f)5.: Updates the paragraph number.

11B-35.0021: Adds “Specialized” to the title of Rule 11B-35.0021, F.A.C., to include Specialized Training Program Courses.

11B-35.0021(1): Adds “Program” to the name of the “High-Liability Basic Recruit Training Program Courses” for consistency with other rule language.

11B-35.0021(4)(d): Adds the new Canine Team Training Instructor Course number 1199 to the Specialized Instructor Courses category.

11B-35.0021(6): Adds the Specialized Training Program Courses category and new Canine Team Training Course number 1198.

11B-35.0021(8): Adds the Specialized Training Program Courses category to require instructor to student ratios for instruction of proficiency skills for specialized training courses and rearranges the training programs in the order of the training programs in Rule 11B-35.0021(1) – (6), F.A.C.

11B-35.0021(7)(h): Adds the instructor to student ratio requirements for instruction of the new Underwater Police Science and Technology course number 077 for students actively engaged in water activities and adds the definition of “actively engaged.”

11B-35.0021(7)(i): Adds the instructor to student ratio requirements for instruction of the new Canine Team Training Course number 1198 for canine teams actively engaged in canine team patrol activities and adds the definition of “actively engaged.”

11B-35.0021(7)(j): Adds the instructor to student ratio requirements for instruction of the new Canine Team Training Instructor Course number 1199 for canine teams actively engaged in canine team patrol activities and adds the definition of “actively engaged;”

11B-35.0024(3)(a)2.: Revises the CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS to allow the instructor to sign the evaluator’s name and initials for the first

exercise and then draw an arrow through the remaining exercises to avoid repetitive signatures and initials, and revises the restrain device, Frisks and Searches, and Ground Escapes techniques to conform with the current curriculum.

11B-35.0024(3)(g)2.: Revises the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS to update the performance requirements (added Tactical Backing Exercise; for Nighttime Emergency Reverse Serpentine, allows the sirens to be optional; and changes “Threshold Braking” to “Braking”) to conform with the current curriculum.

11B-35.0024(4): Adds the Underwater Police Science and Technology course number 077, Canine Team Training Course number 1198, and Canine Team Training Instructor Course number 1199, that require demonstration of proficiency skills.

11B-35.0024(4)(a)2.: Revises the DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS, to include the Horizontal Gaze Nystagmus Test, Walk-and-Turn Test, and the One-Leg Stand Test to conform with the current curriculum.

11B-35.0024(4)(b): Revises the Speed Measurement Operator Performance Report form CJSTC-11, to allow the instructor, in addition to the training center director or designee, to approve successful completion of the field practical portion of training to assist the training center director with processing performance reports.

11B-35.0024(4)(c)2.: Revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, to allow the training center director or designee to approve the successful demonstration of a speed measurement device to assist the training center director with processing the evaluations.

11B-35.0024(4)(j): Adds the required written end-of-course examination and demonstration of proficiency skills for the new Underwater Police Science and Technology course number 077.

11B-35.0024(4)(j): Creates the new Criminal Justice Diver Performance Evaluation form CJSTC-19 to record the Underwater Police Science and Technology performance evaluations to conform with the current curriculum.

11B-35.0024(4)(k): Substantially rewrites the Canine Performance Evaluation form CJSTC-83, by reformatting the form, clarifying the proficiency demonstrations, including an attestment for both the evaluators and applicant, adding additional training information, and revising the canine performance requirements to conform with the current curriculum.

11B-35.0024(4)(l)1.: Adds the training requirements for successfully completing the new Canine Team Instructor Course number 1199.

11B-35.0024(4)(l)2.: Creates the new Canine Team Instructor Performance Evaluation form CJSTC-20 for evaluating canine teams and provides the requirements for completing the Canine Team Training Course number 1199 to become a Canine Team Training Instructor to conform with the current curriculum.

11B-35.003(8)-(9): Updates rule references.

11B-35.007(2)(b)10.: Revises the Specialized Training Documentation form CJSTC-16 to correspond with the changes in Rule 11B-35.007(2)(b)9, F.A.C., i.e., reduces the minimum number of course hours from 4 to zero hours, and reduces the maximum hours of electives from 8 to 4 hours used for each forty hours of course instruction.

11B-35.007(3)(l): Retires the 40-hour Canine Team Training Instructor Course number 1107 effective 11/6/13, and adds the new 80-Canine Team Training Instructor course number 1199 effective 11/7/13.

11B-35.007(4)(i): Increases the number of hours for the Canine Team Training Course from 400 to 480 to reflect the actual number of hours required in the field to instruct the Canine Team Training Course and changes the course number from 1112 to 1198 - this course is not a Commission mandated certification and is optional for an agency to have its canine team complete the Canine Team Training Course.

11B-35.007(4)(ee): Adds the new STEP Course for Red Light Cameras number 1197 to the list of Specialized Training Program courses.

11B-35.009(3)(a): Updates the topics required for training comparable to the Florida Law Enforcement Academy program to conform with the current curriculum.

11B-35.009(3)(b): Updates the topics required for training comparable to the Florida CMS Correctional Basic Recruit Training Program to conform with the current curriculum.

11B-35.009(3)(c): Updates the topics required for training comparable to the Florida Correctional Probation Basic Recruit Training Program to conform with the current curriculum.

11B-35.009(5): Revises the Equivalency-of Training form CJSTC-76 to update the comparable training for the law enforcement, correctional, and correctional probation basic recruit training programs and to clarify the procedures for submitting form CJSTC-76 to Commission staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-35; Training Program

RULE NO.:	RULE TITLE:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Basic Abilities Test Requirements for Applicant Admission into a Law Enforcement and Correctional Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT:

11B-35.001(6)(a): Removes the requirement to provide printed copies of the Florida Statutes and Florida handbook on jury instructions because the resources are available online (the 2014 Curriculum will include links to these resources).

11B-35.001(9)(d)1. and 11B-35.007(4)(i): Retires the 400-hour Canine Team Training Course number 1112 effective 11/6/13 and replaces with the updated 480-hour Canine Team Training Course number 1198 effective 11/7/13 (this course is not a Commission mandated certification and is optional for an agency to have its canine team complete the Canine Team Training Course).

11B-35.001(10): Deletes the implementation phase of the Florida CMS Correctional Basic Recruit Training Program due to the completed implementation on July 1, 2012, and adds rule language to allow for implementation of the new Correctional Probation Basic Recruit Training Program in 2015.

11B-35.001(15)(b): Moves the Physical Fitness Assessment rule language in Rule 11B-35.0011(2), F.A.C., to Rule 11B-35.001(15)(b), F.A.C., under Physical Fitness Assessment.

11B-35.001(16): Makes grammatical revisions.

11B-35.0011: Revises the title to remove the correctional probation discipline (correctional probation officers are no longer required to take the Basic Abilities Test).

11B-35.0011(1)(i): Moves American with Disabilities Act rule language from 11B-35.0011(1)(i), F.A.C. to 11B-35.0011(2), F.A.C.

11B-35.0011(2): Moves rule language regarding the American with Disabilities Act in Rule 11B-35.0011(1)(i), F.A.C. to Rule 11B-35.0011(2), F.A.C., and moves the Physical Fitness Assessment rule language from Rule 11B-35.0011(2), F.A.C., to Rule 11B-35.001(15)(b), F.A.C., under Physical Fitness Assessment;

11B-35.002(1)(a)3. & 13.: Retires the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and replaces with the new Florida Law Enforcement Academy Program number 2000

11B-35.002(3): Removes the word “sequencing” for instruction of a basic recruit training course because it conflicts with competency-based instruction in Rule 11B-35.001(12), F.A.C.

11B-35.002(5)(e): Retires the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, effective June 30, 2014

11B-35.002(5)(f)1.-18.: Adds the new Florida Law Enforcement Academy Program number 2000 to replace the retired Florida CMS Law Enforcement Basic Recruit Training Program number 1177, effective July 1, 2014

11B-35.002(5)(g)-(h): Renumbers the rule paragraphs.

11B-35.002(6)(f)3.: Retires the Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184, effective June 30, 2014, at the request of the Department of Corrections.

11B-35.002(6)(f)4.: Clarifies the training required for a law enforcement officer to become a correctional probation officer.

11B-35.002(6)(f)5.: Updates the paragraph number.

11B-35.0021: Adds “Specialized” to the title of Rule 11B-35.0021, F.A.C., to include Specialized Training Program Courses.

11B-35.0021(1): Adds “Program” to the name of the “High-Liability Basic Recruit Training Program Courses” for consistency with other rule language.

11B-35.0021(4)(d): Adds the new Canine Team Training Instructor Course number 1199 to the Specialized Instructor Courses category.

11B-35.0021(6): Adds the Specialized Training Program Courses category and new Canine Team Training Course number 1198.

11B-35.0021(8): Adds the Specialized Training Program Courses category to require instructor to student ratios for instruction of proficiency skills for specialized training courses and rearranges the training programs in the order of the training programs in Rule 11B-35.0021(1) – (6), F.A.C.

11B-35.0021(7)(h): Adds the instructor to student ratio requirements for instruction of the new Underwater Police Science and Technology course number 077 for students actively engaged in water activities and adds the definition of “actively engaged.”

11B-35.0021(7)(i): Adds the instructor to student ratio requirements for instruction of the new Canine Team Training Course number 1198 for canine teams actively engaged in canine team patrol activities and adds the definition of “actively engaged.”

11B-35.0021(7)(j): Adds the instructor to student ratio requirements for instruction of the new Canine Team Training Instructor Course number 1199 for canine teams actively engaged in canine team patrol activities and adds the definition of “actively engaged;”

11B-35.0024(3)(a)2.: Revises the CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS to allow the instructor to sign the evaluator’s name and initials for the first exercise and then draw an arrow through the remaining exercises to avoid repetitive signatures and initials, and revises the restrain device, Frisks and Searches, and Ground Escapes techniques to conform with the current curriculum.

11B-35.0024(3)(g)2.: Revises the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS to update the performance requirements (added Tactical Backing Exercise; for Nighttime Emergency Reverse Serpentine, allows the sirens to be optional; and changes “Threshold Braking” to “Braking”) to conform with the current curriculum.

11B-35.0024(4): Adds the Underwater Police Science and Technology course number 077, Canine Team Training Course number 1198, and Canine Team Training Instructor Course number 1199, that require demonstration of proficiency skills.

11B-35.0024(4)(a)2.: Revises the DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS, to include the Horizontal Gaze Nystagmus Test, Walk-and-Turn Test, and the One-Leg Stand Test to conform with the current curriculum.

11B-35.0024(4)(b): Revises the Speed Measurement Operator Performance Report form CJSTC-11, to allow the instructor, in addition to the training center director or designee, to approve successful completion of the field practical portion of training to assist the training center director with processing performance reports.

11B-35.0024(4)(c)2.: Revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, to allow the training center director or designee to approve the successful demonstration of a speed measurement device to assist the training center director with processing the evaluations.

11B-35.0024(4)(j): Adds the required written end-of-course examination and demonstration of proficiency skills for the new Underwater Police Science and Technology course number 077.

11B-35.0024(4)(j): Creates the new Criminal Justice Diver Performance Evaluation form CJSTC-19 to record the Underwater Police Science and Technology performance evaluations to conform with the current curriculum.

11B-35.0024(4)(k): Substantially rewrites the Canine Performance Evaluation form CJSTC-83, by reformatting the form, clarifying the proficiency demonstrations, including an attestation for both the evaluators and applicant, adding additional training information, and revising the canine performance requirements to conform with the current curriculum.

11B-35.0024(4)(l)1.: Adds the training requirements for successfully completing the new Canine Team Instructor Course number 1199.

11B-35.0024(4)(l)2.: Creates the new Canine Team Instructor Performance Evaluation form CJSTC-20 for evaluating canine teams and provides the requirements for completing the Canine Team Training Course number 1199 to become a Canine Team Training Instructor to conform with the current curriculum.

11B-35.003(8)-(9): Updates rule references.

11B-35.007(2)(b)10.: Revises the Specialized Training Documentation form CJSTC-16 to correspond with the changes in Rule 11B-35.007(2)(b)9, F.A.C., i.e., reduces the minimum number of course hours from 4 to zero hours, and reduces the maximum hours of electives from 8 to 4 hours used for each forty hours of course instruction.

11B-35.007(3)(l): Retires the 40-hour Canine Team Training Instructor Course number 1107 effective 11/6/13, and adds the new 80-Canine Team Training Instructor course number 1199 effective 11/7/13.

11B-35.007(4)(i): Increases the number of hours for the Canine Team Training Course from 400 to 480 to reflect the actual number of hours required in the field to instruct the Canine Team Training Course and changes the course number from 1112 to 1198 - this course is not a Commission mandated certification and is optional for an agency to have its canine team complete the Canine Team Training Course.

11B-35.007(4)(ee): Adds the new STEP Course for Red Light Cameras number 1197 to the list of Specialized Training Program courses.

11B-35.009(3)(a): Updates the topics required for training comparable to the Florida Law Enforcement Academy program to conform with the current curriculum.

11B-35.009(3)(b): Updates the topics required for training comparable to the Florida CMS Correctional Basic Recruit Training Program to conform with the current curriculum.

11B-35.009(3)(c): Updates the topics required for training comparable to the Florida Correctional Probation Basic Recruit Training Program to conform with the current curriculum.

11B-35.009(5): Revises the Equivalency-of Training form CJSTC-76 to update the comparable training for the law enforcement, correctional, and correctional probation basic recruit training programs and to clarify the procedures for submitting form CJSTC-76 to Commission staff.

SUMMARY:

Deletes the requirement to provide printed copies of the Florida Statutes and Florida handbook on jury instructions; retires the 400-hour Canine Team Training course 1112 and adds the 480-hour Canine Team Training Course 1198; deletes the implementation phase of the Florida CMS Correctional Basic Recruit Training Program implements the new Correctional Probation Basic Recruit Training Program in 2015; relocates Physical Fitness Assessment rule language to the appropriate rule section; makes grammatical and paragraph number revisions; removes reference to “correctional probation” in 11B-35.0011, F.A.C., rule title; retires the Florida CMS Law Enforcement Basic Recruit Training Program and adds the new Florida Law Enforcement Academy Program; removes “sequencing” from the instruction of a basic recruit training; retires the Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program; specifies the training required for a law enforcement officer to become a correctional probation officer; revises the title of 11B-35.0021, F.A.C., to add “Specialized Training Program Courses”; adds “Program” to the title of High-Liability Basic Recruit Training Program Courses; retires the 40-hour Canine Team Training Instructor Course 1107 and adds the updated 80-hour Canine Team Training Instructor Course 1199; adds the Specialized Training Program Courses category; adds Specialized Training Program Courses category and updated Canine Team Training Course; adds the Specialized Training Program Courses category; adds Specialized Training Program Courses category and updated Canine Team Training Course; adds the Specialized Training Program Courses category to require instructor to student ratios for instruction of proficiency skills; adds the instructor to student ratio requirements for instruction for the new Underwater Police Science and Technology course; adds the instructor to student ratio requirements for instruction of the new Canine Team Training Course; adds the instructor to student ratio requirements for instruction of the new Canine Team Training Instructor Course; revises the CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS; revises the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS; adds demonstration of proficiency skills for the Underwater Police Science and Technology course; revises the DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS; revises the Speed Measurement Operator Performance Report form CJSTC-11; revises the Speed Measurement Device Instructor Field Evaluation for CJSTC-10; adds the written end-of-course examination and demonstration of proficiency skills requirements for the new Underwater Police Science and Technology; creates the new Criminal Justice Diver Performance Evaluation form CJSTC-19; rewrites the Canine Performance Evaluation form CJSTC-83; adds the training requirements for successfully completing the new Canine Team Instructor Course; creates the new Canine Team Instructor Performance Evaluation form CJSTC-20; revises the Specialized Training Documentation form CJSTC-16; increases the number of hours for the Canine Team Training Instructor Course from 40 to 80; adds the new STEP Course for Red Light Cameras to the Specialized Training Program courses; updates the topics for equivalency-of-training for correctional officers; updates the topics for equivalency-of-training for correctional probation officers; revises the Equivalency-of-Training form CJSTC-76; and updates rule references and rennumbers paragraphs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17(1)(a), 943.17, 943.175, 943.25 FS.

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

DATE AND TIME: Friday, March 7, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) – (5) No change.

(6) For the Florida CMS Law Enforcement Basic Recruit Training Program, Cross-Over Programs to Florida CMS Law Enforcement Basic Recruit Training Program, and CMS Law Enforcement Auxiliary Prerequisite Course effective April 1, 2008, the training center director shall:

(a) Ensure that each student is taught from and has printed class materials to include the current copy of the curriculum, ~~Florida Statutes, Florida handbook on jury instructions,~~ and CJSTC Course Summary. These materials are to be provided prior to or at the start of the program.

(7) – (8) No change.

(9) Student academic performance in courses.

(a) – (c) No change.

(d) Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C., and the following Specified Specialized Training Program Courses require an end-of-course examination:

1.	1112	Canine Team Training Course <u>(Retired 11/6/13)</u>	400
	1198	<u>Canine Team Training Course</u>	<u>480</u>

2. – 13. No change.

(e) No change.

(10) Implementation of the new Correctional Probation Basic Recruit Training Program ~~Florida CMS Correctional Basic Recruit Training Programs~~. The Commission is preparing a significant update to the Commission-approved Correctional Probation Basic Recruit Training Program to be implemented in 2015. This program and courses are based on a statewide job-task analysis and provides an enhanced learning environment. Delivery of the program shall comply with the requirements set forth in the Commission's new approved Correctional Probation Basic Recruit Training Curriculum.

~~(a) Each training school that offers a Florida CMS Correctional Basic Recruit Training Program shall deliver all course materials included in the training program. Delivery and sequencing of the course materials shall comply with the requirements set forth in the Commission's approved Florida CMS Correctional Basic Recruit Training Curriculum.~~

~~(b) Finalization and field delivery of these course materials are necessary to evaluate the programs before certain course criteria can be established and final rules adopted. To accomplish these goals the Commission:~~

~~1. Authorizes implementation of the Florida CMS Correctional Basic Recruit Training Program effective July 1, 2012.~~

~~2. Approves the continued delivery of the Traditional Correctional Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional Basic Recruit Training Program, with a beginning date prior to July 1, 2012, shall be allowed to continue in that program until the student successfully completes, fails, or withdraws from the program.~~

~~(c) Florida CMS Correctional State Officer Certification Examination SOCE. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student who successfully completes the Florida CMS Correctional BRTP is eligible to apply for and take the Florida CMS Correctional SOCE pursuant to Rule 11B-30.0062, F.A.C.~~

~~(d) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in one of the following Commission-approved Cross Over Basic Recruit Training Programs with a beginning date prior to July 1, 2012, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

~~1. Law Enforcement Officer Cross Over Training to Traditional Correctional Basic Recruit Training Program, number 1181 (Retired 6/30/12).~~

~~2. Correctional Probation Officer Cross Over Training to Traditional Correctional Basic Recruit Training Program, number 1182 (Retired 6/30/12).~~

~~3. Correctional Officer Cross Over Training to Florida CMS Law Enforcement Basic Recruit Training Program, number 1178 (Retired 6/30/12).~~

~~4. Correctional Officer Cross Over Training to Traditional Correctional Basic Recruit Training Program, number 1183.~~

(11) - (14) No change.

(15) Basic Recruit Student Physical Fitness Program.

(a) No change.

(b) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Florida CMS Law Enforcement, Florida CMS Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B, which shall be maintained in the student or course file at the training school. ~~Prior to beginning a Florida CMS Law Enforcement, Florida CMS Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment form CJSTC 75B.~~

(c) No change.

(16) Proof of course completion. A training school shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. ~~The In addition to a certificate, the training school shall provide a certificate to a student, who has successfully completed a Commission-approved Basic Recruit Training Program, and the student shall will be~~ required to pass the State Officer Certification Examination.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, _____.

11B-35.0011 Basic Abilities Test Requirements for Applicant Admission into a Law Enforcement and Correctional, Correctional, and Correctional Probation Basic Recruit Training Program.

(1) Basic Abilities Test. To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test (BAT) for the law enforcement or correctional disciplines, prior to entering a program. The BAT shall be administered in the state of Florida.

(a) – (h) No change.

~~(i) Requests for accommodations pursuant to the American with Disabilities Act shall be governed by subsection 11B-30.0071(4), F.A.C. Determinations as to eligibility for accommodations shall be made by the individual BAT providers on a case by case basis.~~

(2) Requests for accommodations pursuant to the American with Disabilities Act shall be governed by subsection 11B-30.0071(4), F.A.C. Determinations as to eligibility for accommodations shall be made by the individual BAT providers on a case-by-case basis. ~~Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Florida CMS Law Enforcement, Florida CMS Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC 75B, which shall be maintained in the student or course file at the training school.~~ Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 7-29-01. Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 3-13-13, _____.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs (BRTP) that provide the minimum required knowledge and proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1) - (3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

(a)	Law Enforcement Discipline			
1. – 2. No change.				
3.	1177	Florida CMS Law Enforcement BRTP	770	E-4/1/08 <u>R-6/30/14</u>
4. – 12. No change.				
<u>13.</u>	<u>2000</u>	<u>Florida Law Enforcement Academy</u>	<u>770</u>	<u>E-7/1/14</u>

(b) - (c) No change.

(2) No change.

(3) Each training school that offers a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall deliver all course materials included in the program. Delivery ~~and sequencing~~ of the course materials shall comply with the requirements set forth in the Commission's approved Basic Recruit Training Curriculum.

(4) No change.

(5) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:

(a) – (d) No change.

(e) Florida CMS Law Enforcement Basic Recruit Training Program number 1177 Retired June 30, 2014.
(Effective April 1, 2008):-

	Course Name	Course Hours
1.	Introduction to Law Enforcement	11.0
2.	Legal	69.0
3.	Communications	76.0
4.	Human Issues	40.0
5.	Patrol 1	58.0
6.	Patrol 2	40.0
7.	Crime Scene Investigations	24.0
8.	Criminal Investigations	56.0
9.	Traffic Stops	24.0
10.	DUI Traffic Stops	24.0
11.	Traffic Crash Investigations	32.0
12.	CMS Law Enforcement Vehicle Operations	48.0
13.	CMS First Aid for Criminal Justice Officers	40.0
14.	CMS Criminal Justice Firearms	80.0
15.	CMS Criminal Justice Defensive Tactics	80.0
16.	Dart Firing Stun Gun	8.0
17.	Criminal Justice Officer Physical Fitness Training	60.0
	TOTAL	770.0

(f) Florida Law Enforcement Academy number 2000 (Effective July 1, 2014):

	Course Name	Course Hours
1.	Introduction to Law Enforcement	10.0
2.	Legal	62.0
3.	Interactions in a Diverse Community	40.0
4.	Interviewing and Report Writing	56.0
5.	Fundamentals of Patrol	35.0
6.	Calls for Service	36.0
7.	Criminal Investigations	50.0
8.	Crime Scene to Courtroom	35.0
9.	Critical Incidents	44.0
10.	Traffic Stops	30.0
11.	DUI Traffic Stops	24.0
12.	Traffic Crash Investigations	32.0
13.	CMS Law Enforcement Vehicle Operations	48.0
14.	CMS First Aid for Criminal Justice Officers	40.0
15.	CMS Criminal Justice Firearms	80.0

16.	<u>CMS Criminal Justice Defensive Tactics</u>	<u>80.0</u>
17.	<u>Dart-Firing Stun Gun</u>	<u>8.0</u>
18.	<u>Criminal Justice Officer Physical Fitness Training</u>	<u>60.0</u>
	<u>TOTAL</u>	<u>770</u>

~~(g)(f)~~ Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Effective July 1, 2012):

1. – 9 No change.

~~(h)(g)~~ Florida CMS Correctional Basic Recruit Training Program number 1190, (Effective July 1, 2012):

1. – 12. No change.

(6) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) – (e) No change.

(f) Correctional Probation Cross-Over Basic Recruit Training Programs.

1. - 2. No change.

3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Retired June 30, 2014). ~~(Effective July 1, 2012). An individual who has successfully completed the Law Enforcement Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:~~

	Course Name	Course Hours
a.	<u>Law Enforcement Cross Over to Correctional Probation Legal and Investigations</u>	<u>18.0</u>
b.	<u>Law Enforcement Cross Over to Correctional Probation Caseload Management</u>	<u>27.0</u>
c.	<u>Law Enforcement Cross Over to Correctional Probation Supervision</u>	<u>40.0</u>
d.	<u>Correctional Probation Management Information Systems</u>	<u>27.0</u>
e.	<u>Cross Over Program Updates</u>	<u>8.0</u>
f.	<u>Law Enforcement Cross Over to Correctional Probation Officer Wellness</u>	<u>10.0</u>
	<u>TOTAL</u>	<u>130.0</u>

4. A law enforcement officer who requests certification as a correctional probation officer shall successfully complete the Correctional Probation BRTP and pass the SOCE to satisfy the training requirements.

~~5.4.~~ Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Effective July 1, 2012). An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

a. – h. No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History–New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, _____.

11B-35.0021 Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration.

(1) High-Liability Basic Recruit Training Program Courses:

(a) – (e) No change.

(2) – (3) No change.

(4) Specialized Instructor Courses:

(a) – (c) No change.

(d) Canine Team Training Instructor Course, number 1199.

(5) No change.

(6) Specialized Training Program Course: Canine Team Training Course, number 1198.

~~(7)(6)~~ Applicants shall complete the training requirements set forth in subsections 11B-20.0014(2)–(3), F.A.C., to become certified by the Commission to instruct in the topics of firearms, vehicle operations, defensive tactics, first aid, speed measurement, and breath test.

~~(8)(7)~~ Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Program Courses, DUI Traffic Stops, High-Liability Instructor Training Courses, Specialized Instructor Courses,

Advanced Training Program Courses, ~~and Specialized Training Program Courses, and Specialized Instructor Training Program Courses~~ requiring proficiency demonstration.

(a) – (g) No change.

(h) For instruction of the Underwater Police Science and Technology course, there shall be at least one Commission-certified Criminal Justice Diving Instructor for each eight students actively engaged in water activities. Training centers are permitted to use qualified safety divers in assisting the instructor with water exercises. For each qualified safety diver, two additional students are permitted to actively engage in water activities. A maximum of three qualified safety divers are permitted per instructor. Qualified safety divers shall not be included as an instructor to comply with the instructor to student ratio requirements. Actively engaged is defined as “a student in the water participating in the practical performance of any dive activities.” Qualified safety diver is defined as “an individual who possesses a current Advanced Open Water Dive Certification, is an active or former member of a criminal justice dive team, and is approved by the training center director or designee to assist the instructor with water exercises.” A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

(i) For instruction of the Canine Team Training Course number 1198, there shall be at least one Commission-certified instructor for eight student canine teams while actively engaged in canine team patrol activities. Individuals approved by the training center director or designee are allowed to assist in canine exercises and assist the instructor during practical exercises and shall not be included as an instructor to comply with the instructor to student ratio requirements. Actively engaged is defined as a canine team actively working and performing practical exercises. A canine team is defined as a student handler and a canine. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

(j) For instruction of the Canine Team Training Instructor Course number 1199, there shall be at least one Commission-certified instructor for eight student canine teams while actively engaged in canine team patrol activities. Individuals approved by the agency head or training center director are allowed to assist in canine exercises and assist the instructor during practical exercises. Actively engaged is defined as a canine team actively working and performing practical exercises. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 3-13-13,_____.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration.

(1) – (2) No change.

(3) Successful completion and demonstration of proficiency skills is required for each of the following high-liability courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Course, CMS Criminal Justice Firearms Course, Cross-Over Handgun Transition Course, CMS Firearms Instructor Course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Course.

(a) CMS Criminal Justice Defensive Tactics Course.

1. No change.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, revised November 7, 2013, effective _____, ~~December 16, 2010, (effective 3/2013),~~ hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-6 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-6 CMS shall be maintained in the student or course file.

3. No change.

(b) – (f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

1. No change.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required Vehicle Operations High-Liability Proficiency Skills, with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance

Evaluation, form CJSTC-7 CMS, revised November 7, 2013, effective December 16, 2010, ~~(effective 3/2013)~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-7 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-7 CMS shall be maintained in the student or course file. Form CJSTC-7 CMS shall be maintained in the student or course file.

(h) No change.

(4) Successful completion and demonstration of proficiency skills is required for each of the following basic recruit, advanced, specialized instructor, or specialized training program courses: DUI Traffic Stops, Speed Measurement Course, Speed Measurement Instructor Course, Breath Test Instructor Course, Breath Test Instructor Renewal Course, Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, ~~and Agency Inspector Renewal Course~~, Underwater Police Science and Technology course, Canine Team Training Course, and Canine Team Training Instructor Course.

(a) DUI Traffic Stops Course.

1. No change.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required DUI Traffic Stops proficiency skills at 100% proficiency, with the results recorded on the required DUI Traffic Stops Performance Evaluation, form CJSTC-13 CMS, created October 30, 2008, revised November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-13 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-13 CMS shall be maintained in the student or course file.

(b) Speed Measurement Course, number 1158. A student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Speed Measurement Operator Performance Report form CJSTC-11, revised November 7, 2013, effective _____, ~~December 16, 2010, (effective 3/2013)~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-11 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-11 shall be maintained in the student or course file.

(c) Speed Measurement Instructor Course, number 1159.

1. No change.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Speed Measurement Device Instructor Field Evaluation form CJSTC-10, revised November 7, 2013, effective _____, ~~October 30, 2008~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-10 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A copy of the completed form CJSTC-10 shall be provided to the student and the original form CJSTC-10 shall be maintained in the student or course file.

(d) – (i) No change.

(j) Underwater Police Science and Technology course number 077. A student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Criminal Justice Diver Performance Evaluation form CJSTC-19, Created November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-19 can be obtained at the following FDLE Internet Address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A copy of the completed form shall be provided to the student and the original shall be maintained in the course file.

(k) Canine Team Training Course number 1198. A handler shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Canine Performance Evaluation form CJSTC-83, revised November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-83 can be obtained at the following FDLE Internet Address: [6](http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-</u></p></div><div data-bbox=)

Forms.aspx, or by contacting Commission staff at (850) 410-8615. A copy of the completed form shall be provided to the student and the original maintained in the course file.

(l) Canine Team Training Instructor Course number 1199.

1. An instructor student shall complete the Canine Team Training Instructor Course requirements pursuant to Rule 11B-20.0014, F.A.C., to instruct the Canine Team Course number 1198 and Canine Team Training Instructor Course number 1199.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination, demonstrate instruction of one classroom topic from the Canine Team Training Course number 1199, and demonstrate instructing field exercises in obedience, criminal apprehension, building search, area search, and tracking and trailing from the Canine Team Training Course, with the results recorded on the required performance evaluation form. A copy of the completed Canine Team Instructor Performance Evaluation form CJSTC-20, created November 7, 2013, effective _____, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, shall be provided to the student and the original form CJSTC-20 maintained in the instructor student course file. Form CJSTC-20 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-5 CMS shall be maintained in the student or course file.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, _____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) – (7) No change.

(8) Correctional Auxiliary Officer Basic Recruit Training Program. To become a Correctional Auxiliary Officer an individual shall complete the Florida CMS Correctional Basic Recruit Training Program, number 1190, pursuant to paragraph 11B-35.002(5)(~~h~~)(~~g~~), F.A.C.

(9) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Florida Correctional Probation Basic Recruit Training Program, number 1176, pursuant to paragraph 11B-35.002(5)(~~g~~)(~~f~~), F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, _____.

11B-35.007 Specialized Training Program.

(1) No change.

(2) Courses developed from the Specialized Goals and Objectives have been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession. Such courses shall be developed using a “menu” approach to fulfill local criminal justice agency training needs.

(a) No change.

(b) A training school shall adhere to the following procedures to develop courses from the Specialized Goals and Objectives:

1. – 9. No change.

10. Document the training by completing a Specialized Training Documentation, form CJSTC-16, revised November 7, 2013, effective _____, ~~November 8, 2007~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised May 6, 2004, hereby incorporated by reference. Forms CJSTC-16 and CJSTC-16A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A training school shall attach the goals and objectives provided by the instructor to form CJSTC-16 and complete “Section A” of the form. Forms CJSTC-16 and CJSTC-16A shall be maintained in the course file at the training school.

(3) Specialized Instructor Training Courses pursuant to paragraph (1)(b) of this rule section. The following Specialized Instructor Training Courses are developed and approved by the Commission for instructor training and

shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor.

(a) – (k) No change.

(l)	1107	Canine Team Training Instructor Course <u>(Retired 11/6/13)</u>	40
	<u>1199</u>	<u>Canine Team Training Instructor Course</u>	<u>80</u>

(m) – (q) No change.

(4) Commission-approved Specialized Training Program Courses pursuant to paragraph (1)(c) of this rule section. The following Commission-approved Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission-approved Advanced Training Program Courses:

(a) – (h) No change.

(i)	1112	Canine Team Training Course <u>(Retired 11/6/13)</u>	400
	<u>1198</u>	<u>Canine Team Training Course</u>	<u>480</u>

(j) – (dd) No change.

(ee)	<u>1197</u>	<u>STEP Course for Red Light Cameras</u>	<u>40</u>
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(5) – (7) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History–New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) – (2) No change.

(3) For individuals who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) Verify that the applicant's law enforcement training is comparable to the Commission's Florida Law Enforcement Academy CMS Law Enforcement Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Equivalency-of-Training form CJSTC-76, for the topics of Legal, Interactions in a Diverse Community, Interviewing and Report Writing, Communications, Human Issues, Patrol (including Fundamentals, Calls for Service, and Critical Incidents), Criminal Investigations (including Crime Scene and Courtroom), Traffic Stops, Traffic Crash Investigations, Vehicle Operations, First Aid or equivalent, Firearms, and Defensive Tactics.

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Florida CMS Correctional Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Equivalency-of-Training form CJSTC-76, for the topics of Legal, Communications, Officer Safety, Facility and Equipment, Intake and Release, Supervising in a Correctional Facility, Supervising Special Populations, Responding to Incidents and Emergencies, Firearms, Defensive Tactics, and First Aid or Equivalent Responding to Emergencies, Correctional Operations, Inmate Supervision, Intake and Release, Officer Safety, Defensive Tactics, First Aid or Equivalent, and Firearms.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Florida Correctional Probation Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Equivalency-of-Training form CJSTC-76, for the topics of Legal, Interpersonal Communication Skills, Caseload Management, Supervision, Investigations, Management Information Systems, Defensive Tactics, and First Aid or equivalent, and Firearms.

(d) – (e) No change.

(4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised November 7, 2013, effective _____, ~~December 16, 2010, (effective 5/2012)~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, for out-of-state, federal, and inactive Florida Officers. Form CJSTC-76 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be

maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(6) – (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History–New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 3-13-13,_____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-4, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-4.003
ARREST FINGERPRINT CARD SUBMISSION
SUMMARY OF THE RULE

Adds a reference to the submission of palm prints and facial images along with fingerprints on an arrest sent to FDLE. Deletes a reference to the submission of hard fingerprint cards.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Amendment to Rule 11C-4.003 conforms to a 2013 legislative change requiring the electronic submission of palm prints and facial images (mug shots) by local law enforcement agencies sending arrest information to FDLE.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative

ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

Notice of Proposed Rule

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-4; Crime Information Bureau; Criminal History Records; Fingerprinting and Reports

RULE NO.:	RULE TITLE:
11C-4.003	Arrest Fingerprint Card Submission

PURPOSE AND EFFECT:

Amendment to Rule 11C-4.003 conforms to a 2013 legislative change requiring the electronic submission of palm prints and facial images (mug shots) by local law enforcement agencies sending arrest information to FDLE.

SUMMARY:

Adds a reference to the submission of palm prints and facial images along with fingerprints on an arrest sent to FDLE. Deletes a reference to the submission of hard fingerprint cards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.05(2)(d) FS.

LAW IMPLEMENTED: 943.05

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

DATE AND TIME: Friday, March 7, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Room B1055, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Jean Itzin at 850-410-7110, or jeanitzin@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Jean Itzin at 850-410-7110, or jeanitzin@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jean Itzin

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.003 Arrest Fingerprint Card Submission.

All law enforcement agencies of the State shall take the following action on all felony, misdemeanor, or comparable ordinance arrests of adults and on all felony and statutorily specified misdemeanor arrests of juveniles:

(1) Complete at the time of arrest an electronic submission of criminal arrest and fingerprint information containing legible quality fingerprint impressions, palm prints and facial images ~~or a hard fingerprint card bearing equivalent information~~. Each arrest charge shall be reported using Florida Statutes chapter, section and subsection when available.

(2) - (4) No change.

Rulemaking Authority 943.03(4), 943.05(2)(d), 943.051(2) FS. Law Implemented 943.05, 943.051 FS. History—New 6-24-76, Amended 6-27-78, Formerly 11C-4.03, Amended 7-7-99, 3-21-07, 6-9-08, 3-13-13, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-6.004
PROCEDURES FOR REQUESTING CRIMINAL HISTORY RECORDS
SUMMARY OF THE RULE

The rule provides the method of payment of payment for criminal history record fees.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 11C-6.004 is amended to comply with recent legislation requiring FDLE to provide for methods of payment of criminal history record fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Florida Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-6; Criminal History Records Dissemination Policy

RULE NO.:	RULE TITLE:
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11C-6.004	Procedures for Requesting Criminal History Records
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PURPOSE AND EFFECT:

Rule 11C-6.004 is amended to comply with recent legislation requiring FDLE to provide for methods of payment of criminal history record fees.

SUMMARY:

The rule provides the method of payment of payment for criminal history record fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), FS.

LAW IMPLEMENTED: 943.053, 943.0542, FS.

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

DATE AND TIME: Friday, March 7, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Room B1055, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Timothy Giesecke at 850-410-8113, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Timothy Giesecke at 850-410-8113, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy Giesecke

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) – (2) No change.

(3) Fees.

(a) There shall be no charge for conducting record checks under paragraphs (2)(a) through (c).

(b) As provided in Section 943.053(3), F.S., a processing fee of \$24 shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender

(c) The processing fee charged for each subject inquired upon via the internet shall be the fee authorized for inquiries from persons in the private sector in Section 943.053(3), F.S. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the prescribed payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$24 shall be charged for each additional criminal record.

(d) Payment methods for criminal history record inquiries are as follows:

1 Criminal history record requests submitted in writing shall be payable by cash, check or money order.

2. Criminal history record requests submitted electronically shall be payable by debit or credit card.

3. Agencies or entities invoiced for criminal history record checks shall submit payment for invoices by check, money order or journal transfer.

(4) No change.

Rulemaking Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08, 6-3-10, 5-21-12, 3-13-13, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-7.009
PROCEDURES ON JUVENILE DIVERSION EXPUNCTION
SUMMARY OF THE RULE

The amendments to the Juvenile Diversion Expunction application form reflect recent legislative changes regarding the extension of the program's application deadline and clarification about a person's eligibility. The new language extends the application deadline to one (1) year and clarifies that a minor is only eligible for relief if he or she was arrested for a non-violent misdemeanor.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Substantive changes to s. 943.0582, F.S., necessitate changes to the Juvenile Diversion Expunction Application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to

exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-7; Criminal History Records; Expunction and Sealing Policy and Procedures

RULE NO.:	RULE TITLE:
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11C-7.009	Procedures on Juvenile Diversion Expunction
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PURPOSE AND EFFECT:

Substantive changes to Section 943.0582, F.S., necessitate changes to the Juvenile Diversion Expunction Application form.

SUMMARY:

The amendments to the Juvenile Diversion Expunction application form reflect recent legislative changes regarding the extension of the program's application deadline and clarification about a person's eligibility. The new language extends the application deadline to one (1) year and clarifies that a minor is only eligible for relief if he or she was arrested for a non-violent misdemeanor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.03(4), 943.0582(1) FS.

LAW IMPLEMENTED: 943.0582 FS.

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

DATE AND TIME: Friday, March 7, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Room B1055, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Jean Itzin at 850-410-7110, or jeanitzin@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Jean Itzin at 850-410-7110, or jeanitzin@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Assistant General Counsel Fern Rosenwasser

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.009 Procedures on Juvenile Diversion Expunctions.

(1) A minor who has successfully completed a prearrest or postarrest diversion program as authorized by Section 985.3065, F.S., which program satisfies the requirements found at Section 943.0582, F.S., may apply directly to the Department for expunction of the minor's juvenile nonjudicial arrest record. The application for the Juvenile Diversion Expunction must include:

(a) No change.

(b) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-025 (rev. July 2013 ~~February 2008~~), incorporated here by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850) 410-7870
Website: <http://www.fdle.state.fl.us/expunge>

(c) - (d) No change.

(2) - (6) No change.

Rulemaking Specific Authority 943.0582 FS. Law Implemented 943.0582 FS. History--New 11-5-02, Amended 6-9-08, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11D-8, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11D-8.014
IMPLIED CONSENT PROGRAM
SUMMARY OF THE RULE

Reduces the number of proficiency testing cycles; removes the option to not participate in a proficiency test cycle; and changes to four sets of samples.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11D-8.014(1): Reduces the number of proficiency testing cycles from four times per calendar year to two times per calendar year; 11D-8.014(2): Removes the option to not participate in a proficiency test cycle since the number of testing cycles is being reduced; 11D-8.014(4): Changes to four sets of samples to coincide with the new proficiency testing cycles. According to international accreditation standards, forensic science disciplines should be proficiency tested at least once per calendar year. Having the permitted blood alcohol analysts complete four proficiency test cycles each calendar year is costly and places an undue burden on toxicology laboratories. Reducing the number of proficiency testing cycles to twice per year removes the undue burden while maintaining high standards that exceed accreditation standards. The remaining changes in paragraphs (2) and (4) are necessary to bring the remaining rule language in agreement with the proposed proficiency testing cycles in paragraph (1).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Local Law Enforcement Assistance

Rule Chapter: 11D-8; Implied Consent Program

RULE NO.:	RULE TITLE:
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11D-8.014	Blood Alcohol Permit – Analyst: Renewal
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PURPOSE AND EFFECT:

11D-8.014(1): Reduces the number of proficiency testing cycles from four times per calendar year to two times per calendar year. According to international accreditation standards, forensic science disciplines should be proficiency tested at least once per calendar year. Having the permitted blood alcohol analysts complete four proficiency test cycles each calendar year is costly and places an undue burden on toxicology laboratories. Reducing the number of proficiency testing cycles to twice per year removes the undue burden while maintaining high standards that exceed accreditation standards.

11D-8.014(2): Removes the option to not participate in a proficiency test cycle since the number of testing cycles is being reduced. This change is necessary to bring the rule language in agreement with the proposed proficiency testing cycles in paragraph (1).

11D-8.014(4): Changes to four sets of samples to coincide with the new proficiency testing cycles. This change is necessary to bring the rule language in agreement with the proposed proficiency testing cycles in paragraph (1).

SUMMARY:

Reduces the number of proficiency testing cycles; removes the option to not participate in a proficiency test cycle; and changes to four sets of samples.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS.

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

DATE AND TIME: Friday, March 7, 2014, 9:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Classroom Room A, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

The Alcohol Testing Program at 850-617-1290, or alcoholtestingprogram@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, Alcohol Testing Program, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

The Alcohol Testing Program at 850-617-1290, or alcoholtestingprogram@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, Alcohol Testing Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Muphy, Ph.D, ATP Program Manager

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-8.014 Blood Alcohol Permit - Analyst: Renewal.

(1) Permits to conduct blood alcohol analyses shall remain valid until otherwise suspended or revoked by the Department. In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least ~~two~~ (2) proficiency samples provided by the Department semiannually ~~each annual quarter~~. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean + or - 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories.

~~(2) An analyst, who is in good standing, may elect to not participate in one proficiency test cycle each calendar year. The analyst must notify the Department in writing, of his/her election prior to the date the proficiency test results must be reported to the Department.~~

~~(3)~~ Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on any set of proficiency samples, the analyst shall be required to satisfactorily determine the blood alcohol level of a second set of five proficiency samples provided by the Department.

~~(3)~~~~(4)~~ Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a second set of proficiency samples, the analyst shall not perform any duties authorized by the analyst's permit until the analyst satisfactorily determines the blood alcohol level of a subsequent set of proficiency samples provided by the Department. This section shall not preclude the Department from taking further action in accordance with Rule 11D-8.015, F.A.C.

~~(4)~~~~(5)~~ Failure to satisfactorily determine the blood alcohol level of any 4 ~~six~~ ~~(6)~~ sets of proficiency samples provided by the Department within a 12-month ~~twelve~~ ~~(12)~~ ~~month~~ period shall result in revocation of the blood analyst permit.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History-New 10-31-93, Amended 1-1-97, 11-5-02_____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11K-1, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11K-1.003
SHERIFF SPECIAL QUALIFICATION SALARY
SUMMARY OF THE RULE

Changes the “New Sheriffs Seminar” to “Florida Sheriffs Institute”; provides an FDLE designee the authority to certify that the Florida Sheriffs Institute meets the 40-hour requirement; documents the newly elected sheriffs completion of the Florida Sheriffs Institute; adds executive level courses that will apply toward salary supplement; and allows an FDLE designee to approve recommendations for education and training programs.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11K-1.003(1): Changes the “New Sheriffs Seminar” to “Florida Sheriffs Institute,” to a more contemporary title, adds the word “designee” to provide FDLE’s designee authority to certify that the Florida Sheriffs Institute meets the 40-hour requirement, and documents the current practice for completion of the Florida Sheriffs Institute by newly elected sheriffs after an election is certified and to count toward the calendar year they are sworn in;

11K-1.003(4)(a) & (4)(a)5.: Adds executive level courses offered through the Florida Sheriffs Association Center for Excellence and to be recognized as approved education/training courses that will apply for initial qualification or maintenance of initial qualification for salary supplement;

11K-1.003(6) & (6)(b): Allows an FDLE designee to approve education/training programs and adds the Executive Director, FDLE, or their designee to approve recommendations for education/training programs for the Florida Criminal Justice Executive Institute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Florida Criminal Justice Executive Institute

Rule Chapter: 11K; Sheriff Special Qualification Salary

RULE NO.:	RULE TITLE:
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11K-1.003	Policy
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PURPOSE AND EFFECT:

11K-1.003(1): Changes the “New Sheriffs Seminar” to “Florida Sheriffs Institute,” to a more contemporary title, adds the word “designee” to provide FDLE’s designee authority to certify that the Florida Sheriffs Institute meets the 40-hour requirement, and documents the current practice for completion of the Florida Sheriffs Institute by newly elected sheriffs after an election is certified and to count toward the calendar year they are sworn in;

11K-1.003(4)(a) & (4)(a)5.: Adds executive level courses offered through the Florida Sheriffs Association Center for Excellence and to be recognized as approved education/training courses that will apply for initial qualification or maintenance of initial qualification for salary supplement;

11K-1.003(6) & (6)(b): Allows an FDLE designee to approve education/training programs and adds the Executive Director, FDLE, or their designee to approve recommendations for education/training programs for the Florida Criminal Justice Executive Institute.

SUMMARY:

Changes the “New Sheriffs Seminar” to “Florida Sheriffs Institute”; provides an FDLE designee the authority to certify that the Florida Sheriffs Institute meets the 40-hour requirement; documents the newly elected sheriffs completion of the Florida Sheriffs Institute; adds executive level courses that will apply toward salary supplement; and allows an FDLE designee to approve recommendations for education and training programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 145.071, 943.03(4) FS.

LAW IMPLEMENTED: 145.071 FS.

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

DATE AND TIME: Friday, March 7, 2014, 4:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Room B1055, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2014

Notice of Proposed Rule

THE FULL TEXT OF THE PROPOSED RULE IS:

11K-1.003 Policy.

(1) The initial qualification for a sheriff to receive salary supplement shall be to complete 40 hours of approved education/ training courses as outlined in subsection (4). Additionally, sheriffs newly elected after the effective date of this rule may achieve initial qualification by successful completion of the "Florida Sheriffs Institute" ~~"New Sheriffs Seminar"~~ sponsored by the Florida Sheriffs Association, provided that the Executive Director, FDLE, or their designee has certified that the "Florida Sheriffs Institute" ~~"New Sheriffs Seminar"~~ meets the requirements for 40 hours of approved special qualification salary training. The Florida Sheriffs Institute is permitted to be completed by newly elected sheriffs after the election is certified and shall count toward the calendar year they are sworn in.

(2) In order to remain qualified, the sheriff shall thereafter be required to complete each calendar year 20 hours of approved education/training courses as outlined in subsection (4).

(3) An approved course may not be repeated by a sheriff for salary supplement for a period of at least 3 years.

(4) For purposes of this section, the following approved education/training courses will apply for either initial qualification or maintenance of initial qualification, provided however that programs for maintenance of initial qualification are attended during the calendar year for which special qualification salary is sought:

(a) Executive level courses offered through the Florida Criminal Justice Executive Institute. specific management level or leadership programs offered by the following associations, colleges, universities, or organizations:

1. National Sheriffs' Association (National Sheriff 's Institute Management Program).
2. Southern Police Institute (Executive and Management/Administrative Course).
3. Northwestern Traffic Institute (Management and Administrative Course).
4. FBI National Academy.
5. The Florida Sheriffs Association Center for Excellence.

(5) In the event of exceptional or emergency circumstances, which preclude a sheriff from attending approved educational training courses, a sheriff may request from the Executive Director, FDLE, an extension of up to 90 days provided a written request is received and approved prior to the sheriff's special qualification salary date of expiration.

(6) In addition, any other education/training program approved by the Executive Director, FDLE, or their designee in accordance with the following procedures, will satisfy the requirements of Section 145.071, F.S.

(a) Requests for course approval must be received by the Florida Criminal Justice Executive Institute 30 days prior to commencement of the course and should contain the following specific items:

1. Course outline and number of hours.
2. List of instructors.
3. Projected date of attendance.

(b) Upon approval by the Executive Director, FDLE, or their designee, the Director of the Florida Criminal Justice Executive Institute ~~staff~~ will make a recommendation and to the Executive Director, FDLE, who will respond in writing to the sheriff at least 10 days prior to course commencement.

Rulemaking Specific Authority 145.071, 943.03(4) FS. Law Implemented 145.071 FS. History–New 2-1-84, Formerly 11K-1.03, Amended 5-29-91,_____.