

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
June 23, 2015

Attachments to the items below can be viewed at the following link:
<http://www.fdle.state.fl.us/Content/Cabinet/Cabinet-Packages.aspx>

ITEM 1 Respectfully submit the **Minutes of the March 10 and May 5 Cabinet Meetings.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2 Respectfully submit the **Florida Department of Law Enforcement's FY 2014-15 3rd Quarter Report, with Contracts, Agreements and Purchases over \$100,000 for January 1 to March 31, 2015.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3 Respectfully submit **Final Adoption of Proposed Rules** for the following: **11B-14, 11B-18, 11B-20, 11B-21, 11B-27, 11B-30, 11B-35, 11C-6, 11C-7, 11D-8 and 11D-10.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4 Respectfully submit **Commissioner Swearingen's Midterm Evaluation.**

(See Attachment 4)

RECOMMEND APPROVAL

ITEM 5 Respectfully submit **Agency Measures and Review of Delegated Authority for the Florida Department of Law Enforcement.**

(See Attachment 5)

RECOMMEND APPROVAL

STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND
CABINET

CABINET MEMBERS: GOVERNOR RICK SCOTT
ATTORNEY GENERAL PAM BONDI
CHIEF FINANCIAL OFFICER
JEFF ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE: TUESDAY, MARCH 10, 2015

LOCATION: CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

REPORTED BY: NANCY S. METZKE, RPR, FPR
COURT REPORTER

C & N REPORTERS
POST OFFICE BOX 3093
TALLAHASSEE, FLORIDA 32315-3093
(850) 697-8314 / FAX (850) 697-8715
nancy@metzke.com
candnreporters.com

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT

GOVERNOR SCOTT: All right. Now I would recognize Rick Swearingen with the Department of Law Enforcement -- Florida Department of Law Enforcement.

Good morning -- afternoon.

COMMISSIONER SWEARINGEN: Good afternoon, sir.

We have four agenda items for you today. The first item I respectfully submit for your approval are the minutes from the January 13th, 2015, Cabinet meeting.

GOVERNOR SCOTT: Is there a motion to approve?

ATTORNEY GENERAL BONDI: So move.

GOVERNOR SCOTT: Is there a second?

COMMISSIONER PUTNAM: Second.

GOVERNOR SCOTT: Moved and seconded, show the minutes approved without objection.

COMMISSIONER SWEARINGEN: The next item is notice of proposed rules. While the package looks extensive, a majority of the changes are cleanup or technical issues regarding the standards and training commission rules in 11B.

Also, we are proposing a new section, 11D-10. I will briefly go through those chapters involving

1 substantive changes:

2 11B-18 includes training school name changes
3 and a sheriff's office changing regions.

4 11B-20 includes instructor requirement
5 changes.

6 11B-27 includes changes to the K-9 training
7 course which had not been updated since 1987. And
8 that includes increasing hours from 400 to 480.

9 11B-30 implements a post officer certification
10 exam review process.

11 11B-35 adds new specialized training courses,
12 such as DCA Marshalls, roll-play scenarios for
13 facilitative learning, property repossession, safe
14 handling of firearms; and it implements revised
15 crossover training programs for law enforcement,
16 correctional, and correctional probation officers.

17 11C-6 simplifies the bill/invoicing process
18 for firearms dealers.

19 11C-7 allows for certain criminal records to
20 be expunged due to a new statute regarding lawful
21 self defense.

22 11D-8 implements changes to match current
23 practices in recent court decisions, cleanup, and
24 technical changes.

25 And the newly proposed section, 11D-10, sets

1 out the Florida Law Enforcement Officers' Hall of
2 Fame as created in Section 265.0041, Florida
3 Statutes.

4 The Hall will recognize and honor law
5 enforcement officers who put their lives on the
6 line for the safety and protection of the citizens
7 of Florida. As part of this process, in January, a
8 selection committee will identify five nominees for
9 the four of you to approve. All of these nominees
10 will be vetted by FDLE before they come to you.
11 And then in May, a ceremony will be held and
12 plaques will be displayed on the Plaza Level for
13 honorees.

14 I would be happy to answer any questions you
15 might have about Number 2.

16 GOVERNOR SCOTT: All right. Is there a motion
17 to approve this item?

18 COMMISSIONER PUTNAM: So moved.

19 GOVERNOR SCOTT: Is there a second?

20 ATTORNEY GENERAL BONDI: Second.

21 GOVERNOR SCOTT: Any comments or objections?

22 (NO RESPONSE).

23 GOVERNOR SCOTT: Hearing none, the motion
24 carries.

25 COMMISSIONER SWEARINGEN: The next item I

1 respectfully submit are the second quarter
2 performance report and contracts over \$100,000.
3 Six months into the year, performance continues at
4 a steady rate at FDLE.

5 While lab systems' overall turnaround time was
6 about where it should be, turnaround times for a
7 number of the lab disciplines are below their
8 standards. A number of factors contribute to this:
9 One is, the holiday season during that quarter.
10 There are a lot of employees that take leave during
11 November and December, so that cuts into
12 productivity.

13 I know analyst turnover is one of the items
14 you've discussed in the past, but we're actually
15 doing pretty good in this area right now. We only
16 have a handful of vacant lab positions. The
17 challenge we face is, when we lose analysts, is the
18 time it takes to get new analysts trained and on
19 the bench analyzing evidence.

20 Turnover is also a drain on the performance of
21 those members involved in the training of new
22 members. Currently about one quarter of our
23 forensic analyst FTEs are involved in training.
24 That translates to a loss of productivity of about
25 1,200 service requests per months. We are

1 committed to addressing this problem.

2 As I noted in a letter delivered to you
3 yesterday, we will conduct a comprehensive
4 evaluation of the problem to develop a holistic
5 solution. I can assure you this is a top priority
6 and any solutions requiring legislative action will
7 be at the top of our list next session.

8 Some of our highlights from the quarter
9 include, in partnership with the U.S. Marshall
10 Service, Miami/Dade and West Palm Beach police
11 departments, and the Department of Corrections, the
12 Department assisted in the investigation and
13 capture of an inmate who escaped from the Dade
14 Correctional Institution in Florida City.

15 FDLE participated in Operation Cyber Clause in
16 the Orlando area resulting in the arrest of
17 16 individuals on charges ranging from child
18 pornography to violations of probation and drug
19 charges. The Department's Absconder Unit located
20 97 sexual offender predator registration absconders
21 for local law enforcement resulting in the
22 apprehension of many of these individuals.

23 The Department recognized the
24 sixth anniversary of Florida's Silver Alert
25 Program. Since 2008, 909 Florida seniors have been

1 located safely, 87 a direct result of a silver
2 alert. The program aids law enforcement in the
3 rescue of missing and endangered elderly persons
4 and calls for the broadcast of information via the
5 media, highway message signs, lottery terminals, to
6 enlist citizens in the search.

7 And lastly, in partnership with the
8 Attorney General's office and the Office of
9 Financial Regulation, the Department arrested a
10 group of individuals operating a \$1.2 million money
11 laundering scheme. The suspects created several
12 shell companies to broker the buying and selling of
13 precious metals as an investment option; however,
14 less than one percent of the victims' retirement
15 funds were properly invested.

16 I would be happy to answer any questions about
17 items in Number 3.

18 GOVERNOR SCOTT: Great. Is there a motion to
19 accept the report?

20 COMMISSIONER PUTNAM: I just have one
21 question, Governor.

22 GOVERNOR SCOTT: Okay.

23 COMMISSIONER PUTNAM: And you mentioned the
24 lab piece, and I appreciate your letter; that's
25 very helpful. In the category of metrics, on the

1 labs, the disciplines meeting the standard have
2 been moving in the wrong direction, and I'd love to
3 get with you at some point and get some more
4 information on how we can reverse that. We've gone
5 from seven out of nine disciplines meeting the
6 standard to considerably less than that.

7 So how much of that can be resolved by adding
8 to the personnel, and what are the other strategies
9 to reverse that trend, I guess would be my
10 question. And if you need time to follow-up, I
11 understand.

12 COMMISSIONER SWEARINGEN: I can tell you,
13 retention is a huge part of that. As a new agency
14 head, I would like some time to look at: Are there
15 other ways we can resolve some of this, such as
16 recruiting. I don't know those answers right now.

17 That's what I'd like to do between now and
18 January when the next session starts. But I would
19 agree with you, our numbers are generally moving in
20 the wrong direction, and I think retention plays a
21 huge factor in that.

22 GOVERNOR SCOTT: All right. Is there a
23 question?

24 ATTORNEY GENERAL BONDI: Yes.

25 GOVERNOR SCOTT: Attorney General.

1 ATTORNEY GENERAL BONDI: Thank you.

2 Commissioner, we noticed you took out the
3 funding, additional funding for the lab, and that
4 concerns me given the rise in all of the cases and
5 all of the DNA that's being analyzed, and I know
6 there was additional funding.

7 Do you feel there is sufficient funding for
8 the lab? Because that's always where we run into
9 problems and where you do such a great job.
10 Especially, if you have the rape of a child, you
11 basically stop everything, pull everything off the
12 machines, and test that DNA. I mean to me that's
13 one of the most critical core functions of your
14 office, is the lab. Can you just explain why you
15 don't feel you need additional funding at this time
16 for the lab?

17 COMMISSIONER SWEARINGEN: Yes, ma'am. The
18 additional funding piece was pulled before I became
19 commissioner.

20 ATTORNEY GENERAL BONDI: Okay.

21 COMMISSIONER SWEARINGEN: I don't know how or
22 why that happened. I did read that LBR request.
23 It called for a one-time 10% increase. I had the
24 luxury as part of that of seeing a study
25 commissioned by the CFO's office and the State

1 Fire Marshall, and it compared lab salaries at FDLE
2 to other labs around the state.

3 Our entry level crime lab analyst, at the
4 basic entry level, the salary was about \$42,000.
5 The comparative salary at the other state labs was
6 \$66,000. That's a \$24,000 gap. A 10% pay raise
7 would have gotten our analysts about \$4,000, which
8 would have still left them \$20,000 below the median
9 for the other labs.

10 My issue with that -- I'm always in favor of
11 our lab employees or any FDLE employee getting a
12 pay raise, but I don't think a 10% pay raise -- a
13 one-time 10% pay raise addresses the true issue,
14 and that's what I'm asking for here. Let me have
15 some time to study this and come up with a number
16 that resolves our problem and doesn't just put a
17 Band-Aid on it.

18 I think this is going to require -- I don't
19 think a 20 or 30% pay raise in one fiscal year is
20 probably going to be doable. But if we could do a
21 phased approach of 10% over, say, three years,
22 that's the type of solution I'd like to look at.

23 ATTORNEY GENERAL BONDI: And perhaps
24 additional employees for the lab.

25 COMMISSIONER SWEARINGEN: And that may be --

1 that may be a solution as well.

2 GOVERNOR SCOTT: All right. We're on Item 3,
3 on the quarterly report first. Are there any other
4 questions on the quarterly report, the second
5 quarterly report?

6 (NO RESPONSE) .

7 GOVERNOR SCOTT: All right. Is there a motion
8 to accept the report?

9 COMMISSIONER PUTNAM: So move.

10 GOVERNOR SCOTT: Is there a second?

11 ATTORNEY GENERAL BONDI: Second.

12 GOVERNOR SCOTT: Any comments or objections?

13 (NO RESPONSE) .

14 GOVERNOR SCOTT: Hearing none, the motion
15 carries.

16 Item 4, the legislative budget request.

17 COMMISSIONER SWEARINGEN: Our final item is
18 the amended fiscal year '15/'16 legislative budget
19 request and our amendment.

20 At the January 13th meeting, I presented the
21 Department's 18 legislative budget request
22 priorities for fiscal year '15/'16. We are
23 amending five of our priorities and adding two new
24 ones. I can go through those individually if you
25 like.

1 GOVERNOR SCOTT: Has everybody had the
2 opportunity to review it?

3 (AFFIRMATIVE INDICATIONS).

4 GOVERNOR SCOTT: All right. You don't have
5 to. Everybody has had an opportunity to review it,
6 right?

7 (AFFIRMATIVE INDICATIONS).

8 GOVERNOR SCOTT: Okay.

9 COMMISSIONER SWEARINGEN: No questions on
10 those?

11 GOVERNOR SCOTT: Are there any questions?

12 (NO RESPONSE).

13 GOVERNOR SCOTT: All right. Is there a motion
14 to accept the legislative budget request?

15 ATTORNEY GENERAL BONDI: So move.

16 GOVERNOR SCOTT: Is there a second?

17 CFO ATWATER: Second.

18 GOVERNOR SCOTT: Florida law requires the
19 Governor to independently review the budget upon
20 passage. Accordingly, I am abstaining from the
21 vote on this item. The record should reflect my
22 abstention.

23 Any objections to accepting the legislative
24 budget request?

25 (NO RESPONSE).

1 GOVERNOR SCOTT: Hearing none, the motion is
2 approved with one abstention.

3 Thank you.

4 COMMISSIONER SWEARINGEN: Thank you.

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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR
AND CABINET

CABINET MEMBERS:

GOVERNOR RICK SCOTT
ATTORNEY GENERAL PAM BONDI
CHIEF FINANCIAL OFFICER
JEFF ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE:

TUESDAY, MAY 5, 2015

LOCATION:

CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

REPORTED BY:

YVONNE LAFLAMME, FPR
COURT REPORTER and
NOTARY PUBLIC

C & N REPORTERS
POST OFFICE BOX 3093
TALLAHASSEE, FLORIDA 32315
(850) 697-8314

I N D E X

APPROVAL OF MINUTES

By Governor Rick Scott

APPOINTMENT - INTERIM SECRETARY

By Governor Rick Scott

APPOINTMENT - INTERIM EXECUTIVE DIRECTOR

By Governor Rick Scott

APPOINTMENT DISCUSSION

By Governor Rick Scott

BOARD OF TRUSTEES IMPROVEMENT FUND

By Secretary Jon Steverson

STATE BOARD OF ADMINISTRATION

By Executive Director Ash Williams

DEPARTMENT OF VETERANS AFFAIRS

By Executive Director Mike Prendergast

OFFICE OF FINANCIAL REGULATION

By Commissioner Drew Breakspear

DEPARTMENT OF REVENUE

By Executive Director Marshall Stranburg

AGENCY MEASURES - OIR

By Commissioner Kevin McCarty

AGENCY MEASURES - DOR

By Commissioner Drew Breakspear

Appointments

GOVERNOR SCOTT: As of midnight Friday, May 1st, the Florida Senate failed to act on the confirmation of several appointments we have made this past year. Since inaction created a vacancy in two positions that require Cabinet confirmation. Those agencies are DEP and FDLE.

Under Florida law, Secretary Jon Steverson at DEP and Executive Director Rick Swearingen at FDLE can continue on in their roles for only 45 days, ending on June 15, which is before our next regularly scheduled Cabinet meeting of June 23rd. Because our timeline for action falls between the regular Cabinet meetings, I have named Rick Swearingen as Interim Executive Director for FDLE and Jon Steverson as Interim Secretary for DEP.

We will begin an official search process for these two positions now, and take a vote on who will permanently fill these positions at a later Cabinet meeting. Under a new process, I've asked my office to begin a national search for these positions. I would like to invite other Cabinet officers to submit the names and resumes of qualified individuals for these

1 positions. We will then provide an update on
2 qualified candidates at the next Cabinet meeting on
3 June 23, which is already scheduled to be a time for
4 FDLE Executive Director, Rick Swearingen to provide us
5 with a six-month update on accomplishments at the
6 Agency under his tenure.

7 In order to avoid any immediate interruption in
8 leadership at DEP and FDLE, I move that we have Rick
9 Swearingen serve as an Interim Executive Director at
10 FDLE and Jon Steverson to serve as Interim Secretary
11 DEP.

12 Is there a second?

13 CHIEF FINANCIAL OFFICER ATWATER: Second.

14 GOVERNOR SCOTT: Any comments or objections?
15 Hearing none, the motion carries.

16 For the next item, we discussed the process for
17 these positions earlier, and we will begin that
18 process immediately.

19 Now I would like to recognize Jon Steverson with
20 the Department of Environmental Protection.

21 COMMISSIONER PUTNAM: Before we move to that,
22 Governor, I just want to be clear. What are your
23 expectations of us before the next Cabinet meeting?

24 GOVERNOR SCOTT: So we'll do a national search,
25 so if you have ideas, bring them. We'll do this

1 search and we'll come back at the June 23rd Cabinet
2 meeting with the goal that we will have qualified
3 candidates and permanently fill these two roles.

4 ATTORNEY GENERAL BONDI: Governor, do we want to
5 set a deadline on applications? We know our next
6 meeting is June 20th; I just don't want us to be
7 receiving applications on the 19th and having to look
8 at them on the 20th. Do you want to set a deadline?

9 GOVERNOR SCOTT: Sure. June 23rd, we would
10 probably want to get them by at the latest -- I think
11 June 23rd, so I think the latest we want to get them
12 by is the 10th.

13 ATTORNEY GENERAL BONDI: The 10th.

14 COMMISSIONER PUTNAM: Sounds good.

15 ATTORNEY GENERAL BONDI: So June 10th is the
16 deadline?

17 GOVERNOR SCOTT: So June 10th will be the
18 deadline. Is everybody okay with that?

19 COMMISSIONER PUTNAM: So is it your expectation
20 that at the June 23rd meeting, we would establish a
21 process, or we would make a final decision?

22 GOVERNOR SCOTT: My goal would be to make a final
23 decision. So we get the candidates in, we can share
24 any resumes we get. We'll do a search here; all of us
25 can come up with their names, and we'll share that

1 with the goal that on June 23rd, we'll be able to fill
2 the position. Now, we'll decide on June 23rd; if we
3 can't, but the goal would be to fill it then.

4 COMMISSIONER PUTNAM: So if there was -- I don't
5 know when the Cabinet Aides are meeting, but if the
6 applications are in by the 10th, presumably; I know I
7 would want an opportunity to interview prior -- if
8 your objective is to make a final decision on the
9 23rd. And I know that a lot of this is dictated by
10 the recently adopted process that this Cabinet has
11 worked through in the last several meetings, but based
12 with that as our guide, I'm just trying to make sure
13 we're following our own new policies.

14 GOVERNOR SCOTT: Based on that, I think,
15 Commissioner, there's no reason -- what, today's the
16 6th? We can be another 25 days if we said we want the
17 applications in by the end of the month; that will
18 give us 23 days in June and everybody have the
19 opportunity to interview anybody they felt was
20 appropriate.

21 ATTORNEY GENERAL BONDI: Yeah. Governor, I would
22 go along with that, because I have a feeling that some
23 of us may be out of town, too, in the month of June so
24 that maybe -- that still gives --

25 GOVERNOR SCOTT: That gives us 23 days.

1 ATTORNEY GENERAL BONDI: Right. That still gives
2 us plenty of time and we have a good 23 days to
3 interview.

4 GOVERNOR SCOTT: So if everybody is okay, we'll
5 have May 31 as a deadline, and as we receive the
6 applications, we'll share them with you so everyone
7 will have the opportunity to interview anyone they
8 want: With the goal that we can hopefully fill the
9 positions on the 23rd of June.

10 ATTORNEY GENERAL BONDI: And Governor, just to
11 keep it orderly, how do you want -- because this is
12 going to be our only time to talk about this -- do you
13 want the applications, I would assume, to come through
14 your office and you'll distribute them to our office.

15 GOVERNOR SCOTT: That will be easier.

16 ATTORNEY GENERAL BONDI: -- when you get them.
17 That's fine. And of course, we won't discuss it among
18 each other but the applications will be distributed
19 and I assume posted online for the public to see.

20 GOVERNOR SCOTT: Right. We'll post them online.
21 It will go through, in my office, Elaine Jordan.

22 ATTORNEY GENERAL BONDI: And we can individually
23 make the decision whether we want to interview a
24 candidate.

25 GOVERNOR SCOTT: Right, right. So is that okay

1 with everybody?

2 COMMISSIONER PUTNAM: So is that --

3 GOVERNOR SCOTT: May 31 would be the deadline,
4 and what we'll be doing is, as we receive them, we'll
5 share them with you and post them online. And then
6 everybody coming ahead of that, you'll have more time
7 to review the applications with the goal of making a
8 decision on June 23rd.

9 ATTORNEY GENERAL BONDI: Perfect. Thank you.

10 COMMISSIONER ATWATER: Great.

11 *****

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ERRATA SHEET

Meeting of the Governor and Cabinet

Meeting Date: May 5, 2015

Page	Line	Error or Change	Reason for Change
6	4	Insert "on" between "midnight" and "Friday"	
6	6	Change "we have" to "we've"	
6	13	Change "15" to "15 th "	
6	14	Change "of" to "on"	
6	15	Insert "in" between "falls" and "between"	
6	15	Remove "the"	
6	22	Change "a" to "our"	
6	24	Insert "also" between "like" and "to"	
7	3	Change "23" to "23 rd "	
7	10	Insert "of" after "Secretary"	
7	17	Change "we will" to "we'll"	
8	1	Insert "then" between "and" and "we'll"	
8	3	Insert "we'll make a decision to" between "and" and "permanently"	
8	9	Insert "I think" between "Sure." and "June"	
8	9	Remove "we would"	
8	10	Insert "we'd" between "probably" and "want"	
8	10	Insert "ATTORNEY GENERAL BONDI: "June 23 rd is our meeting? GOVERNOR SCOTT: Yeah," between "- " and "I"	
8	10	Insert "it's" after "think"	
8	11	Change "I think" to "probably"	
8	11	Change "we" to "we'd"	
8	18	Change "Is everybody" to "Everybody's"	
8	22	Insert "to decide then, right? But my goal would be" between "be" and "to"	
8	25	Change "that" to "them"	
9	1	Change "we'll" to "we'd"	
9	4	Insert "a" between "was" and "--"	
9	6	Insert "you would" between "presumably" and ".,"	
9	9	Change "23 rd . And" to "23 rd , we would -- and"	
9	11	Change "in" to "over"	
9	12	Insert "that" after "sure"	

9	16	Change "We can be" to "There's no reason -- we can -- it would be"	
9	18	Change "and everybody have" to "for everybody to have"	
9	19	Change "felt" to "thought"	
9	22	Remove "that" between "feeling" and "some"	
9	24	Insert "looking at the calendar" after "gives --"	
10	2	Insert "then" between "and" and "we"	
10	4	Change "So if everybody is okay," to "So, what we'll do -- so if everybody's okay --"	
10	5	Change "a" to "the"	
10	5	Remove "the" after "receive"	
10	6	Insert "that way" between "so" and "everyone"	
10	6	Change "so everyone" to "so that way everybody"	
10	7	Change "anyone" to "anybody"	
10	8	Insert ", doesn't mean we'll get it done by then, but with the goal" between "goal" and "that"	
10	14	Change "office." to "offices --"	
10	21	Insert "it will go through" between "office," and "Elaine"	
10	22	Insert "then" between "And" and "we"	
10	25	Change "Right, right. So is that okay" to "Right. ATTORNEY GENERAL BONDI: Thank you. GOVERNOR SCOTT: Alright, does that work"	
11	1	Change "with" to "for"	
11	4	Remove "is"	
11	6	Change "everybody coming" to "everybody have, and if they come in"	
11	7	Remove "the"	



3rd QUARTER PERFORMANCE REPORT

	Quarterly Performance 57,399 99.6%	Quarterly Standard 58,500 95%
Number / percent of lab service requests completed		
Average number of days to complete lab service requests	68 ¹	63
BIS (Biometric Identification System)	144 ¹	60
CER (Computer Evidence Recovery)	113 ¹	70
Chemistry	46 ¹	30
Crime Scene	47 ¹	30
Firearms	54	80
Latent Prints	87 ¹	60
Trace Evidence	176 ¹	115
DNA/Biology	85	111
Toxicology	46 ¹	40
Number of hits, samples added and total samples in DNA Database		
Number of hits	3,003	1,500
Samples added	55,760 ²	67,500
Total samples	1,048,472	700,000
Percent of investigative resources dedicated to conducting major investigations	74%	70%
Number of criminal investigations	1,957	1,500
Number of domestic security cases	13 ³	23
Number of intelligence initiatives	1,732	525
Number of calls for Capitol Police service	3,232 ⁴	3,375
Number of criminal incidents per 1,000 employees	.39	<10
Percent of criminal history record check requests responded to within defined timeframes	100%	96%
Number of criminal history record checks processed	2,356,080	1,375,000
Number of registered sexual predators / offenders added and total identified to the public	2,568 ⁵ 66,355 ⁵	2,700 68,796
Number of missing persons cases	3,532	3,188
Missing Child Alerts activated	27	5
Amber Alerts activated	5	4
Silver Alerts activated	153	38
Percent of time FCIC is accessible	100%	99.5%
Number of arrest records created and maintained	25.84 million	25.25 million
Average reliability index for state officer certification examination	0.87	0.90
Number / percent of individuals who pass the basic professional certification examination	4,569 ⁶ 77.6%	4,800 80%
Percent of training centers in compliance with established administrative and financial standards	70% ⁷	80%
Number of professional law enforcement certificates issued	14,478 ⁸	15,000
Number of criminal justice officer disciplinary actions	411	339



Justifications

¹Forensic measures – During this period, turnaround times increased in some disciplines, mostly due to staffing deficiencies. In order to mitigate this issue, the department is proactively hiring and training new lab personnel and transferring cases between regional labs to increase efficiency and assist with backlog service requests.

²Number of samples added in the DNA Database – The department enters all samples submitted for the DNA Database. This quarter, fewer submissions were received than anticipated.

³Number of domestic security cases – The number of cases has declined due to a greater focus on intelligence and prevention strategies. Additionally, domestic security cases worked as part of the Joint Terrorism Task Force are confidential and not reflected in the department's performance measure.

⁴Number of calls for Capitol Police service – Due to a more proactive patrol approach by officers, the number of calls for service is less than anticipated. Throughout the year, this measure fluctuates depending upon events scheduled at the Capitol.

⁵Number of registered sexual predators/offenders (total) identified to the public – This measure reflects a running total of predators and offenders added to the registry. The department anticipates the standard will be met at the end of the fiscal year.

⁶Number of individuals who pass the basic professional certification examination – This measure reports the performance results of external individuals passing the examination. During this quarter, fewer individuals passed the exam than anticipated.

⁷Percent of training centers in compliance with established administrative and financial standards – This measure has three component parts: facility inspections, monitoring of training delivery and perfect financial audits. During this period, several training centers failed to achieve a perfect financial audit, which resulted in performance for this measure falling below the standard.

⁸Number of professional law enforcement certificates issued – Certificates are issued to all individuals meeting training requirements for basic and post-basic programs offered at Criminal Justice Standards and Training Commission certified training schools. This year, fewer certificates were issued than anticipated.



Highlights

Operation Human Freedom Nets 15 Arrests. The department, along with the Attorney General's Office of Statewide Prosecution and the Collier, Charlotte, Hillsborough, Hendry and Lee County Sheriffs' Offices, arrested 15 suspects after an investigation revealed a human trafficking network involving multiple victims operating from Central to South Florida. The investigation began in 2013 after the Collier County Sheriff's Office discovered a human trafficking victim during a traffic stop. Investigators subsequently identified six women who were illegally smuggled into the country after being promised legal jobs and to be reunited with family. However, once in the country, the women, whose age ranged from 25 to 25 years old, were forced to work as commercial sex slaves performing sex acts on 25 to 45 men a day, six days a week. The victims earned between \$190,000 and \$320,000 a year for their captors while they received a pittance and were forced to reimburse the suspects for food and rent while being subjected to substandard and restricted living conditions.



Woman Arrested for Stealing from Domestic Violence Victims. The department arrested Rossana Lucero for engaging in a scheme to defraud at least 30 victims of more than \$50,000, a first degree felony. Lucero was a victim's advocate at The Shelter for Abused Women & Children in Naples. She used her position to target clients of the shelter whom she assisted with immigration documentation. Lucero told the victims they owed money to the Department of Homeland Security but then diverted their payments to her own bank accounts for her personal use. She was booked into the Immokalee Jail Center on \$100,000 bond and is being prosecuted by the Office of the State Attorney, 20th Judicial Circuit.

Man Arrested for Double Murder. The department, with assistance from the Miami Dade Police Department, arrested Jose Fontanillas for murdering his mother-in-law, Louise Welcome and his wife, Diane Williams, at their home in Jennings, Fla. The Hamilton County Sheriff's Office (HCSO) and Jennings Police Department were called to the home on Jan. 25, 2015 and found Welcome and Williams deceased, along with the family dog. After the murders, information was obtained by FDLE and HCSO that Fontanillas fled to Miami. He was arrested without incident walking along SE 1st Street and Biscayne Blvd in Miami. He was extradited to Hamilton County and is being prosecuted by the Office of the State Attorney, 3rd Judicial Circuit.





CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q3 - FY 2014-15 (Jan. 1 – Mar. 31, 2015)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
PO509950	Cellmark Forensics, Inc. Amended to extend three months and increase amount for the testing Biology (DNA) cases. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 3/17/14-6/30/15	\$2,325,000
ABFFCE	Life Technologies, Corp. Purchase of 11 Dell computers, software licenses and maintenance to handle high profile DNA casework for all six regional crime laboratories. <ul style="list-style-type: none">▪ Single Source▪ One Time Purchase	\$147,879
PO602356 PO602372	Life Technologies, Corp. Amended to increase amount of reagents and other related supplies needed for Biology (DNA) casework performed in Tampa Bay and Pensacola Regional Crime Laboratories. <ul style="list-style-type: none">▪ Single Source▪ Term: 7/3/14-6/30/15	\$675,000 \$306,776
ABD52A	Qiagen, Inc. Purchase of five instruments for the Jacksonville, Orlando and Tampa Bay Regional Crime Laboratories. <ul style="list-style-type: none">▪ Single Source▪ One Time Purchase	\$854,810
AC20A4	Moore Family Management Purchase of 16 Chevrolet vehicles. <ul style="list-style-type: none">▪ State Term Contract▪ One Time Purchase	\$295,120
AC1F42	Moore Family Management Purchase of four Chevrolet vehicles. <ul style="list-style-type: none">▪ State Term Contract▪ One Time Purchase	\$102,976
AC49A0	Moore Family Management Purchase of six Chevrolet vehicles. <ul style="list-style-type: none">▪ State Term Contract▪ One Time Purchase	\$188,234
AC2481	Don Reid Ford, Inc. Purchase of eight Ford vehicles. <ul style="list-style-type: none">▪ State Term Contract▪ One Time Purchase	\$183,944

PO772448	DLT Solutions, LLC Purchase of license with maintenance for data quality software. <ul style="list-style-type: none"> ▪ Invitation to Bid ▪ Term: 2/19/15-2/18/16 	\$350,147
PO787050	Morpho Trak, Inc. FBI Rap Back (fingerprint retention program) workflow messaging and messaging functionality system. <ul style="list-style-type: none"> ▪ Single Source ▪ One Time Purchase 	\$211,500
FDLE-006-15	Morpho Trak, Inc. Amended to increase amount for data extraction/migration as part of Biometric Identification System. <ul style="list-style-type: none"> ▪ Single Source ▪ Term:11/24/14-2/7/17 	\$1,762,750

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-14 FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-14.002
GENERAL PROGRAM PROVISIONS
SUMMARY OF THE RULE

Revises the Training Report, form CJSTC-67.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-14.002(2): Revises the Training Report, form CJSTC-67 to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

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.

FDLE received comments from Joint Administrative Procedures Committee on May 1, 2015, for Form CJSTC-67, regarding the social security notice required by s. 119.071(5)(a), F.S. FDLE advised that while the instructions for the form only required the last four digits of the social security number, the form did not specify such. FDLE will revise the form during the next rule promulgation.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-14; Salary Incentive Program

RULE NO.:	RULE TITLE:
11B-14.002	General Program Provisions

PURPOSE AND EFFECT:

11B-14.002(2): Revises the Training Report, form CJSTC-67 to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

SUMMARY:

Revises the Training Report, form CJSTC-67.

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 Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.002 General Program Provisions.

(1) No change.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised _____, effective _____, ~~November 8, 2007~~, hereby incorporated by reference _____, shall be electronically transmitted to Commission staff through the Commission's ATMS. Form CJSTC-67 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) – (15) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 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, 3-13-13, _____.

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

SUMMARY OF THE RULE

Renames Washington-Holmes Technical Center Criminal Justice Program to Florida Panhandle Technical College Public Safety Institute at the request of the training school; adds the Hernando County Sheriff's Office to the Region VI training area at the request of the Hernando County Sheriff's Office; renames Eastern Florida State College Institute of Public Safety to Eastern Florida State College Public Safety Institute, and renames Lake Tech Center Institute of Public Safety to Lake Technical College Criminal Justice Academy at the request of the criminal justice training schools; removes the Hernando County Sheriff's Office from the Region IX training area and adds the Hernando County Sheriff's Office to the Region VI training area; and revises the names of Pasco-Hernando Community College Public Service Technology Center to Pasco-Hernando State College; and Manatee Technical Institute Law Enforcement Academy to Manatee Technical College at the request of the criminal justice training schools.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-18.004(2)(b): Renames Washington-Holmes Technical Center Criminal Justice Program to Florida Panhandle Technical College Public Safety Institute.

11B-18.004(6)(a): Moves the Hernando County Sheriff's Office to the Region VI training area from the Region IX training area at the request of the Hernando County Sheriff's Office.

11B-18.004(7)(b): Renames Eastern Florida State College Institute of Public Safety to Eastern Florida State College Public Safety Institute; and Lake Tech Center Institute of Public Safety to Lake Technical College Criminal Justice Academy.

11B-18.004(9)(a): Moves the Hernando County Sheriff's Office from the Region IX training area to the Region VI training area at the request of the Hernando County Sheriff's Office.

11B-18.004(9)(b): Renames the Pasco-Hernando Community College Public Service Technology Center to Pasco-Hernando State College; and Manatee Technical Institute Law Enforcement Academy to Manatee Technical College at the request of the criminal justice training schools.

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: 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:

11B-18.004(2)(b): Renames Washington-Holmes Technical Center Criminal Justice Program to Florida Panhandle Technical College Public Safety Institute at the request of the training school.

11B-18.004(6)(a): Moves the Hernando County Sheriff's Office to the Region VI training area from the Region IX training area at the request of the Hernando County Sheriff's Office.

11B-18.004(7)(b): Renames Eastern Florida State College Institute of Public Safety to Eastern Florida State College Public Safety Institute; and Lake Tech Center Institute of Public Safety to Lake Technical College Criminal Justice Academy at the request of the criminal justice training schools.

11B-18.004(9)(a): Moves the Hernando County Sheriff's Office from the Region IX training area to the Region VI training area at the request of the Hernando County Sheriff's Office.

11B-18.004(9)(b): Renames the Pasco-Hernando Community College Public Service Technology Center to Pasco-Hernando State College; and Manatee Technical Institute Law Enforcement Academy to Manatee Technical College at the request of the criminal justice training schools.

SUMMARY:

Renames Washington-Holmes Technical Center Criminal Justice Program to Florida Panhandle Technical College Public Safety Institute; adds the Hernando County Sheriff's Office to the Region VI training area; renames Eastern Florida State College Institute of Public Safety to Eastern Florida State College Public Safety Institute; renames Lake Tech Center Institute of Public Safety to Lake Technical College Criminal Justice Academy; removes the Hernando County Sheriff's Office from the Region IX training area and adds the Hernando County Sheriff's Office to the Region VI training area; revises the name of Pasco-Hernando Community College Public Service Technology Center to Pasco-Hernando State College; and revises the name of Manatee Technical Institute Law Enforcement Academy to Manatee Technical College.

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 Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

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) No change.

(2) Region II.

(a) No change.

(b) Commission-certified training schools within Region II: Chipola College Center for Public Service, Gulf Coast State College Criminal Justice Training Academy, and Florida Panhandle Technical College Public Safety Institute. ~~Washington Holmes Technical Center Criminal Justice Program.~~

(3) – (5) No change.

(6) Region VI.

(a) Criminal justice agencies within Levy, Citrus, Hernando (~~excluding the Hernando County Sheriff's Office~~), Marion, and Sumter counties, and the State Attorney's Office for the Fifth Judicial Circuit.

(b) No change.

(7) Region VII.

(a) No change.

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

(8) No change.

(9) Region IX.

(a) Criminal justice agencies within Pasco, Pinellas, Hillsborough, and Manatee counties, ~~the Hernando County Sheriff's Office~~, and the State Attorney's Office for the Sixth and Thirteenth Judicial Circuits.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical College Institute Law Enforcement Academy, Manatee County Sheriff's Office Training Center, Pasco-Hernando State Community College Public Service Technology Center, and St. Petersburg College Southeastern Public Safety Institute.

(10) – (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, 5-29-14, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-20 FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-20.001, RULE 11B-20.0014, RULE 11B-20.0016, AND
RULE 11B-20.0017

SUMMARY OF THE RULE

Revises the Training Report, form CJSTC-67; revises the Instructor Exemption, form CJSTC-82; specifies that CPR instructors may request certification to instruct in first aid if they possess an active CPR instructor certification from entities referenced in Rule 64J-1.022, F.A.C.; rennumbers the paragraph to identify specific instructor applicant requirements; prohibits a canine handler from becoming a Commission-approved canine instructor without the required experience as a criminal justice canine handler; allows canine team instructor applicants to meet certification requirements if they successfully complete the retired Canine Team Training Instructor Course number 1107; revises the name of the Instructor Certification Deficiency Notification form CJSTC-271; and revises the Instructor Compliance Application form CJSTC-84.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(1)(a): Revises the Training Report, form CJSTC-67 to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-20.001(4): Incorporates the revised Instructor Exemption, form CJSTC-82, because of the renumbering of the rule section.

11B-20.0014(2)(d)5.: Clarifies that CPR instructors who possess an active CPR instructor certification from the American Heart Association (AHA), American Red Cross

(ARC), American Safety & Health Institute (ASHI), or other entity referenced in Rule 64J-1.022, F.A.C., may request to obtain certification to instruct in first aid.

11B-20.0014(d)7.: Changes the paragraph numbering to identify specific requirements for instructor applicants to provide documentation of their current certification or license to qualify for obtaining a First Aid Instructor Certification.

11B-20.0014(3)(c)2.: Clarifies that a canine team instructor applicant's required experience does not include handling of canine teams used exclusively for tracking and trailing or specific detection.

11B-20.0014(3)(c)4.: Clarifies that applicants may request canine team instructor certification if they have successfully completed the Canine Team Training Instructor Course number 1199 or the retired Canine Team Training Instructor Course number 1107 through a training school.

11B-20.0016(4): Revises the name of the Instructor Certification Deficiency Notification form CJSTC-271 by removing the word "Application" from the title to make consistent with rule.

11B-20.0017: Revises the Instructor Compliance Application CJSTC-84 form to add diving to the list of the high-liability certifications.

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.

FDLE received comments from Joint Administrative Procedures Committee on May 5, 2015, for Forms CJSTC-67 and CJSTC-84, regarding the social security notice required by s. 119.071(5)(a), F.S. Regarding Form CJSTC-67, FDLE advised that while the instructions for the form only required the last four digits of the social security number, the form did not specify such. Regarding Form CJSTC-84, FDLE will revise the social security number notice to include the statutory authority for the exception that permits the sharing of identification information with other agencies. FDLE will revise the forms during the next rule promulgation.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: 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-20.0014	Minimum Requirements for High-Liability and Specialized Instructor Certifications
11B-20.0016	Inspection of Instructor Certification Applications
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT:

11B-20.001(1)(a): Revises the Training Report, form CJSTC-67 to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-20.001(4): Incorporates the revised Instructor Exemption, form CJSTC-82, because of the renumbering of the rule section.

11B-20.0014(2)(d)5.: Clarifies that CPR instructors who possess an active CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other entity referenced in Rule 64J-1.022, F.A.C., may request to obtain certification to instruct in first aid.

11B-20.0014(d)7.: Changes the paragraph numbering to identify specific requirements for instructor applicants to provide documentation of their current certification or license to qualify for obtaining a First Aid Instructor Certification.

11B-20.0014(3)(c)2.: Clarifies that a canine team instructor applicant's required experience does not include handling of canine teams used exclusively for tracking and trailing or specific detection.

11B-20.0014(3)(c)4.: Clarifies that applicants may request canine team instructor certification if they have successfully completed the Canine Team Training Instructor Course number 1199 or the retired Canine Team Training Instructor Course number 1107 through a training school.

11B-20.0016(4): Revises the name of the Instructor Certification Deficiency Notification form CJSTC-271 by removing the word "Application" from the title to make consistent with rule.

11B-20.0017: Revises the Instructor Compliance Application CJSTC-84 form to add diving to the list of the high-liability certifications.

SUMMARY:

Revises the Training Report, form CJSTC-67; revises the Instructor Exemption, form CJSTC-82; specifies that CPR instructors may request certification to instruct in first aid if they possess an active CPR instructor certification from entities referenced in Rule 64J-1.022, F.A.C.; renumbers the paragraph to identify specific instructor applicant requirements.; prohibits a canine handler from becoming a Commission-approved canine instructor without the required experience as a criminal justice canine handler; allows canine team instructor applicants to meet certification requirements if they successfully complete the retired Canine Team Training Instructor Course number 1107; revises the name of the Instructor Certification Deficiency Notification form CJSTC-271; and revises the Instructor Compliance Application form CJSTC-84.

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 Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised _____, effective ~~November 8, 2007~~, hereby incorporated by reference. Form CJSTC-67 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) – (i) No change.

(2) – (3) No change.

(4) Exemption from General Instructor Certification. An individual, who has a professional or technical certification or three years of experience in the specified subject matter to be instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual's qualifications by completing the Instructor Exemption, form CJSTC-82, revised _____, effective ~~December 16, 2010, (effective 3/2013)~~, hereby incorporated by reference, which shall be maintained in the course file at the training school. Form CJSTC-82 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.

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, 5-29-14.

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

(1) No change.

(2) High-Liability Instructor Topics.

(a) – (c) No change.

(d) First Aid Instructor Certification. Instructor applicants who request to obtain certification to instruct in first aid shall:

1. – 4. No change.

5. Possess and maintain an ~~active valid~~ CPR Instructor Certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other an entity referenced in the Department of Health Rule 64J-1.022, F.A.C. The instructor shall not let the CPR Instructor Certification lapse and shall provide documentation of renewal to the certifying agency or training school. If the CPR Instructor Certification expires during the instructor certification period, the instructor shall not instruct in first responder or first aid until the CPR Instructor Certification is renewed; or

6. The following individuals, based on their education and training experience in the United States or its territories, are eligible for First Aid Instructor Certification without completing additional Commission-approved training and shall comply with subparagraphs (2)(d)4.-5. of this rule section:

a. – g. No change.

~~7. h.~~ To obtain a First Aid Instructor Certification, the instructor applicant shall provide a copy of the current qualifying professional's certification or license and shall not allow the qualifying professional's certification or license to lapse. The instructor applicant shall provide documentation of renewal to the certifying agency or training school. If the qualifying professional's certification or license expires during the certification period, the instructor shall not instruct in first aid until the professional's certification or license is renewed.

(3) Specialized Instructor Certifications. Instructor applicants who apply for a Specialized 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 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 Instructor Certification requested:

(a) – (b) 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 years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency. This does not include canines used by certified officers exclusively for tracking and trailing or specific detection, which are excluded from the certification process.

3. No change.

4. Successfully complete the Canine Team Training Instructor Course number 1199 or Canine Team Training Instructor Course number 1107 (retired 11/6/2013), through a training school.

5. – 8. No change.

(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, 5-29-14, _____.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) – (3) No change.

(4) The instructor applicant shall satisfy the deficiency(s) by submitting the required documentation to Commission staff within 90 days of the receipt of the Instructor Certification Deficiency Notification ~~Application~~ form CJSTC-271. The Commission has the authority to grant or deny the instructor applicant's certification for failure to meet the 90-day requirement. Upon denial of the application, the instructor applicant may reapply for certification.

Rulemaking Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3), (9), 943.14(3) FS. History–New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 6-9-08, 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) – (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, 5-29-14, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-21 FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-21.002

SUMMARY OF THE RULE

Updates the Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-21.002(1): Revises the Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, to add the applicant's region and certification period; and clarify the certification type.

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: Criminal Justice Standards and Training Commission

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

RULE NO.:	RULE TITLE:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-Certification

PURPOSE AND EFFECT:

11B-21.002(1): Revises the Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, to add the applicant's region and certification period; and clarify the certification type.

SUMMARY:

Updates the Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29.

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 Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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 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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-21.002 Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification.

(1) Training organizations requesting Commission certification, re-certification, or expansion of a current certification shall apply to the Commission by submitting to Commission staff a completed Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, revised , effective , ~~October 30, 2008~~, hereby incorporated by reference . Form CJSTC-29 shall reflect that certification is for the training organization requesting the certification, re-certification, or expansion of a current certification. Form CJSTC-29 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) – (5) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History–New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 3-13-13, .

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27 FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-27.0011, RULE 11B-27.002, AND RULE 11B-27.013

SUMMARY OF THE RULE

Repeals the form CJSTC-85, entitled Recommended Response to Resistance and Levels of Resistance; revises the names of the Exemption-From-Training form CJSTC-76 and the Exemption-From-Training Proficiency Demonstration form CJSTC-76A to mirror language in the statute; makes grammatical change by replacing “has not complied” with “fails to comply”; updates term “tracking and trailing”; removes unnecessary language for consistency with other rule language and adds language to maintain the integrity of the canine evaluator; specifies the courses that qualify for “equivalent training”; includes the requirements for canine team certification and moves unrelated language about canine team documentation to another section; adds a certification deadline of October 31, 2015 to ensure that canine teams acquire new certification on a timely basis; explains the use of the Canine Team Certification Application form CJSTC-70 for canine team certification; updates the Canine Team Certification Application form CJSTC-70 to comply with rule provisions; adds language to specify the Canine Team Certification Application form CJSTC-70 is required documentation for canine team certification; introduces the training required for canine teams; adds language to clarify the Canine Team Certification Application form CJSTC-70 is required documentation for an equivalent training course; specifies the courses that qualify for “equivalent training” includes the Canine Team Training Course number 1198 not delivered at Commission-certified training school or any canine team training course other than the Commission-approved Canine Team

Training Course number 1198; allows the Commission-certified Canine Instructors to teach courses without the approval of a Commission-approved canine evaluator; renumbers paragraph 11B-27.013(3) and removes redundant rule language; revises the Canine Team Performance Evaluation form CJSTC-83; adds “number 1198” to the Canine Team Training Course to identify the course number; removes repetitive language; Clarifies the canine team certification requirement and ensures the deficiency notification process is consistent with other instructor certifications; removes redundant and unrelated language; updates the name of the Canine Team Certification Deficiency Notification form CJSTC-270 and clarifies the inspection process of canine team applicant files; provides list of requirements for approval of evaluator status and changes terms for consistency; and updates term “tracking and trailing”, makes grammatical change, and revises paragraph renumbering of rule section.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.0011(4)(c): Repeals form CJSTC-85, entitled Recommended Response to Resistance and Levels of Resistance, due to Graham vs. Connor Case Law incorporated in the Commission’s Curriculum.

11B-27.002(3)(a)11 Changes the name and contents of form CJSTC-76 from “Equivalency-of-Training” to “Exemption-From-Training”; and changes the name and contents of form CJSTC-76A from “Equivalency-of-Training Proficiency Demonstration” to “Exemption-From-Training Proficiency Demonstration” to add exemptions to prevent individuals from having to retake a basic recruit program.

11B-27.002(4)(b): Makes grammatical change by replacing “has not complied” with “fails to comply”.

11B-27.013(1)(a): Revises “tracking and trailing” terminology for consistency with other rule language sections.

11B-27.013(1)(b): Adds language prohibiting a canine evaluator from verifying equivalent training that he or she delivered to maintain the integrity of the canine evaluator.

11B-27.013(1)(c): Clarifies that “equivalent training” includes Canine Team Training Course number 1198 (not delivered at Commission-certified training school), or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; and shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

11B-27.013(2): Revises the paragraph numbering to include the list of requirements for canine team certification in sub-paragraph (2)(a)-(e) and moves the unrelated language regarding the Canine Team Certification Application form CJSTC-70 to sub-paragraph (2)(e) of this rule section.

11B-27.013(2)(b): Provides certification deadline of October 31, 2015, for canine teams that took the retired Canine Team Training Course number 1112 before November 6, 2013 to ensure that canine teams acquire new certification on a timely basis.

11B-27.013(2)(e): Moves language from paragraph (2) to sub-paragraph (2)(e) of this rule section to introduce and incorporate the Canine Team Certification Application form CJSTC-70. Updates the Canine Team Certification Application form CJSTC-70 to clarify the types of canine training delivered by the training school and requires the FDLE Field Specialist

to sign the completed form to certify the canine team has complied with the provisions of Rule 11B-27.013, F.A.C.

11B-27.013(3)(a): Clarifies the completion of the Canine Team Certification Application form CJSTC-70 as documentation to apply for canine team certification and moves language from paragraph (2) to this rule section.

11B-27.013(3)(b): Clarifies and introduces a list of required documentation for successful completion of canine team training.

11B-27.013(3)(b)2.: Introduces and incorporates the Canine Course Equivalency Checklist form CJSTC-70A as documentation of the successful completion of an equivalent training course.

11B-27.013(3)(b)2.a.-b.: Clarifies “equivalent training” as the Canine Team Training Course number 1198 not delivered at Commission-certified training school, or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; and shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

11B-27.013(3)(b)3.: Clarifies that the Commission-approved canine evaluator verifies and does not approve equivalent curriculum and allows the Commission-certified Canine Instructors to teach courses without the approval of a Commission-approved canine evaluator.

11B-27.013(3)(c)-(d)1.-4.: Renumbers paragraph 11B-27.013(3) and removes redundant rule language about canine team certification that appears in this same rule section.

11B-27.013(3)(c): Updates the Canine Team Performance Evaluation form CJSTC-83 to add more documentation of proficiency skills to the form.

11B-27.013(c)5. and 11B-27.013(c)6.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

11B-27.013(c)6.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

11B-27.013(c)7.: Removes repetitive language from other rule sections to clarify the required documentation for canine team training.

11B-27.013(4)(b)-(c): Clarifies the canine team certification requirement to ensure the deficiency notification process is consistent with other instructor certifications and renumbers rule section.

11B-27.013(5)(c): Removes redundant and unrelated language about the certification process.

11B-27.013(6)(a)-(c): Revises the Canine Team Certification Deficiency Notification form CJSTC-270 by removing the word “Application” from the title and clarifies the process for addressing deficiencies of canine team applicant files.

11B-27.013(7): Revises the paragraph numbering of Rule 11B-27.013(7), introduces list of requirements for evaluator applicants, and removes unnecessary language.

11B-27.013(7)(a)-(c): Clarifies “tracking and trailing” terminology and updates renumbering for consistency with other rule language sections.

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.

FDLE received comments from Joint Administrative Procedures Committee on May 5, 2015, for Forms CJSTC-76, CJSTC-76A, CJSTC-70, CJSTC-70A, CJSTC-83, and CJSTC-270, regarding the social security notice required by s. 119.071(5)(a), F.S. Regarding Forms CJSTC-70A, CJSTC-76A, and CJSTC-270, FDLE advised that the forms only require the last four digits of the social security number, and that the social security notice is inapplicable. Regarding Forms CJSTC-70, CJSTC-76, and CJSTC-83, FDLE will revise the social security number notice to include the statutory authority for the exception that permits the sharing of

identification information with other agencies. FDLE will revise the forms during the next rule promulgation.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: 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-27.013	Canine Team Certification

PURPOSE AND EFFECT:

11B-27.0011(4)(c): Repeals form CJSTC-85, entitled Recommended Response to Resistance and Levels of Resistance, due to Graham vs. Connor Case Law incorporated in the Commission's Curriculum.

11B-27.002(3)(a)11.: Changes the name and contents of form CJSTC-76 from "Equivalency-of-Training" to "Exemption-From-Training"; and changes the name and contents of form CJSTC-76A from "Equivalency-of-Training Proficiency Demonstration" to "Exemption-From-Training Proficiency Demonstration" to add exemptions to prevent individuals from having to retake a basic recruit program.

11B-27.002(4)(b): Makes grammatical change by replacing "has not complied" with "fails to comply".

11B-27.013(1)(a): Revises "tracking and trailing" terminology for consistency with other rule language sections.

11B-27.013(1)(b): Adds language prohibiting a canine evaluator from verifying equivalent training that he or she delivered to maintain the integrity of the canine evaluator.

11B-27.013(1)(c): Clarifies that "equivalent training" includes Canine Team Training Course number 1198 (not delivered at Commission-certified training school), or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; and shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

11B-27.013(2): Revises the paragraph numbering to include the list of requirements for canine team certification in sub-paragraph (2)(a)-(e) and moves the unrelated language regarding the Canine Team Certification Application form CJSTC-70 to sub-paragraph (2)(e) of this rule section.

11B-27.013(2)(b): Provides certification deadline of October 31, 2015, for canine teams that took the retired Canine Team Training Course number 1112 before November 6, 2013 to ensure that canine teams acquire new certification on a timely basis.

11B-27.013(2)(e): Moves language from paragraph (2) to sub-paragraph (2)(e) of this rule section to introduce and incorporate the Canine Team Certification Application form CJSTC-70.

11B-27.013(2)(e): Updates the Canine Team Certification Application form CJSTC-70 to clarify the types of canine training delivered by the training school and requires the FDLE Field Specialist to sign the completed form to certify the canine team has complied with the provisions of Rule 11B-27.013, F.A.C.

11B-27.013(3)(a): Clarifies the completion of the Canine Team Certification Application form CJSTC-70 as documentation to apply for canine team certification and moves language from paragraph (2) to this rule section.

11B-27.013(3)(b): Clarifies and introduces a list of required documentation for successful completion of canine team training.

11B-27.013(3)(b)2.: Introduces and incorporates the Canine Course Equivalency Checklist form CJSTC-70A as documentation of the successful completion of an equivalent training course.

11B-27.013(3)(b)2.a.-b.: Clarifies “equivalent training” as the Canine Team Training Course number 1198 not delivered at Commission-certified training school, or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; and shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

11B-27.013(3)(b)3.: Clarifies that the Commission-approved canine evaluator verifies and does not approve equivalent curriculum and allows the Commission-certified Canine Instructors to teach courses without the approval of a Commission-approved canine evaluator.

11B-27.013(3)(c)-(d)1.-4.: Renumbers paragraph 11B-27.013(3) and removes redundant rule language about canine team certification that appears in this same rule section.

11B-27.013(3)(c): Updates the Canine Team Performance Evaluation form CJSTC-83 to add more documentation of proficiency skills to the form.

11B-27.013(c)5.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

11B-27.013(c)6.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

11B-27.013(c)7.: Removes repetitive language from other rule sections to clarify the required documentation for canine team training.

11B-27.013(4)(b)-(c): Clarifies the canine team certification requirement to ensure the deficiency notification process is consistent with other instructor certifications and renumbers rule section.

11B-27.013(5)(c): Removes redundant and unrelated language about the certification process.

11B-27.013(6)(a)-(c): Revises the Canine Team Certification Deficiency Notification form CJSTC-270 by removing the word “Application” from the title and clarifies the process for addressing deficiencies of canine team applicant files.

11B-27.013(7): Revises the paragraph numbering of Rule 11B-27.013(7), introduces list of requirements for evaluator applicants, and removes unnecessary language.

11B-27.013(7)(a)-(c): Clarifies “tracking and trailing” terminology and updates renumbering for consistency with other rule language sections.

SUMMARY:

Repeals the form CJSTC-85, entitled Recommended Response to Resistance and Levels of Resistance; revises the names of the Exemption-From-Training form CJSTC-76 and the Exemption-From-Training Proficiency Demonstration form CJSTC-76A to mirror language in the statute; makes grammatical change by replacing “has not complied” with “fails to comply”; updates term “tracking and trailing”; removes unnecessary language for consistency with other rule language and adds language to maintain the integrity of the canine evaluator; specifies the courses that qualify for “equivalent training”; includes the requirements for canine team certification and moves unrelated language about canine team documentation to another section; adds a certification deadline of October 31, 2015 to ensure that canine teams acquire new certification on a timely basis; explains the use of the Canine Team Certification Application form CJSTC-70 for canine team certification; updates the Canine Team Certification Application form CJSTC-70 to comply with rule provisions; adds language to specify the Canine Team Certification Application form CJSTC-70 is required documentation for canine team certification; introduces the training required for canine teams; adds language to clarify the Canine Team Certification Application form CJSTC-70 is required documentation for an equivalent training course; specifies the courses that qualify for “equivalent training” includes the Canine Team Training Course number 1198 not delivered at Commission-certified training school or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; allows the Commission-certified Canine Instructors to teach courses without the approval of a Commission-approved canine evaluator; renumbers paragraph 11B-27.013(3) and removes redundant rule language; revises the Canine Team

Performance Evaluation form CJSTC-83; adds “number 1198” to the Canine Team Training Course to identify the course number; removes repetitive language; Clarifies the canine team certification requirement and ensures the deficiency notification process is consistent with other instructor certifications; removes redundant and unrelated language; updates the name of the Canine Team Certification Deficiency Notification form CJSTC-270 and clarifies the inspection process of canine team applicant files; provides list of requirements for approval of evaluator status and changes terms for consistency; and updates term “tracking and trailing”, makes grammatical change, and revises paragraph renumbering of rule section.

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 Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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) FS.

LAW IMPLEMENTED: 943.13(7), 943.1395(7), 943.12(3), 943.13, 943.133, 943.139, 943.1395, 943.12(16) 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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) – (3)

(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. Excessive use of force, defined as a use of force on a person by any officer that is not justified under Sections 776.05 or 776.07, F.S., or a use of force on an inmate or prisoner by any correctional officer that would not be authorized under Section 944.35(1)(a), F.S. ~~The Recommended Response to Resistance and Levels of Resistance, form CJSTC 85, revised February 7, 2002, hereby incorporated by reference, is a reference tool to evaluate use of force. Form CJSTC 85 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. – 14. No change.

(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, 5-29-14,

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 ~~Exemption-From-Equivalency-of-Training~~, form CJSTC-76, revised _____, effective _____, ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference _____, and an ~~Exemption-From-Equivalency-of-Training~~ Proficiency Demonstration, form CJSTC-76A, revised _____, effective _____, ~~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)(a) No change.

(b) An individual who fails to comply ~~has not complied~~ with the requirements in paragraph (4)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment, comply with the following:

1. – 2. No change.

(5) – (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, 5-29-14, _____.

11B-27.013 Canine Team Certification.

(1) Definitions.

(a) "Canine team" shall refer to a certified officer and a specific canine 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 and trailing or specific detection, which are excluded from the certification process.

(b) "Canine evaluator" shall refer to a person who is authorized by the Commission to administer the ~~cCanine Team pPerformance eEvaluation~~ to canine teams and to attest to the proficiency of the canine team pursuant with the performance evaluation. The evaluator shall 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."~~ The canine team evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (7) of this rule section, and documented in a request to Commission staff. A Commission-approved evaluator shall not verify equivalent training that he or she delivered.

(c) "Equivalent Training" shall refer to the Canine Team Training Course number 1198 not delivered at a Commission-certified training school, or any canine team training course other than the Commission-approved Canine Team Training Course number 1198. Equivalent training shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

(2) Canine team certification requirements. Commission certification of a canine team is not required. If a canine team seeks Commission certification, the canine team shall meet the following requirements: Prior to submitting a Canine Team Certification Application, form CJSTC 70, revised November 7, 2013, effective 5/2014, hereby incorporated by reference, the agency employing the 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.

(a) A canine team shall successfully complete the Canine Team Training Course number 1198, or equivalent training as defined in subsection (1) of this rule section, at a minimum of 480 hours before applying for certification, or

(b) A canine team that has successfully completed the Canine Team Training Course number 1112, or equivalent training, at a minimum of 400 hours prior to the retirement of that course on November 6, 2013, shall become certified by October 31, 2015. Failure to become certified by that date shall require the canine team to successfully complete Canine Team Training Course number 1198, or equivalent training, at a minimum of 480 hours.

(c) A canine team shall successfully demonstrate proficiency skills pursuant to paragraph (3)(c) of this rule section.

(d) A previously Commission-certified handler assigned a new canine shall comply with the training goals and objectives in the Canine Team Training Course number 1198, with the exception of the academic block of instruction. The canine team shall train for a minimum of 80 hours, which shall be verified by a Commission-approved evaluator as equivalent training, and successfully demonstrate the required proficiency skills.

(e) A canine team shall provide documentation of the canine team's compliance with certification requirements and submit a Canine Team Certification Application, form CJSTC-70, revised _____, hereby incorporated by reference _____, 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 canine team. Documentation of compliance for Commission certification of canine teams shall include:

(a) A completed Canine Team Certification Application form ~~CJSTC-70~~CJSTC-70. Prior to submitting a form CJSTC-70, the agency employing the 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.

(b) ~~(b)1-~~ Documentation of successful completion of canine team training shall include the following:

1. Certificate of A certificate issued to the canine team by a Commission certified training school documenting successful completion of the Canine Team Training Course- number 1198 delivered at a Commission-certified training school and taught by Commission-certified Canine Instructors; or

2. Successful completion of the equivalent training shall be documented on the Canine Course Equivalency Checklist form CJSTC-70A, revised _____, hereby incorporated by reference _____. 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. 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.

a. Canine Team Training Course number 1198 not delivered at a Commission-certified training school shall be deemed as equivalent training by a Commission-approved evaluator.

b. Any canine team training course other than the Commission-approved Canine Team Training Course number 1198 shall be deemed equivalent training by a Commission-approved evaluator if the course is a minimum of 480 hours and complies with the objectives of the Canine Team Training Course number 1198.

3. The employing agency submitting form CJSTC-70 shall provide documentation of training to the Commission-approved evaluator. The evaluator shall review and document of the training on form CJSTC-70A.

(e) 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 5/2014, hereby incorporated by reference, 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.

(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.

(c)(e) A completed Canine Team Performance Evaluation form CJSTC-83, revised _____, effective _____, November 7, 2013, effective 5/2014, hereby incorporated by reference _____, 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. – 4. No change.

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 number 1198. 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. 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.

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 number 1198 or an equivalent training 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, 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) Renewal of Certification.

(a) No change.

(b) If the canine team handler applying for recertification has not changed canines or the canine team certification has not expired, the employing agency requesting renewal of the certification shall complete the applicable sections and submit form CJSTC-70 marked "Renewal," and document the canine team proficiency on form CJSTC-83, in compliance with the requirements of subsection (3)(e) of this rule section.

(c) If the canine team's certification has expired, the employing agency requesting renewal of the ~~canine team's~~ certification shall complete the applicable sections and submit form CJSTC-70 marked "Renewal," and document the canine team's proficiency on form CJSTC-83, in compliance with the requirements of ~~pursuant to~~ subsection (3)(e) of this rule section.

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

(a) – (b) No change.

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

(6) Inspection of canine team applicant files.

(a) ~~Upon determination of an unfavorable inspection by Commission staff, the deficiencies shall be documented on a Canine Team Certification Deficiency Notification Application, form CJSTC-270, revised November 7, 2013, effective 5/2014, hereby incorporated by reference . 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.

(b) The employing agency shall satisfy the deficiency(ies) by submitting the required documentation to Commission staff within 90 days of the receipt of the Canine Team Certification Deficiency Notification Application form CJSTC-270. The Commission has the authority to deny the employing agency's request for canine team certification for failure to meet the 90-day requirement. Upon denial of the application, the employing agency may reapply for canine team certification.

~~(b) Upon issuance of an unfavorable inspection on a Canine Team Certification Deficiency Notification Application, form CJSTC 270, revised November 7, 2013, effective 5/2014, hereby incorporated by reference, the deficiencies shall be noted on form CJSTC 270. 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 Canine Team Certification if the corrected documentation has been received within the 90-day period or upon a favorable inspection.~~

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

(a) Prior to being approved by the Commission as a canine team evaluator, the evaluator applicant shall provide documentation verifying the evaluator applicant has complied with the following requirements:

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

2. (b) Documentation ~~Document~~ on form CJSTC-70 that the ~~canine team~~ evaluator applicant has taught the Canine Team Training Course number 1198 or equivalent training in its entirety to a minimum of six canine teams ~~that~~ have successfully completed the ~~c~~Canine ~~t~~Team ~~c~~Certification process. Canine teams trained exclusively for tracking and trailing or specific detection shall not be included in this total.

3. (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 and trailing or specific detection shall not be included in this total.

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

5. (e) 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.

~~(b)(4)~~ 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.

~~(c)(5)~~ 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)~~(a)(e)~~ 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 within the four-year period. The verifying documentation shall be copies of form CJSTC-70 attesting that the performance evaluation 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 paragraph section (7)(a)(e) of this rule section.

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, 5-29-14, 5-29-14, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-30 FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-30.006 AND RULE 11B-30.012

SUMMARY OF THE RULE

Revises the Training Report, form CJSTC-67; changes the name of the Exemption-From-Training form CJSTC-76 to mirror language in statute; renames the title of Rule 11B-30.012, F.A.C., to Post Examination Review of Missed Questions, Answers, and Grading Key to clarify the intent of the rule; and revises the procedures for post-examination review of missed questions, answers, and grading key to implement the new Computer-based State Officer Certification Examination.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-30.006(1): Incorporates the revised Training Report, form CJSTC-67, and changes the subsection reference because of the renumbering of Rule 11B-35.001(6)-(15).

11B-30.006(2)(b)-(c): Revises the Exemption-From-Training form CJSTC-76 and changes the form name to mirror the language in statute.

11B-30.012: Clarifies the intent of Rule 11B-30.012, F.A.C., by renaming the title from “Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key” to “Post Examination Review of Missed Questions, Answers, and Grading Key”.

11B-30.012(1)-(6): Implements the new Computer-based State Officer Certification Examination to increase the service level to citizens and allows the review to be equally available regardless of location.

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.

FDLE received comments from Joint Administrative Procedures Committee on May 5, 2015, for Forms CJSTC-67 and CJSTC-76, regarding the social security notice required by s. 119.071(5)(a), F.S. Regarding Form CJSTC-67, FDLE advised that while the instructions for the form only required the last four digits of the social security number, the form did not specify such. Regarding Form CJSTC-76, FDLE will revise the social security number notice to include

the statutory authority for the exception that permits the sharing of identification information with other agencies. FDLE will revise the forms during the next rule promulgation.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: 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-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key
PURPOSE AND EFFECT:	

11B-30.006(1): Incorporates the revised Training Report, form CJSTC-67, and changes the subsection reference because of the renumbering of Rule 11B-35.001(6)-(15).

11B-30.006(2)(b)-(c): Revises the Exemption-From-Training form CJSTC-76 and changes the form name to mirror the language in statute.

11B-30.012: Clarifies the intent of Rule 11B-30.012, F.A.C., by renaming the title from “Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key” to “Post Examination Review of Missed Questions, Answers, and Grading Key”.

11B-30.012(1)-(6): Implements the new Computer-based State Officer Certification Examination to increase the service level to citizens and allows the review to be equally available regardless of location.

SUMMARY:

Revises the Training Report, form CJSTC-67; changes the name of the Exemption-From-Training form CJSTC-76 to mirror language in statute; renames the title of Rule 11B-30.012, F.A.C., to Post Examination Review of Missed Questions, Answers, and Grading Key to clarify the intent of the rule; and revises the procedures for post-examination review of missed questions, answers, and grading key to implement the new Computer-based State Officer Certification Examination.

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 Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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) FS.

LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397 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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(8)(9), F.A.C., on the completed Training Report, form CJSTC-67, revised _____, effective ~~November 8, 2007~~, hereby incorporated by reference _____. Form CJSTC-67 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 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 ~~Exemption-From-Equivalency-of-Training~~, form CJSTC-76, revised _____, effective ~~November 7, 2013~~, effective 5/2014, incorporated by reference _____. 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) Out-of-state, military, and federal law enforcement, correctional, and correctional probation officers who comply with Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the ~~Exemption-From-Equivalency-of-Training~~ form CJSTC-76. 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, 5-29-14, _____.

11B-30.012 Post Examination Review of Missed Examination Questions, Answers, ~~Papers, Grades,~~ and Grading Key.

(1) Individuals who have failed the ~~Paper and Pencil or Computer-Based~~ State Officer Certification Examination (SOCE) shall have the right to review their missed examination questions items and corresponding grading key at a post-examination review. The post-examination review shall be scheduled and conducted by Commission staff or their authorized agent. Individuals reviewing a computer-based SOCE shall schedule their review via the Commission’s test administration vendor. Individuals reviewing a paper-and-pencil SOCE shall schedule their review by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised November 8, 2007, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested. Form CJSTC-510 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 SOCE post-examination grade reviews shall be conducted in the presence of Commission staff or the Commission’s authorized agents. All paper-and-pencil SOCE reviews shall be held at a regularly scheduled monthly post-examination review sessions Examination Review Session conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE paper-and-pencil post-examination review grade review schedule is produced annually and is available on at Commission-certified training schools, the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section.

(3) Individuals shall review their SOCE grades within 120 calendar days of the individual’s SOCE date. Individuals who fail to attend a post-examination grade review session within 120 days of their SOCE shall not be allowed to ~~file a challenge questions on the SOCE~~, but shall be allowed to review their missed questions, their chosen answer, and the correct answer the SOCE results. Participants in the post-examination review session Examination Review Session shall be permitted to review only one examination during for each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B-30.006, F.A.C.

(a) Individuals reviewing a paper-and-pencil SOCE requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-511 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-511 shall be signed by the individual requesting the review at the conclusion of a post-examination review session ~~an Examination Review Session~~. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(b) All individuals at a post-examination review session ~~an Examination Review Session~~ shall acknowledge receipt of these rules and affirm to abide by all such rules in writing for the paper-and-pencil SOCE or electronically for the computer-based SOCE.

~~(4)(3)~~ Individuals shall be prohibited from bringing materials into or removing materials from a post-examination review session ~~an Examination Review Session~~.

~~(5)(4)~~ The provisions and sanctions of Rule 11B-30.009, F.A.C., shall apply to individuals in a post-examination review session ~~an Examination Review Session~~, and any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the review session ~~Examination Review Session~~.

~~(6)(5)~~ Individuals submitting challenges to questions ~~participating in an examination review session~~ shall be notified in writing, within thirty working days of the post-examination review session ~~examination review date~~, of the ~~results of the~~ Commission's response to the challenges submitted during the post-examination review session ~~evaluation of the individual's concerns reported during the Examination Review Session~~.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, 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, 5-21-12, 5-29-14,

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35 FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-35.001, RULE 11B-35.002, RULE 11B-35.0021, RULE 11B-35.0024,
RULE 11B-35.007, AND RULE 11B-35.009

SUMMARY OF THE RULE

Repeals Rule 11B-35.001(6) and (6)(a) because the rule duplicates Rule 11B-35.001(5); renumbered Rule 11B-35.001(6)-(15) because paragraph 11B-35.001(6) and (6)(a) were repealed; removes unnecessary word “Specified” to describe the Specialized Training Program Course and updates the paragraph reference in this rule section; Retired the Canine Team Training Course number 1112, effective November 16, 2013; retired the Laser Speed Measurement Device Transition Operators Course for Radar Operators number 1113, effective December 31, 2008; revises the paragraph numbering of Rule 11B-35.001(8)(d)2.-12; adds the 16-hour Safe Handling of Firearms course number 2007 to the list of Specialized Training Program courses requiring an end-of-course examination; Adds the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses requiring an end-of-course examination; adds language to eliminate the need for students to take an end-of-course examination for physical fitness and officer wellness hours completed during the basic recruit training program; revises the Training Report, form CJSTC-67, to update the renumbered rule section; revises the Academy Physical Fitness Standards Report, form CJSTC-67A to update the renumbered rule section; replaces the Traditional Correctional Basic Recruit Training with the new Florida Law Enforcement Academy Basic Recruit Training Program because the course is no longer used; revises the

Instructor Exemption, form CJSTC-82 to update the renumbered rule section; changes the subsection reference for consistency with the paragraph renumbering; changes the paragraph subsection reference and incorporates the revised the Physical Fitness Assessment, form CJSTC-75B to add language for students to receive a physical examination prior to beginning a Basic Recruit Training Program; removes the specific name of the Criminal Justice Officer Physical Fitness Training Course and replaces with a generic reference; changes the paragraph reference number for consistency with other rule sections; removes the specific course titles and uses a generic term that encompasses all disciplines to reduce future rule revisions; adds language to advise that physical fitness tests are not required for Cross-over or Auxiliary Basic Recruit Training Programs; adds the new Correctional and Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Programs to replace the retired Basic Recruit Training Programs; adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program to replace the retired Basic Recruit Training Program; updates grammar; includes the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires demonstration of proficiency skills; specifies the use of active CPR instructor certifications to meet the required instructor to student ratio to demonstrate CPR proficiency skills; updates the use of qualified safety divers and the separation between student and instructor; renames the “canine team patrol” to “canine team”; requires law enforcement, correctional, and correctional probation basic recruit students to complete the CMS Criminal Justice Defensive Tactics Course; requires students to demonstrate proficiency in handling handguns and long guns; specifies that an individual must be approved by the training center director or designee to assist instructors with canine practical exercises; includes the new Safe Handling of Firearms course number 2007 to the list of

Specialized Training Program Courses; removes reference to “Florida CMS” for Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs; revises the paragraph numbering of Rule 11B-35.0024(3)(e)-(i), F.A.C., because paragraph (e) was added to include the Safe Handling of Firearms course number 2007; adds the new Role-play Scenarios for Facilitative Learning course number 2001 to the list of basic recruit, advanced, specialized instructor, or specialized training program courses; revises the Criminal Justice Diver Performance Evaluation form CJSTC-19; updates the Canine Performance Evaluation form CJSTC-83; revises the course name for the Canine Team Training Course number 1198; adds “number 1198” to the Canine Team Training Course to identify the course number; revises the Canine Team Instructor Performance Evaluation form CJSTC-20; adds the new Role-play Scenarios for Facilitative Learning course number 2001; provides current Commission-certified general instructors with training on how to use role-play exercise effectively; revises the paragraph numbering of 11B-35.007(4) to remove retired specialized courses and add new specialized courses; removes the Human Diversity courses number 1126, number 1127, number 1128, number 1129, and number 1130, because the courses are no longer used; includes the new effective date of the Canine Team Training Course number 1198, to ensure that officers are receiving the current course instruction; provides law enforcement officers with property repossession training; adds the new specialized instructor Canine Team Training Instructor Update course number 1199 for specialized instructor training; adds the new specialized training Safe Handling of Firearms course number 2007; provides training for the marshals in district courts of appeal; and revises the names of the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A to mirror language in statute.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(6)(a): Repeals Rule 11B-35.001(6) and (6)(a) because the rule duplicates Rule 11B-35.001(5) regarding paper copies of the curriculum for students enrolled in a basic recruit training program.

11B-35.001(6)-(15): Revises the paragraph numbering of Rule 11B-35.001(6)-(15) because paragraph 11B-35.001(6) and (6)(a) were repealed.

11B-35.001(6)(b)-(d): Removes word “Specified” to describe the Specialized Training Program Course and updates the paragraph reference.

11B-35.001(8)(d)1.: Removes the Canine Team Training Course number 1112 from the list of Specialized Instructor Training courses because the course number 1112 retired, effective November 16, 2013.

11B-35.001(8)(d)2.: Removes the Laser Speed Measurement Device Transition Operators Course for Radar Operators number 1113 from the list of Specialized Instructor Training courses, effective December 31, 2008.

11B-35.001(8)(d)2.-12.: Revises the paragraph numbering of Rule 11B-35.001(8)(d)2.-12., because paragraph number 2 was removed.

11B-35.001(8)(d)13.: Includes the 16-hour Safe Handling of Firearms course number 2007 to the list of Specialized Training Program courses that require an end-of-course examination to provide training for the safe handling of firearms.

11B-35.001(8)(d)14.: Includes the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses requiring an end-of-course examination to provide training for the marshals in district courts of appeal.

11B-35.001(8)(e): Includes language to exempt students from taking a written end-of-course examination for the physical fitness and officer wellness courses in the basic recruit training programs.

11B-35.001(10)(a): Updates the Training Report, form CJSTC-67, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-35.001(10)(b): Incorporates the revised Academy Physical Fitness Standards Report, form CJSTC-67A, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-35.001(10)(b): Adds the new Florida Law Enforcement Academy Basic Recruit Training Program to replace the Traditional Correctional Basic Recruit Training Program.

11B-35.001(10)(d)8.: Incorporates the revised Instructor Exemption, form CJSTC-82, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-35.001(10)(d)13.: Revises the paragraph subsection reference by changing from 11B-35.001(15) to 11B-35.001(14), F.A.C., because of the renumbering of Rule 11B-35.001(6)-(15).

11B-35.001(10)(d)14.: Updates the paragraph subsection reference, revises the Physical Fitness Assessment, form CJSTC-75B to include language to require students to receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B prior to beginning a Basic Recruit Training Program.

11B-35.001(11)(c)2.: Provides a generic reference to physical fitness and officer wellness courses to minimize future rule changes; and exempts the physical fitness and officer wellness courses from being competency-based.

11B-35.001(12)(b): Changes the paragraph reference number because of the paragraph numbering and repealed paragraphs 11B-35.001(6) and (6)(a).

11B-35.001(13): Changes the paragraph reference number because of the paragraph numbering and repealed paragraphs 11B-35.001(6) and (6)(a).

11B-35.001(14)(b): Removes the specific designation of “CMS Law Enforcement, Florida CMS Correctional, and Florida Correctional Probation” and retains the wording of “Basic Recruit Training Programs” to reduce future rule revisions.

11B-35.001(14)(c): Clarifies that cross-over students have already participated in physical fitness training in a previous basic recruit training program and adds language to advise that physical fitness tests are not required for Cross-over or Auxiliary Basic Recruit Training Programs.

11B-35.002(1)(a)7.: Retires the obsolete Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1191, effective June 30, 2014, and replaces with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014.

11B-35.002(1)(a)10.: Retires the obsolete Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179, effective June 30, 2014, and replaces with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014.

11B-35.002(1)(a)14.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1,

2014, to replace the June 30, 2014 retired Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1191.

11B-35.002(1)(a)15.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179.

11B-35.002(1)(b)6.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective June 30, 2014, and replaces with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014.

11B-35.002(1)(b)11.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014, to replace the June 30, 2014 retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192.

11B-35.002(1)(c)7.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 because it is no longer used in the curriculum, effective June 30, 2014.

11B-35.002(2)(b): Makes grammatical change by replacing “has not complied” with “fails to comply”.

11B-35.002(6)(d)4.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191.

11B-35.002(6)(d)5.: Retires the obsolete Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191, effective June 30, 2014, and replaces with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014.

11B-35.002(6)(d)6.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179.

11B-35.002(6)(d)7.: Retires the obsolete Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179, effective June 30, 2014, and replaces with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014.

11B-35.002(6)(e)4.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014, to replace the June 30, 2014 retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192.

11B-35.002(6)(e)5.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective June 30, 2014, and replaces with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective July 1, 2014.

11B-35.0021(6)(a)-(b): Adds the new Safe Handling of Firearms course number 2007 to the list of courses requiring demonstration of proficiency skills.

11B-35.0021(8)(a): Adds the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor.

11B-35.0021(8)(d): Clarifies that CPR instructors who possess an active CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other an entity referenced in Rule 64J-1.022, F.A.C., are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course. The CPR instructor certification may be used to meet the required instructor to student ratio for demonstration of CPR proficiency skills only in the CMS First Aid for Criminal Justice Officers Course.

11B-35.0021(8)(h): Clarifies the instructor to student ratio for instruction of the Underwater Police Science and Technology course number 077, from three to two qualified safety divers per instructor, for the use of qualified safety divers to clarify the use of qualified safety divers and the separation between student and instructor.

11B-35.0021(8)(i): Clarifies that the reference to “canine team patrol” is no longer used in the Canine Team Training Course number 1198.

11B-35.0021(8)(j): Clarifies that an individual who is allowed to assist instructors with canine practical exercises must be approved by the training center director or designee; and the individual shall not be included as an instructor to comply with the instructor to student ratio requirements.

11B-35.0024(3): Adds the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires demonstration of proficiency skills.

11B-35.0024(3)(a)3.: Clarifies that law enforcement, correctional, and correctional probation basic recruit students are required to complete the CMS Criminal Justice Defensive Tactics Course and are subject to chemical agent contamination, regardless of a specified basic recruit training program.

11B-35.0024(3)(e)-(i): Adds paragraph 11B-35.0024(3)(e), F.A.C., to include the Safe Handling of Firearms course number 2007 and revises the paragraph numbering of Rule 11B-35.0024(3)(e)-(i).

11B-35.0024(4): Clarifies that the new Role-play Scenarios for Facilitative Learning course number 2001 requires demonstration of proficiency skills and adds the new Role-play Scenarios for Facilitative Learning course number 2001 to the list of basic recruit, advanced, specialized instructor, or specialized training program courses.

11B-35.0024(4)(j): Updates the Criminal Justice Diver Performance Evaluation form CJSTC-19 to change the qualified safety divers per instructor from three to two and they shall not be enrolled as students in the course in which they are assisting or be included as an instructor in compliance with the instructor to student ratio.

11B-35.0024(4)(k): Revises the Canine Performance Evaluation form CJSTC-83 to update the paragraph reference and include additional demonstration of proficiency requirements for canines and canine team handlers.

11B-35.0024(4)(l): Revises the course name for the Canine Team Training Course number 1198 to be consistent with the course name throughout the rules.

11B-35.0024(4)(l)2.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

11B-35.0024(4)(l)2.: Updates the Canine Team Instructor Performance Evaluation form CJSTC-20 to clarify that the demonstration of proficiency evaluation is for the Canine Team Training Instructor Course number 1199.

11B-35.0024(4)(m): Adds the new Role-play Scenarios for Facilitative Learning course number 2001, and provides student academic performance that requires an instructor to score at least 85% on the written end-of-course examination.

11B-35.007(3)(r): Adds the new specialized instructor Role-play Scenarios for Facilitative Learning course number 2001, to provide current Commission-certified general instructors with training on how to use role-play exercise effectively in both basic and post-basic instruction for practical training and application of concepts.

11B-35.007(4): Revises the paragraph numbering of 11B-35.007(4) to remove retired specialized courses and add new specialized courses.

11B-35.007(4)(b)-(f): Retires the Human Diversity In-service Training for Professionalism and Ethics number 1126; Human Diversity In-service Training for Interdependent Relationships number 1127; Human Diversity In-service Training for Reducing Inter-group Conflict number 1128; Human Diversity In-service Training for Reducing Inter-group Conflict number 1129; and Human Diversity In-service Training for Specialized Topics in Diversity number 1130, because the courses are no longer used based on the training survey results.

11B-35.007(4)(i): Adds the new effective date of 11/7/13 to the Canine Team Training Course number 1198, to ensure that officers are receiving the current course instruction.

11B-35.007(4)(aa): Creates the new specialized training Property Repossession Processes course number 2002 to provide law enforcement officers with property repossession training.

11B-35.007(4)(bb): Provides current Commission-certified canine instructors with updates related to the new Canine Team Training Course number 1198 and the new Canine Team Training Instructor Course number 1199.

11B-35.007(4)(cc): Provides law enforcement officers with training on how to demonstrate proficiency in handling a firearm to ensure safety and familiarity with handguns and long guns.

11B-35.007(4)(dd): Adds the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses.

11B-35.009(3)(a)-(c): Changes the name of form CJSTC-76 from "Equivalency-of-Training" to "Exemption-From-Training" to mirror language in statute.

11B-35.009(5): Revises the name of the Exemption-From-Training form CJSTC-76 to mirror language in statute.

11B-35.009(6): Revises the names of the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A to mirror language in statute.

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.

FDLE received comments from Joint Administrative Procedures Committee on May 5, 2015, for Forms CJSTC-20, CJSTC-67, CJSTC-75B, CJSTC-76, CJSTC-76A, CJSTC-82, and CJSTC-83, regarding the social security notice required by s. 119.071(5)(a), F.S. Regarding Form CJSTC-67, FDLE advised that while the instructions for the form only required the last four digits of the social security number, the form did not specify such. Regarding Forms CJSTC-75B, CJSTC-76A, and CJSTC-82, none of the forms require or request a social security number. Regarding Forms CJSTC-20, CJSTC-76, and CJSTC-83, FDLE will revise the social security number notice to include the statutory authority for the exception that permits the sharing of identification information with other agencies. FDLE will revise the social security

number notice to include the statutory authority for the exception that permits the sharing of identification FDLE will revise the forms during the next rule promulgation.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-35; Training Programs

RULE NO.:	RULE TITLE:
11B-35.001	General Training Programs; Requirements and Specifications
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, 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-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT:

11B-35.001(6)(a): Repeals Rule 11B-35.001(6) and (6)(a) because the rule duplicates Rule 11B-35.001(5) regarding paper copies of the curriculum for students enrolled in a basic recruit training program.

11B-35.001(6)-(15): Revises the paragraph numbering of Rule 11B-35.001(6)-(15) because paragraph 11B-35.001(6) and (6)(a) were repealed.

11B-35.001(6)(b)-(d): Removes word "Specified" to describe the Specialized Training Program Course and updates the paragraph reference.

11B-35.001(8)(d)1.: Removes the Canine Team Training Course number 1112 from the list of Specialized Instructor Training courses because the course number 1112 retired, effective November 16, 2013.

11B-35.001(8)(d)2.: Removes the Laser Speed Measurement Device Transition Operators Course for Radar Operators number 1113 from the list of Specialized Instructor Training courses, effective December 31, 2008.

11B-35.001(8)(d)2.-12.: Revises the paragraph numbering of Rule 11B-35.001(8)(d)2.-12., because paragraph number 2 was removed.

11B-35.001(8)(d)13.: Includes the 16-hour Safe Handling of Firearms course number 2007 to the list of Specialized Training Program courses that require an end-of-course examination to provide training for the safe handling of firearms.

11B-35.001(8)(d)14.: Includes the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses requiring an end-of-course examination to provide training for the marshals in district courts of appeal.

11B-35.001(8)(e): Includes language to exempt students from taking a written end-of-course examination for the physical fitness and officer wellness courses in the basic recruit training programs.

11B-35.001(10)(a): Updates the Training Report, form CJSTC-67, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-35.001(10)(b): Incorporates the revised Academy Physical Fitness Standards Report, form CJSTC-67A, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-35.001(10)(b): Adds the new Florida Law Enforcement Academy Basic Recruit Training Program to replace the Traditional Correctional Basic Recruit Training Program.

11B-35.001(10)(d)8.: Incorporates the revised Instructor Exemption, form CJSTC-82, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

11B-35.001(10)(d)13.: Revises the paragraph subsection reference by changing from 11B-35.001(15) to 11B-35.001(14), F.A.C., because of the renumbering of Rule 11B-35.001(6)-(15).

11B-35.001(10)(d)14.: Updates the paragraph subsection reference, revises the Physical Fitness Assessment, form CJSTC-75B to include language to require students to receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B prior to beginning a Basic Recruit Training Program.

11B-35.001(11)(c)2.: Provides a generic reference to physical fitness and officer wellness courses to minimize future rule changes; and exempts the physical fitness and officer wellness courses from being competency-based.

11B-35.001(12)(b): Changes the paragraph reference number because of the paragraph numbering and repealed paragraphs 11B-35.001(6) and (6)(a).

11B-35.001(13): Changes the paragraph reference number because of the paragraph numbering and repealed paragraphs 11B-35.001(6) and (6)(a).

11B-35.001(14)(b): Removes the specific designation of “CMS Law Enforcement, Florida CMS Correctional, and Florida Correctional Probation” and retains the wording of “Basic Recruit Training Programs” to reduce future rule revisions.

11B-35.001(14)(c): Clarifies that cross-over students have already participated in physical fitness training in a previous basic recruit training program and adds language to advise that physical fitness tests are not required for Cross-over or Auxiliary Basic Recruit Training Programs.

11B-35.002(1)(a)7.: Retires the obsolete Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1191, effective June 30, 2014, and replaces with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014.

11B-35.002(1)(a)10.: Retires the obsolete Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1179, effective June 30, 2014, and replaces with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014.

11B-35.002(1)(a)14.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1191.

11B-35.002(1)(a)15.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1179.

11B-35.002(1)(b)6.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective June 30, 2014, and replaces with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014.

11B-35.002(1)(b)11.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014, to replace the June 30, 2014 retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192.

11B-35.002(1)(c)7.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 because it is no longer used in the curriculum, effective June 30, 2014.

11B-35.002(2)(b): Makes grammatical change by replacing “has not complied” with “fails to comply”.

11B-35.002(6)(d)4.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191.

11B-35.002(6)(d)5.: Retires the obsolete Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191, effective June 30, 2014, and replaces with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014.

11B-35.002(6)(d)6.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179.

11B-35.002(6)(d)7.: Retires the obsolete Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179, effective June 30, 2014, and replaces with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014.

11B-35.002(6)(e)4.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014, to replace the June 30, 2014 retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192.

11B-35.002(6)(e)5.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective June 30, 2014, and replaces with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective July 1, 2014.

11B-35.0021(6)(a)-(b): Adds the new Safe Handling of Firearms course number 2007 to the list of courses requiring demonstration of proficiency skills.

11B-35.0021(8)(a): Adds the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor.

11B-35.0021(8)(d): Clarifies that CPR instructors who possess an active CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other an entity referenced in Rule 64J-1.022, F.A.C., are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course. The CPR instructor certification may be used to meet the required instructor to student ratio for demonstration of CPR proficiency skills only in the CMS First Aid for Criminal Justice Officers Course.

11B-35.0021(8)(h): Clarifies the instructor to student ratio for instruction of the Underwater Police Science and Technology course number 077, from three to two qualified safety divers per instructor, for the use of qualified safety divers to clarify the use of qualified safety divers and the separation between student and instructor.

11B-35.0021(8)(i): Clarifies that the reference to “canine team patrol” is no longer used in the Canine Team Training Course number 1198.

11B-35.0021(8)(j): Clarifies that an individual who is allowed to assist instructors with canine practical exercises must be approved by the training center director or designee; and the individual shall not be included as an instructor to comply with the instructor to student ratio requirements.

11B-35.0024(3): Adds the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires demonstration of proficiency skills.

11B-35.0024(3)(a)3.: Clarifies that law enforcement, correctional, and correctional probation basic recruit students are required to complete the CMS Criminal Justice Defensive Tactics Course and are subject to chemical agent contamination, regardless of a specified basic recruit training program.

11B-35.0024(3)(e)-(i): Adds paragraph 11B-35.0024(3)(e), F.A.C., to include the Safe Handling of Firearms course number 2007 and revises the paragraph numbering of Rule 11B-35.0024(3)(e)-(i).

11B-35.0024(4): Clarifies that the new Role-play Scenarios for Facilitative Learning course number 2001 requires demonstration of proficiency skills and adds the new Role-play Scenarios for Facilitative Learning course number 2001 to the list of basic recruit, advanced, specialized instructor, or specialized training program courses.

11B-35.0024(4)(j): Updates the Criminal Justice Diver Performance Evaluation form CJSTC-19 to change the qualified safety divers per instructor from three to two and they shall not be enrolled as students in the course in which they are assisting or be included as an instructor in compliance with the instructor to student ratio.

11B-35.0024(4)(k): Revises the Canine Performance Evaluation form CJSTC-83 to update the paragraph reference and include additional demonstration of proficiency requirements for canines and canine team handlers.

11B-35.0024(4)(l): Revises the course name for the Canine Team Training Course number 1198 to be consistent with the course name throughout the rules.

11B-35.0024(4)(l)2.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

11B-35.0024(4)(l)2.: Updates the Canine Team Instructor Performance Evaluation form CJSTC-20 to clarify that the demonstration of proficiency evaluation is for the Canine Team Training Instructor Course number 1199.

11B-35.0024(4)(m): Adds the new Role-play Scenarios for Facilitative Learning course number 2001, and provides student academic performance that requires an instructor to score at least 85% on the written end-of-course examination.

11B-35.007(3)(r): Adds the new specialized instructor Role-play Scenarios for Facilitative Learning course number 2001, to provide current Commission-certified general instructors with training on how to use role-play exercise effectively in both basic and post-basic instruction for practical training and application of concepts.

11B-35.007(4): Revises the paragraph numbering of 11B-35.007(4) to remove retired specialized courses and add new specialized courses.

11B-35.007(4)(b)-(f): Retires the Human Diversity In-service Training for Professionalism and Ethics number 1126; Human Diversity In-service Training for Interdependent Relationships number 1127; Human Diversity In-service Training for Reducing Inter-group Conflict number 1128; Human Diversity In-service Training for Reducing Inter-group Conflict number 1129; and Human Diversity In-service Training for Specialized Topics in Diversity number 1130, because the courses are no longer used based on the training survey results.

11B-35.007(4)(i): Adds the new effective date of 11/7/13 to the Canine Team Training Course number 1198, to ensure that officers are receiving the current course instruction.

11B-35.007(4)(aa): Creates the new specialized training Property Repossession Processes course number 2002 to provide law enforcement officers with property repossession training.

11B-35.007(4)(bb): Provides current Commission-certified canine instructors with updates related to the new Canine Team Training Course number 1198 and the new Canine Team Training Instructor Course number 1199.

11B-35.007(4)(cc): Provides law enforcement officers with training on how to demonstrate proficiency in handling a firearm to ensure safety and familiarity with handguns and long guns.

11B-35.007(4)(dd): Adds the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses.

11B-35.009(3)(a)-(c): Changes the name of form CJSTC-76 from "Equivalency-of-Training" to "Exemption-From-Training" to mirror language in statute.

11B-35.009(5): Revises the name of the Exemption-From-Training form CJSTC-76 to mirror language in statute.

11B-35.009(6): Revises the names of the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A to mirror language in statute.

SUMMARY:

Repeals Rule 11B-35.001(6) and (6)(a) because the rule duplicates Rule 11B-35.001(5); renumbered Rule 11B-35.001(6)-(15) because paragraph 11B-35.001(6) and (6)(a) were repealed; removes unnecessary word “Specified” to describe the Specialized Training Program Course and updates the paragraph reference in this rule

section; Retired the Canine Team Training Course number 1112, effective November 16, 2013; retired the Laser Speed Measurement Device Transition Operators Course for Radar Operators number 1113, effective December 31, 2008; revises the paragraph numbering of Rule 11B-35.001(8)(d)2.-12; adds the 16-hour Safe Handling of Firearms course number 2007 to the list of Specialized Training Program courses requiring an end-of-course examination; Adds the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses requiring an end-of-course examination; adds language to eliminate the need for students to take an end-of-course examination for physical fitness and officer wellness hours completed during the basic recruit training program; revises the Training Report, form CJSTC-67, to update the renumbered rule section; revises the Academy Physical Fitness Standards Report, form CJSTC-67A to update the renumbered rule section; replaces the Traditional Correctional Basic Recruit Training with the new Florida Law Enforcement Academy Basic Recruit Training Program because the course is no longer used; revises the Instructor Exemption, form CJSTC-82 to update the renumbered rule section; changes the subsection reference for consistency with the paragraph renumbering; changes the paragraph subsection reference and incorporates the revised the Physical Fitness Assessment, form CJSTC-75B to add language for students to receive a physical examination prior to beginning a Basic Recruit Training Program; removes the specific name of the Criminal Justice Officer Physical Fitness Training Course and replaces with a generic reference; changes the paragraph reference number for consistency with other rule sections; removes the specific course titles and uses a generic term that encompasses all disciplines to reduce future rule revisions; adds language to advise that physical fitness tests are not required for Cross-over or Auxiliary Basic Recruit Training Programs; adds the new Correctional and Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Programs to replace the retired Basic Recruit Training Programs; adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program to replace the retired Basic Recruit Training Program; updates grammar; includes the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires demonstration of proficiency skills; specifies the use of active CPR instructor certifications to meet the required instructor to student ratio to demonstrate CPR proficiency skills; updates the use of qualified safety divers and the separation between student and instructor; renames the “canine team patrol” to “canine team”; requires law enforcement, correctional, and correctional probation basic recruit students to complete the CMS Criminal Justice Defensive Tactics Course; requires students to demonstrate proficiency in handling handguns and long guns; specifies that an individual must be approved by the training center director or designee to assist instructors with canine practical exercises; includes the new Safe Handling of Firearms course number 2007 to the list of Specialized Training Program Courses; removes reference to “Florida CMS” for Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs; revises the paragraph numbering of Rule 11B-35.0024(3)(e)-(i), F.A.C., because paragraph (e) was added to include the Safe Handling of Firearms course number 2007; adds the new Role-play Scenarios for Facilitative Learning course number 2001 to the list of basic recruit, advanced, specialized instructor, or specialized training program courses; revises the Criminal Justice Diver Performance Evaluation form CJSTC-19; updates the Canine Performance Evaluation form CJSTC-83; revises the course name for the Canine Team Training Course number 1198; adds “number 1198” to the Canine Team Training Course to identify the course number; revises the Canine Team Instructor Performance Evaluation form CJSTC-20; adds the new Role-play Scenarios for Facilitative Learning course number 2001; provides current Commission-certified general instructors with training on how to use role-play exercise effectively; revises the paragraph numbering of 11B-35.007(4) to remove retired specialized courses and add new specialized courses; removes the Human Diversity courses number 1126, number 1127, number 1128, number 1129, and number 1130, because the courses are no longer used; includes the new effective date of the Canine Team Training Course number 1198, to ensure that officers are receiving the current course instruction; provides law enforcement officers with property repossession training; adds the new specialized instructor Canine Team Training Instructor Update course number 1199 for specialized instructor training; adds the new specialized training Safe Handling of Firearms course number 2007; provides training for the marshals in district courts of appeal; and revises the names of the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A to mirror language in statute.

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 Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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), 943.17, 943.14(3) FS.

LAW IMPLEMENTED: 943.12, 943.17, 943.12(5), 943.175, 943.25, 943.131(2) 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: Wednesday, May 13, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference 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:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 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: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

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 and CJSTC Course Summary. These materials are to be provided prior to or at the start of the program.~~

~~(6)(7)~~ Training center directors shall ensure that instructors are delivering the current Commission-approved training programs in compliance with Commission rules.

~~(7)(8)~~ Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.

~~(8)(9)~~ Student academic performance in courses.

(a) No change.

(b) The terms “successfully completed” and “successfully complete” are denoted with a “Pass” on the completed Training Report form CJSTC-67 and are defined as follows: A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the written end-of-course examinations, exclusive of demonstration of proficiency skills in the Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or ~~Specified~~ Specialized Training Program Course pursuant to subparagraph ~~(8)(9)~~(d)1.-13. of this rule section shall achieve a score of no less than 80% on the written end-of-course examination. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director or designee is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Specialized Instructor Training, and ~~Specified~~ Specialized Training Program Courses, pursuant to subparagraph ~~(8)(9)~~(d)1.-13. of this rule section and in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2) - (5), F.A.C.

(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 1198	Canine Team Training Course (Retired 11/6/13) Canine Team Training Course	400 480
2.	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired 12/31/08)	12
2.3.	1132	Parking Enforcement Specialist for Civilians	16
3.4.	1133	Selective Traffic Enforcement Program for Civilians	80
4.5.	732	Traffic Control Officer for Civilians	8
5.6.	851	Breath Test Operator Course	16
6.7.	951	Breath Test Operator Renewal Course	4
7.8.	850	Agency Inspector Course	24
8.9.	950	Agency Inspector Renewal Course	6
9.10.	1134	Criminal Justice Officer Ethics Course	8
10.11.	1135	Crimes Against Children	24
11.12.	1136	Domestic Violence	8
12.13.	1137	Violent Crime Investigator Training Course	40
13.	2007	Safe Handling of Firearms	16
14.	2008	District Courts of Appeal Marshal Minimum Standards Training Program	40

(e) End-of-course examinations shall be developed and administered for each course in a basic recruit training program based on the learning objectives in each course, with the exception of the physical fitness and officer wellness courses.

~~(9)(10)~~ Implementation of the new Correctional Probation Basic Recruit Training Program. 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.

~~(10)(11)~~ Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and within thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised _____, effective _____, ~~November 8, 2007~~, hereby incorporated by reference _____, to Commission staff through the Commission's Automated Training Management System (ATMS). Form CJSTC-67 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) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, or Instructor Training Course, the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS. Submission of the Academy Physical Fitness Standards Report, form CJSTC-67A, revised _____, effective _____, ~~created November 8, 2007~~, hereby incorporated by reference _____, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation, Traditional Correctional, and Florida CMS Correctional Basic Recruit Training Programs within thirty days of the course completion. Form CJSTC-67A 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.

(d) The training center director or designee shall ensure that the records for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are maintained in the course file within the training school. Each course shall be subject to audit by Commission staff. Such records shall, at a minimum, include:

1. – 7. No change.

8. List of course instructor(s) to include full name and a copy of the instructor's current ATMS Global Profile Report filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82, revised _____, effective _____, ~~December 16, 2010, (effective 3/2013)~~, hereby incorporated by reference _____, if applicable. Form CJSTC-82 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.

9. – 12. No change.

13. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001(14)(15), F.A.C.

14. For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) and 943.17(1)(g), F.S., and subsection ~~11B-35.001(14)(b)~~ 11B-35.001(2), F.A.C., which includes a completed Physical Fitness Assessment, form CJSTC-75B, revised _____, effective _____, ~~created November 8, 2007~~, hereby incorporated by reference _____. Form CJSTC-75B 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.

15. – 16. No change.

~~(11)(12)~~ Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(1), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in paragraph 11B-35.006(1)(b), F.A.C.

(a) – (b)

(c) Competency-Based Instruction. The Commission approves competency-based instruction in the delivery of basic recruit training programs, specialized training program courses, specialized instructor training courses, and courses created from specialized goals and objectives, defined in subparagraph (12)(c)1., of this rule section.

1. No change.

2. Training schools are permitted to use competency-based instruction for courses within the basic recruit training programs except for the physical fitness and officer wellness courses. ~~the Criminal Justice Officer Physical Fitness Training Course. Basic recruit students shall participate in 100% of the required hours in the Criminal~~

~~Justice Officer Physical Fitness Course.~~ The delivery of basic recruit training programs shall adhere to total program hours.

3. No change.

~~(12)(13)~~ Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) No change.

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph ~~(12)(13)~~(a) of this rule section, a student may be granted one written end-of-course re-examination during a single Basic Recruit Training Program. Students, who have failed the written end-of-course examination after a second attempt, shall be deemed to have failed the course.

(c) No change.

~~(13)(14)~~ Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph ~~(12)(13)~~(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection ~~(12)(13)~~ of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

~~(14)(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.

(c) A student shall complete the physical fitness program to successfully complete a Commission-approved Basic Recruit Training Program. The student shall complete the physical fitness test within the first two weeks of beginning a basic recruit training program and complete a second physical fitness test within the final two weeks of a basic recruit training program. The physical fitness tests are not required for cross-over or auxiliary basic recruit training programs.

~~(15)(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 training school shall provide a certificate to a student who has successfully completed a Commission-approved Basic Recruit Training Program, and the student shall 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, 5-29-14, _____.

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 (B RTP) 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. – 6. No change.				
7.	1191	Correctional Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	489	E-7/1/12 <u>R-6-30-14</u>
8. – 9. No change.				
10.	1179	Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	579	E-4/1/08 U-7/1/12 <u>R-6-30-14</u>

11. – 13. No change.

<u>14.</u>	<u>2003</u>	<u>Correctional Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>515</u>	<u>E-7/1/14</u>
<u>15.</u>	<u>2004</u>	<u>Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>567</u>	<u>E-7/1/14</u>

(b)	Correctional Discipline
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1. – 5. No change.

6.	1192	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP	156	E-7/1/12 R-6/30/14
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7. – 10. No change.

<u>11.</u>	<u>2005</u>	<u>Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>172</u>	<u>E-7/1/14</u>
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(c)	Correctional Probation Discipline
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1. – 6. No change.

7.	1184	Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP	130	E-4/1/08 U-7/1/12 R-6/30/14
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8. No change.

(2)(a) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment and certification as an officer.

(b) An individual who ~~fails to comply~~ ~~has not complied~~ with the requirements in paragraph (2)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. – 2.

(3) – (5) 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) – (c) No change.

(d) Law Enforcement Cross-Over Basic Recruit Training Programs.

1. – 3. No change.

4. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Effective July 1, 2014). 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 law enforcement officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	<u>Overview of Law Enforcement</u>	<u>64</u>
b.	<u>Interactions In Crisis Situations</u>	<u>10</u>
c.	<u>Reporting Procedures</u>	<u>32</u>
d.	<u>Fundamentals Of Patrol</u>	<u>35</u>
e.	<u>Calls For Service</u>	<u>36</u>
f.	<u>Criminal Investigations</u>	<u>50</u>
g.	<u>Crime Scene To Courtroom</u>	<u>35</u>
h.	<u>Critical Incidents</u>	<u>44</u>
i.	<u>Traffic Stops</u>	<u>30</u>
j.	<u>DUI Traffic Stops</u>	<u>24</u>
k.	<u>Traffic Crash Investigations</u>	<u>32</u>
l.	<u>Cross-Over Program Updates</u>	<u>8</u>
m.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48</u>
n.	<u>Dart-Firing Stun Gun</u>	<u>8</u>
o.	<u>Cross-Over Handgun Transition Course</u>	<u>24</u>

p.	<u>Correctional Cross-over to Law Enforcement Officer Wellness</u>	<u>35</u>
	TOTAL	515

5.4. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014). 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 law enforcement officer:

	Course Name	Course Hours
a.	<u>Correctional Cross Over to Law Enforcement Introduction and Legal Overview</u>	<u>48.0</u>
b.	<u>Correctional Cross Over to Law Enforcement Human Interaction and Communications</u>	<u>56.0</u>
c.	<u>Correctional Cross Over to Law Enforcement Response to Human Issues</u>	<u>24.0</u>
d.	<u>Patrol 1</u>	<u>58.0</u>
e.	<u>Correctional Cross Over to Law Enforcement Patrol 2</u>	<u>20.0</u>
f.	<u>Crime Scene Investigations</u>	<u>24.0</u>
g.	<u>Criminal Investigations</u>	<u>56.0</u>
h.	<u>Traffic Stops</u>	<u>24.0</u>
i.	<u>DUI Traffic Stops</u>	<u>24.0</u>
j.	<u>Traffic Crash Investigations</u>	<u>32.0</u>
k.	<u>Cross-Over Program Updates</u>	<u>8.0</u>
l.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48.0</u>
m.	<u>Dart Firing Stun Gun</u>	<u>8.0</u>
n.	<u>Correctional Cross Over to Law Enforcement Officer Wellness</u>	<u>35.0</u>
o.	<u>Cross-Over Handgun Transition Course</u>	<u>24.0</u>
	TOTAL	489.0

6. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Effective July 1, 2014). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	Course Title	Course Hours
a.	<u>Overview of Law Enforcement</u>	<u>64</u>
b.	<u>Law Enforcement Report Writing</u>	<u>28</u>
c.	<u>Fundamentals of Patrol</u>	<u>35</u>
d.	<u>Responding to Calls for Service</u>	<u>47</u>
e.	<u>Criminal Investigations</u>	<u>50</u>
f.	<u>Crime Scene Procedures</u>	<u>27</u>
g.	<u>Critical Incidents</u>	<u>44</u>
h.	<u>Traffic Stops</u>	<u>30</u>
i.	<u>DUI Traffic Stops</u>	<u>24</u>
j.	<u>Traffic Crash Investigations</u>	<u>32</u>
k.	<u>Cross-Over Program Updates</u>	<u>8</u>
l.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48</u>
m.	<u>Dart-Firing Stun Gun</u>	<u>8</u>
n.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
o.	<u>Correctional Probation Cross-Over to Law Enforcement Officer Wellness</u>	<u>42</u>
	TOTAL	567

7.5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Retired June 30, 2014). Effective July 1, 2012). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	Course Name	Course Hours
a.	<u>Correctional Cross Over to Law Enforcement Introduction and Legal</u>	<u>47.0</u>
b.	<u>Correctional Cross Over to Law Enforcement Communications</u>	<u>56.0</u>

e-	Correctional Cross Over to Law Enforcement Human Issues	32.0
d-	Patrol 1	58.0
e-	Patrol 2	40.0
f-	Crime Scene Investigations	24.0
g-	Criminal Investigations	56.0
h-	Traffic Stops	24.0
i-	DUI Traffic Stops	24.0
j-	Traffic Crash Investigations	32.0
k-	CMS Criminal Justice Vehicle Operations	48.0
l-	Dart Firing Stun Gun	8.0
m-	CMS Criminal Justice Firearms	80.0
n-	Cross Over Program Updates	8.0
o-	Correctional Probation Cross Over to Law Enforcement Officer Wellness	42.0
	TOTAL	579.0

(e) Correctional Cross-Over Basic Recruit Training Programs.

1. – 3. No change.

4. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Effective July 1, 2014). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

<u>Course Title</u>	<u>Course Hours</u>
<u>Overview of Corrections</u>	<u>14</u>
<u>Officer Safety</u>	<u>16</u>
<u>Facility and Equipment</u>	<u>8</u>
<u>Intake and Release</u>	<u>18</u>
<u>Supervising in a Correctional Facility</u>	<u>40</u>
<u>Supervising Special Populations</u>	<u>20</u>
<u>Law Enforcement Cross-Over to Correctional Responding to Incidents and Emergencies</u>	<u>12</u>
<u>Cross-Over Program Updates</u>	<u>8</u>
<u>Cross-Over Handgun Transition Course</u>	<u>24</u>
<u>Law Enforcement Cross-over to Correctional Officer Wellness</u>	<u>12</u>
<u>TOTAL</u>	<u>172</u>

5.4. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP number 1192 (Retired June 30, 2014). Effective July 1, 2012). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<u>Course Name</u>	<u>Course Hours</u>
a-	Law Enforcement Cross Over to Correctional Introduction and Legal	22.0
b-	Law Enforcement Cross Over to Correctional Officer Safety	14.0
c-	Facility and Equipment	8.0
d-	Law Enforcement Cross Over to Correctional Procedures	14.0
e-	Supervising in a Correctional Facility	40.0
f-	Law Enforcement Cross Over to Correctional Supervising Special Populations	14.0
g-	Cross Over Program Updates	8.0
h-	Law Enforcement Cross Over to Correctional Officer Wellness	12.0
i-	Cross Over Handgun Transition Course	24.0
	TOTAL	156.0

6.5. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Retired June 30, 2012).

7.6. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Effective July 1, 2012). An individual, who has successfully completed the Correctional

Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

a. – j. No change.

(f) 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, 5-29-14, _____.

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

(1) – (5) No change.

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

(a) Canine Team Training Course, number 1198.

(b) Safe Handling of Firearms course, number 2007.

(7) No change.

(8) 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, requiring proficiency demonstration.

(a) For instruction of the CMS Criminal Justice Firearms Course, Cross-Over Handgun Transition Course, ~~or CMS Firearms Instructor Course, or Safe Handling of Firearms course,~~ there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements. Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) – (c) No change.

(d) For instruction of the CMS First Aid for Criminal Justice Officers Course and CMS First Aid Instructor Course, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training.” ~~CPR instructors, who possess an active valid CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other an entity referenced in Rule 64J-1.022, F.A.C., are permitted to instruct CPR only in the CMS First Aid for Criminal Justice Officers Course and may the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of CPR proficiency skills only in the CMS First Aid for Criminal Justice Officers Course, these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements.~~ A copy of the Instructor Exemption Application form CJSTC-82 and a copy of the CPR instructor’s active valid CPR Instructor Certification shall be maintained in the course file. Form CJSTC-82 can be obtained ~~at~~ by contacting Commission staff at (850) 410-8615 or at the following FDLE Internet address <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>.

(e) – (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 ~~two~~ three qualified safety divers are permitted per instructor. Qualified safety divers shall not be enrolled as students in the course in which they are assisting and 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 with three years of documented experience working with canines and 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 student 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 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 student 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, 5-29-14, _____.

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, Safe Handling of Firearms 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. – 2. No change.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. 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. This form verifies that there are no known medical conditions that would prevent a student from participating in chemical agent contamination. A student who has provided the training school with documentation of prior chemical agent exposure that includes chemical agent contamination and working through the effects of chemical agent contamination in a training environment, shall be exempt from this requirement.

(b) – (c)

(d) CMS Firearms Instructor Course.

1. – 2. No change.

(e) Safe Handling of Firearms course. A student enrolled in the Safe Handling of Firearms course shall achieve a score of 80% on the required written end-of-course examination. Students shall demonstrate all Firearms Handling Proficiency Skills for the safe handling of handguns (both revolver and semiautomatic pistol) and long guns (both shotgun and semiautomatic rifle/carbine) at 100%. The results shall be recorded on the required Firearms Handling Performance Evaluation form CJSTC-21, created _____, effective _____, hereby incorporated by reference _____. Form CJSTC-21 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-21 shall be maintained in the student or course file.

~~(f)(e)~~ CMS First Aid for Criminal Justice Officers Course.

1. – 2. No change.

~~(g)(f)~~ CMS First Aid Instructor Course.

1. – 2. No change.

~~(h)(g)~~ CMS Law Enforcement Vehicle Operations Course.

1. – 2. No change.

~~(i)(h)~~ CMS Vehicle Operations Instructor Course.

1. – 2. 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, Agency Inspector Renewal Course, Underwater Police Science and Technology course, Canine Team Training Course, ~~and Canine Team Training Instructor Course, and Role-play Scenarios for Facilitative Learning.~~

(a) – (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, ~~revised~~ created _____, ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference _____.

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 _____, effective ~~November 7, 2013, effective 5/2014~~, 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. 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 Training 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 1198, and demonstrate instructing field exercises in obedience, criminal apprehension, building search, area search, and tracking and trailing from the Canine Team Training Course number 1198, with the results recorded on the required performance evaluation form. A copy of the completed Canine Team Instructor Performance Evaluation form CJSTC-20, ~~revised~~ created _____, effective _____, ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference _____, 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. A copy of the completed form shall be provided to the student and the original maintained in the course file.

(m) Role-play Scenarios for Facilitative Learning course number 2001. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination. There are no proficiency requirements for this course.

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, 5-29-14, _____.

11B-35.007 Specialized Training Program.

(1) – (2) No change.

(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) – (q) No change.

<u>(r)</u>	<u>2001</u>	<u>Role-play Scenarios for Facilitative Learning</u>	<u>16</u>
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(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) No change.

<u>(b)</u>	<u>1126</u>	<u>Human Diversity In-service Training for Professionalism and Ethics</u>	<u>4</u>
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(e)	1127	Human Diversity In-service Training for Interdependent Relationships	8
(d)	1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)	1129	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(f)	1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(b)(g)	1144	Human Interaction Course	16
(c)(h)	1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(d)(i)	1112	Canine Team Training Course (Retired 11/6/13)	400
	1198	Canine Team Training Course <u>(Effective 11/7/13)</u>	480
(e)(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired 12/31/08)	12
(f)(k)	1132	Parking Enforcement Specialist for Civilians	16
(g)(l)	1133	Selective Traffic Enforcement Program for Civilians	80
(h)(m)	732	Traffic Control Officer for Civilians	8
(i)(n)	1134	Criminal Justice Officer Ethics Course	8
(j)(o)	1135	Crimes Against Children	24
(k)(p)	1136	Domestic Violence	8
(l)(q)	1137	Violent Crime Investigator Training Course	40
(m)(r)	808	CMS Field Training Officer Transition Course (Retired 12/31/08)	8
(n)(s)	1140	Basic Incident Command System (ICS) Course	6
(o)(t)	1141	Intermediate Incident Command System (ICS) Course	18
(p)(u)	1142	Advanced Incident Command System (ICS) Course	14
(q)(v)	1149	Special Populations	32
(r)(w)	1150	Problem-Solving Model: SECURE	6
(s)(x)	1160	Dart-Firing Stun Gun	8
(t)(y)	1167	CMS General Instructor Update Course (Retired 12/31/10)	4
(u)(z)	1169	CMS Defensive Tactics and Firearms Instructor Update Course (Retired 12/31/10)	6
(v)(aa)	1185	Elder Abuse Investigations	<u>4</u>
(w)(bb)	1189	Physical Fitness Trainer Course	32
(x)(cc)	1194	Responding to Veterans	16
(y)(dd)	1195	Public Safety Telecommunications for Law Enforcement Officers	40
(z)(ee)	1197	STEP Course for Red Light Cameras	40
(aa)	<u>2002</u>	<u>Property Repossession Processes</u>	<u>2</u>
(bb)	<u>2006</u>	<u>Canine Team Training Instructor Update Course</u>	<u>24</u>
(cc)	<u>2007</u>	<u>Safe Handling of Firearms</u>	<u>16</u>
(dd)	<u>2008</u>	<u>District Courts of Appeal Marshal Minimum Standards Training Program</u>	<u>40</u>

(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, 5-29-14, _____.

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 for which the exemption is requested, and at a minimum reflects successful completion of training, pursuant to the ~~Exemption-From-Equivalency-of-Training~~ form CJSTC-76, for the topics of Legal, Interactions in a Diverse Community, Interviewing and Report Writing, 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 ~~Exemption-From-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.

(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 ~~Exemption-From-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.

(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 ~~Exemption-From-Equivalency-of-Training~~, form CJSTC-76, revised _____, effective _____, ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference _____, 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) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to Rule 11B-30.0062, F.A.C., and paragraph 11B-30.008, F.A.C.

Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after notification of approval of the ~~Exemption-From-Equivalency-of-Training~~ form CJSTC-76. Individuals who do not complete the required demonstration of proficiency in the High-Liability Basic Recruit Training Proficiency Skills and achieve a passing score on the State Officer Certification Examination within one year, are permitted to apply for another exemption from training, pursuant to Section 943.131(2), F.S., provided they meet the eligibility requirements outlined in Section 943.131(2), F.S. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an ~~Exemption-From-Equivalency-of-Training~~ Proficiency Demonstration, form CJSTC-76A, revised _____, effective _____, ~~December 16, 2010, (effective 5/2012)~~, hereby incorporated by reference _____, and provide a copy to the officer of form CJSTC-76A. Form 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. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(7) – (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, 5-29-14, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-6.009
SALE AND DELIVERY OF FIREARMS
SUMMARY OF THE RULE

11C-6.009 is amended to revise the title of Finance and Accounting to Financial Management and to remove the date range for the billing period. It will also change the service termination date to 15 days after the invoice due date.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Updates the rule with minor changes to reflect a name change, billing date range change and allows firearms dealers an additional 5 days to submit payment prior to service termination. Revises the title of Finance and Accounting to Financial Management, removes the date range for the billing period to allow flexibility to work with our accounting system and increase the number of days the firearms dealers have to submit payment.

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

DEPARTMENT OF LAW ENFORCEMENT Division of Criminal Justice Information Systems

RULE NO.: 11C-6.009

RULE TITLE: Sale and Delivery of Firearms

PURPOSE AND EFFECT: Updates the rule with minor changes to reflect a name change, billing date range change and allows firearms dealers an additional 5 days to submit payment prior to service termination. Revises the title of Finance and Accounting to Financial Management, removes the date range for the billing period to allow flexibility to work with our accounting system and increase the number of days the firearms dealers have to submit payment.

SUMMARY: 11C-6.009 is amended to revise the title of Finance and Accounting to Financial Management and to remove the date range for the billing period. It will also change the service termination date to 15 days after the invoice due date.

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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 790.065 FS, 943.03(4) FS

LAW IMPLEMENTED: 790.065 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND TIME: Wednesday, May 13, 2015, 1:00 p.m.

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

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: Charlotte Fraser at 850-410-7162, or charlottefraser@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Financial Management, 2331 Phillips Road, Tallahassee, FL 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: Charlotte Fraser at 850-410-7162, or charlottefraser@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Financial Management 2331 Phillips Road, Tallahassee, FL 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlotte Fraser, Chief of Financial Support Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014.

11C-6.009 Sale and Delivery of Firearms.

(1) – (8) No change.

(9) Each month, FDLE will provide the dealer with an invoice of the fees due FDLE. ~~Payment must be received by FDLE by the 1st of the month following the invoice date billing period (16th of two months previous through the 15th of the previous month).~~ A business or personal check, money order, or cashier's check payable to FDLE will be accepted and must be returned with the return portion of the invoice in the envelope that is provided. Checks must be in U.S. dollars only.

(10) Questions about invoices received should be directed to:

Florida Department of Law Enforcement

Office of ~~Finance and Accounting~~ Financial Management

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850) 410-7156

(11) No change.

(12) An invoice for processing fees that is not paid within 15 ~~40~~ days after the due date will result in the termination of services provided by FDLE. Services will be reactivated when all past due invoices are paid in full and payment is received by FDLE.

(13) - (20) No change.

Rulemaking Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History—New 6-2-91, Amended 7-7-99, 8-22-00, 12-18-00, 11-5-02, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-7.006
CRIMINAL HISTORY RECORDS; EXPUNCTION AND SEALING POLICY AND
PROCEDURES

SUMMARY OF THE RULE

Description of procedures and forms for applying for the expunction of a criminal history record based on lawful self-defense pursuant to new s. 943.0585(5), F.S. Incorporates forms by reference.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-7.006 is amended to conform to a 2014 legislative change creating new s. 943.0585(5) F.S., which allows for certain criminal history records to be ordered expunged by the courts, notwithstanding the general eligibility requirements in s. 943.0585.

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.

FDLE received comments from Joint Administrative Procedures Committee on May 4, 2015, for Form FDLE 40-021, regarding the social security notice required by s. 119.971(5)(a), F.S. FDLE revised the notice language in the newly created form and will add the applicable statute, s. 119.071, to the law implemented section.

Notice of Proposed Rule

DEPARTMENT OF LAW ENFORCEMENT Division of Criminal Justice Information Systems

RULE NO.: 11C-7.006

RULE TITLE: Procedures on Court-Ordered Expunctions

PURPOSE AND EFFECT: 11C-7.006 is amended to conform to a 2014 legislative change creating new s. 943.0585(5) F.S., which allows for certain criminal history records to be ordered expunged by the courts, notwithstanding the general eligibility requirements in s. 943.0585, F.S.

SUMMARY: Description of procedures and forms for applying for the expunction of a criminal history record based on lawful self-defense pursuant to new s. 943.0585(5), F.S. Incorporates forms by reference.

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 a statement of estimated regulatory costs, or 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), 943.0585(2) FS.

LAW IMPLEMENTED: 943.0585(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:

DATE AND TIME: Wednesday, May 13, 2015, 1:00 p.m.

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

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: Christopher Eaton at (850) 410-8114 or christophereaton@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: Christopher Eaton at (850) 410-8114 or christophereaton@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Eaton, Chief of Crime Information Bureau

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014.

1 11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

(a) No change

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009), or for lawful self-defense expunction under Section 943.0585(5), F.S. (form number FDLE 40-026, new. October 2014, _____), both of which are hereby incorporated by reference, 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) – (e) No change.

(2) – (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. July 2006), or (form number FDLE 40-027, new October 2014, _____), both of which are incorporated here by reference, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No change.

Rulemaking Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History–New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11D-8, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11D-8.002, 11D-8.003, 11D-8.0035, 11D-8.0036, 11D-8.004, 11D-8.006,
11D-8.007, 11D-8.0075, 11D-8.008, 11D-8.010, 11D-8.011, and 11D-8.013,

REPEALING RULE 11D-8.017

IMPLIED CONSENT PROGRAM

SUMMARY OF THE RULE

Adds the phrase “on a single Form 38 affidavit” to the definition of “Approved Breath Alcohol Test”; removes “the Department of Law Enforcement” from the definition of authorized repair facility; adds the word “human” to the definition of blood; names the National Institute of Standards and Technology or international equivalent traceable standards as the “dry gas standard”; defines “instrument registration”; defines the “4-year permit cycle” and specifies the initial 4-year anniversary; removes the Intoxilyzer 5000 instrument; reincorporates the Instrument Evaluation Procedures, FDLE/ATP Form 34; clarifies that the Alcohol Testing Program is to evaluate software and requires that an approved make and model breath test instrument remains approved until disapproved by the Department; reincorporates the Certificate of Assurance FDLE/ATP Form 32; requires that each breath test instrument shall be inspected; defines the purpose of required Department inspections of the breath test instruments and when they must occur; reincorporates the Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 41; repeals the Department Inspection Report FDLE/ATP Form 26; repeals the Agency Inspection Procedures FDLE/ATP Form 16 and the Agency Inspection Report FDLE/ATP Form 24; reincorporates the Agency Inspection Procedures – Intoxilyzer 8000

FDLE/ATP Form 39 and Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40; adds “Department” as an entity authorized to remove the cover of the Intoxilyzer 8000 evidentiary breath test instrument; repeals the Breath Test Results Affidavit FDLE/ATP Form 14; reincorporates the Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 and the Breath Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38; repeals the Breath Test Log FDLE/ATP Form 13; removes the agency inspection print cards and breath test log record requirements; incorporates the Breath Test Permit Application FDLE/ATP Form 8; defines the frequency of continuing education requirements; defines when breath test operator or agency inspector permits expire for failing to complete the required mandatory continuing education; adds the requirements to activate an expired permit to obtain a valid breath test operator or agency inspector permit; adds the rule reference for the Breath Test Instructor certification requirements to maintain instructor certification; removes alcohol dehydrogenase (enzymatic) as an approved blood alcohol test method; incorporates the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4; removes the requirements for and approval of enzymatic analytical procedures based on alcohol dehydrogenase; removes approval of substantial changes to a laboratory facility by the Department; repeals all forms listed in Rule 11D-8.017 and incorporates active forms throughout the rule chapter; makes grammatical revisions; and renumbers paragraphs.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11D-8.002(12): Adds the phrase “on a single Form 38 affidavit” to the definition of “Approved Breath Alcohol Test” to clarify and add specificity to the rule.

11D-8.002(13): Removes “the Department of Law Enforcement” from the definition of “Authorized Repair Facility” because the Department only performs maintenance on the breath test instruments and does not perform repairs.

11D-8.002(14): Adds the word “human” to the definition of “Blood” to clarify that human blood is the type of blood to be analyzed for proficiency testing.

11D-8.002(20): Names the National Institute of Standards and Technology or international equivalent traceable standard as the “Dry Gas Standard” for compliance with the American Society of Crime Laboratory Directors/Laboratory Accreditation Board definition standards and to be consistent with Rule 11D-8.0036.

11D-8.002(22): Defines “Instrument Registration” to certify that the breath test instrument meets the requirements of Rules 11D-8.003 and 11D-8.004, F.A.C.

11D-8.002(23)-(25), (27)-(28): Renumbers these rule paragraphs due to additions in this rule section.

11D-8.002(26): Defines the “4-year Permit Cycle” for required continuing education requirements, and specifies the initial 4-year anniversary and continuing education dates to clarify and add specificity to the rule.

11D-8.003(1): Makes grammatical changes and updates the type of breath test method to reflect the scientific name “Infrared Spectroscopy”.

11D-8.003(2): Removes the Intoxilyzer 5000 instrument because Florida no longer uses this instrument; the Intoxilyzer 8000 instrument replaces this instrument. Reincorporates the Instrument Evaluation Procedures FDLE/ATP Form 34 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout

Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

11D-8.003(3): Repeals this paragraph because Florida no longer uses the Intoxilyzer 5000 instrument, and renumbers the rule paragraph.

11D-8.003(4): Renumbers the rule paragraph due to a deletion in this rule section.

11D-8.003(5): Renumbers the rule paragraph due to a deletion in this rule section and clarifies that the Alcohol Testing Program is to evaluate software, and requires that an approved make and model of a breath test instrument remains approved until disapproved by the Department.

11D-8.0035(2)(b): Reincorporates the Certificate of Assurance FDLE/ATP Form 32 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

11D-8.004(1): Requires the inspection of each breath test instrument to establish accuracy and reliability and ensure the registration of the instrument prior to placing the instrument into evidentiary use by an agency.

11D-8.004(2): Defines the purpose of required Department Inspections of the breath test instruments and when these inspections must occur to ensure accuracy and reliability.

11D-8.004(3): Removes references to the Intoxilyzer 5000 instrument because Florida no longer uses this instrument. Reincorporates the Department Inspection – Intoxilyzer 8000 FDLE/ATP Form 36 and the Department Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 41 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint

Administrative Procedures Committee's recommendation. The paragraph also repeals the Department Inspection Report FDLE/ATP Form 26 because Florida no longer uses the Intoxilyzer 5000 instrument.

11D-8.006(1): Repeals the Agency Inspection Procedures FDLE/ATP Form 16 and the Agency Inspection Report FDLE/ATP Form 24 because Florida no longer uses the Intoxilyzer 5000 instrument. Reincorporates the Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 and the Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

11D-8.006(2): Removes references to the Intoxilyzer 5000 instrument because Florida no longer uses this instrument, and renumbers the rule paragraphs due to deletions within the rule section.

11D-8.007(1): Adds "Department" as an entity authorized to remove the cover of the Intoxilyzer 8000 evidentiary breath test instrument to perform maintenance and allow the instrument to be shipped for annual inspections because the Department was removed from the definition of an authorized repair facility in Rule 11D-8.002(13), F.A.C.

11D-8.007(4): Removes references to the Intoxilyzer 5000 instrument and repeals the Breath Test Results Affidavit FDLE/ATP Form 14 because Florida no longer uses the Intoxilyzer 5000 instrument. Reincorporates the Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 and the Breath Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section

are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

11D-8.007(5): Removes references to the Intoxilyzer 5000 instrument and repeals the Breath Test Log FDLE/ATP Form 13 because Florida no longer uses the Intoxilyzer 5000 instrument.

11D-8.075(1)-(2): Removes the agency inspection print cards and breath test log record requirements because they are associated with the Intoxilyzer 5000 instrument and Florida no longer uses this instrument. Restructures paragraphs to place the requirement that agency records are to be accessible to the Department in the paragraph defining those records because this is grammatically correct and in plain language.

11D-8.008(1)(e): Incorporates the Breath Test Permit Application FDLE/ATP Form 8 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

11D-8.008(2)(c): Incorporates the Breath Test Permit Application FDLE/ATP Form 8 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

11D-8.008(3): Defines the frequency of continuing education requirements to clarify and add specificity to the rule.

11D-8.008(5): Defines when breath test operator or agency inspector permits expire for failing to complete the required mandatory continuing education to clarify and add specificity to the rule.

11D-8.008(7): Adds requirements to activate an expired permit created in Rule 11D-8.008(5), F.A.C., to obtain a valid breath test operator or agency inspector permit to clarify and add specificity to the rule.

11D-8.010(2): Adds the rule reference for the maintenance requirements of Breath Test Instructor certification to clarify and add specificity to the rule.

11D-8.011(1): Renumbers the rule paragraphs due to deletions with the rule section and removes Alcohol Dehydrogenase (Enzymatic) as an approved blood alcohol test method because gas chromatography is better forensically in determining blood alcohol levels, and no forensic laboratory uses this older technology.

11D-8.013(1): Incorporates the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation. Revises this form to remove Alcohol Dehydrogenase (Enzymatic) as a method used for blood alcohol analyses.

11D-8.0013(3): Removes approval of enzymatic analytical procedures based on alcohol dehydrogenase because alcohol dehydrogenase is not an approved blood alcohol test method pursuant to Rule 11D-8.011, F.A.C.

11D-8.013(3)(g): Removes the requirements for enzymatic analytical procedures based on alcohol dehydrogenase because alcohol dehydrogenase is not an approved blood alcohol test method pursuant to Rule 11D-8.011, F.A.C.

11D-8.013(4): Removes provision that ATP approve any substantial change to a laboratory facility. FDLE/ATP has never utilized the provision and the statute lacks the legislative authority to regulate laboratory facilities.

11D8.017: Repeals the various forms in this section. Repeals all forms associated with the Intoxilyzer 5000 because Florida no longer uses this instrument. Reincorporates forms associated with the Intoxilyzer 8000 instrument throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

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

RE: Public Hearing:

FDLE held a hearing on the proposed rule revisions to Chapter 11D-8, F.A.C., on May 13, 2015, at the FDLE Headquarters in Tallahassee. Dr. Patrick Murphy made opening remarks, and he introduced those present. Defense attorney Robert Berry was the only non-FDLE participant present. Mr. Berry thanked the Department for hosting the rule hearing and lauded the Alcohol Testing Program for their openness. Mr. Berry subsequently began addressing issues he felt necessary for future rule development. His statements, requests and recommendations are as follows:

- Mr. Berry believes the department does not have the authority to define what constitutes a refusal when the requirements for a valid breath sample are not met as outlined in Rule 11D-8.002(12), F.A.C. *RESPONSE:* While the judiciary is tasked with determining what constitutes a refusal for evidentiary purposes in a criminal prosecution, the Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments and is responsible for promulgating rules for the administration and implementation of such, including definitions of terms, pursuant to s. 316.1932(1)(a)2., F.S.
- Mr. Berry requests the breath sample volume be included on the original breath test affidavit. *RESPONSE:* The volume levels are available on the subject test electronic data on the FDLE Alcohol Testing Program website and by public records request. The rule does not govern the data reflected on the subject's breath test affidavit; therefore, it does not need to be included in any rule revisions. The Alcohol Testing Program will take the

necessary steps to ensure that breath sample volumes are reported on affidavits in the future.

- Mr. Berry requests a rule revision requiring notification of interested parties in advance of an instrument evaluation/study or approval process. The requested provision would allow interested parties to attend and observe evaluations, studies, or approvals of breath test instruments. *RESPONSE:* A procedure already exists for the notification of interested persons during the rule making process, pursuant to Section 120.54(3)(c), F.S.. Allowing members of the general public access to a controlled environment during scientific studies could compromise the integrity of the process. Additionally this is contrary to accepted processes and procedures for scientific studies, especially those regarding human test subjects.
- Mr. Berry withdraws previously submitted rule revision suggestion requesting the Alcohol Testing Program mandate the manufacturer to provide calibration records of all instruments sold to Florida
- Mr. Berry withdraws previously submitted rule revision suggestion requesting all oral communications of Alcohol Testing Program members regarding any instrument be memorialized in writing and that each participant produce their own memorandum.
- Mr. Berry requests for future rule revision a requirement that manufacturers of breath test instruments produce the source code and all subsequent amendments to the source code. He requested that the Alcohol Testing Program consider this prior to looking for a new breath test instrument. *RESPONSE:* Requiring a third party to provide its intellectual property would not only exceed the Florida Department of Law Enforcement's delegated legislative authority but would violate clearly established principles of law. In addition,

the Florida Department of Law Enforcement Alcohol Testing Program maintains there exists no scientific basis for acquiring the source code. During the rule workshop on May 13, 2015, Mr. Berry conceded that this issue is most likely a legislative issue and not an FDLE administrative law issue.

- Mr. Berry verbally withdraws previously submitted rule revisions suggestion requesting the department to define certificate of calibration
- Mr. Berry verbally withdraws previously submitted rule revision suggestion requesting the department mandate that manufacturers not restrict purchase of breath test instruments to specific groups.
- Mr. Berry requests for future rule revision a mandate to include a breath sample capture device on all instruments. *RESPONSE:* Breath collection devices are not accepted in the forensic community and are currently not used in any national or international agency with the exception of New Hampshire who uses the Intoxilyzer 5000. There exists no standardized method for collection, storage, and subsequent analysis. No currently manufactured breath test instruments use breath collection devices. The Florida Department of Law Enforcement does not have the delegated legislative authority to force a manufacturer to develop breath collection technology. The Florida Department of Law Enforcement approves existing methods for breath alcohol analysis, and possesses no authority to mandate new technology. U.S. Supreme Court case law supports the Florida Department of Law Enforcement's position that breath collection devices are unnecessary. See California v. Trombetta, 467 U.S. 479(1984), "The Due Process Clause of the Fourteenth Amendment does not require that law enforcement agencies preserve breath samples in order to introduce the results of breath-analysis tests at

trial...” Additionally, there exists a myriad of issues concerning the chain of custody of the breath sample collected.

- Mr. Berry requests for future rule revision a requirement to include the Instrument Processing Sheets used by the department for quality control testing. *RESPONSE:* Mr. Berry litigated this issue in the Division of Administrative Hearings, in Robert R. Berry and Jill Humphrey v. Florida Department of Law Enforcement, Case No. 13-1037RU. The DOAH court found that the Instrument Processing Sheets do not constitutes a "rule" as defined at section 120.52(16). The DOAH court found that the evidence failed to establish that the challenged form "implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency." The evidence also failed to establish that the challenged form "imposes any requirement or solicits any information not specifically required by statute or by an existing rule." The ruling of the DOAH court was subsequently affirmed by the First District Court of Appeals, Case No. 1D13-3488. All FDLE/ ATP Instrument Processing Sheets are available to the public on FDLE Alcohol Testing Program's website and are available upon submission of a public records request. The public has full access to all information contained on an Instrument Processing Sheet.

After Mr. Berry's comments, the rule hearing officially concluded.

RE: JAPC Comments:

FDLE received comments from Joint Administrative Procedures Committee on May 5, 2015, for FDLE/ATP Form 4 and FDLE/ATP Form 8, regarding the social security notice required by s. 119.071(5)(a), F.S. FDLE advised that the forms only require the last four digits of the social security number, and that the social security notice is inapplicable.

NOTICE OF PROPOSED RULE

Florida Department of Law Enforcement
Division of Local Law Enforcement Assistance

RULE NO.:	RULE TITLE:
11D-8.002	Definitions
11D-8.003	Approved Breath Test Methods and Instruments
11D-8.0035	Approval of Alcohol Reference Solution and Sources
11D-8.004	Department Inspection and Registration of Breath Test Instruments
11D-8.006	Agency Inspection of Breath Test Instruments
11D-8.007	Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures
11D-8.0075	Agency Retention of Records
11D-8.008	Breath Test Operator and Agency Inspector
11D-8.010	Qualifications for Instructors
11D-8.011	Approval of Blood Alcohol Test Methods
11D-8.013	Blood Alcohol Permit - Analyst
11D-8.017	Forms

PURPOSE AND EFFECT:

11D-8.002(12): Adds the phrase “on a single Form 38 affidavit” to the definition of “Approved Breath Alcohol Test” to clarify and add specificity to the rule.

11D-8.002(13): Removes “the Department of Law Enforcement” from the definition of “Authorized Repair Facility” because the Department only performs maintenance on the breath test instruments and does not perform repairs.

11D-8.002(14): Add the word “human” to the definition of “Blood” to clarify that human blood is the type of blood to be analyzed for proficiency testing.

11D-8.002(20): Names the National Institute of Standards and Technology or international equivalent traceable standard as the “Dry Gas Standard” for compliance with the American Society of Crime Laboratory Directors/Laboratory Accreditation Board definition standards and to be consistent with Rule 11D-8.0036.

11D-8.002(22): Defines “Instrument Registration” to certify that the breath test instrument meets the requirements of Rules 11D-8.003 and 11D-8.004, F.A.C.

11D-8.002(23)-(25), (27)-(28): Renumbers these rule paragraphs due to additions in this rule section.

11D-8.002(26): Defines the “4-year Permit Cycle” for required continuing education requirements, and specifies the initial 4-year anniversary and continuing education dates to clarify and add specificity to the rule.

11D-8.003(1): Makes grammatical changes and updates the type of breath test method to reflect the scientific name “Infrared Spectroscopy”.

11D-8.003(2): Removes the Intoxilyzer 5000 instrument because Florida no longer uses this instrument; the Intoxilyzer 8000 instrument replaces this instrument. Reincorporates the Instrument Evaluation Procedures FDLE/ATP Form 34 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

11D-8.003(3): Repeals this paragraph because Florida no longer uses the Intoxilyzer 5000 instrument, and renumbers the rule paragraph.

11D-8.003(4): Renumbers the rule paragraph due to a deletion in this rule section.

11D-8.003(5): Renumbers the rule paragraph due to a deletion in this rule section and clarifies that the Alcohol Testing Program is to evaluate software, and requires that an approved make and model of a breath test instrument remains approved until disapproved by the Department.

11D-8.0035(2)(b): Reincorporates the Certificate of Assurance FDLE/ATP Form 32 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

11D-8.004(1): Requires the inspection of each breath test instrument to establish accuracy and reliability and ensure the registration of the instrument prior placing the instrument into evidentiary use by an agency.

11D-8.004(2): Defines the purpose of required Department Inspections of the breath test instruments and when these inspections must occur to ensure accuracy and reliability.

11D-8.004(3): Removes references to the Intoxilyzer 5000 instrument because Florida no longer uses this instrument. Reincorporates the Department Inspection – Intoxilyzer 8000 FDLE/ATP Form 36 and the Department Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 41 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation. The paragraph also repeals the Department Inspection Report FDLE/ATP Form 26 because Florida no longer uses the Intoxilyzer 5000 instrument.

11D-8.006(1): Repeals the Agency Inspection Procedures FDLE/ATP Form 16 and the Agency Inspection Report FDLE/ATP Form 24 because Florida no longer uses the Intoxilyzer 5000 instrument. Reincorporates the Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 and the Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

11D-8.006(2): Removes references to the Intoxilyzer 5000 instrument because Florida no longer uses this instrument, and renumbers the rule paragraphs due to deletions within the rule section.

11D-8.007(1): Adds “Department” as an authorized entity to remove the cover of the Intoxilyzer 8000 evidentiary breath test instrument to perform maintenance and allow the instrument to be shipped for annual inspections because the Department was removed from the definition of an authorized repair facility in Rule 11D-8.002(13), F.A.C.

11D-8.007(4): Removes references to the Intoxilyzer 5000 instrument and repeals the Breath Test Results Affidavit FDLE/ATP Form 14 because Florida no longer uses the Intoxilyzer 5000 instrument. Reincorporates the Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 and the Breath Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

11D-8.007(5): Removes references to the Intoxilyzer 5000 instrument and repeals the Breath Test Log FDLE/ATP Form 13 because Florida no longer uses the Intoxilyzer 5000 instrument.

11D-8.075(1)-(2): Removes the agency inspection print cards and breath test log record requirements because they are associated with the Intoxilyzer 5000 instrument and Florida no longer uses this instrument. Restructures paragraphs to place the requirement that agency records are to be accessible to the Department in the paragraph defining those records because this is grammatically correct and in plain language.

11D-8.008(1)(e): Incorporates the Breath Test Permit Application FDLE/ATP Form 8 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

11D-8.008(2)(c): Incorporates the Breath Test Permit Application FDLE/ATP Form 8 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

11D-8.008(3): Defines the frequency of continuing education requirements to clarify and add specificity to the rule.

11D-8.008(5): Defines when a breath test operator or agency inspector permits expires for failing to complete the required mandatory continuing education to clarify and add specificity to the rule.

11D-8.008(7): Adds requirements to activate an expired permit created in Rule 11D-8.008(5), F.A.C., to obtain a valid breath test operator or agency inspector permit to clarify and add specificity to the rule.

11D-8.010(2): Adds the rule reference for the maintenance requirements of Breath Test Instructor certification to clarify and add specificity to the rule.

11D-8.011(1): Renumbers the rule paragraphs due to deletions with the rule section and removes Alcohol Dehydrogenase (Enzymatic) as an approved blood alcohol test method because gas

chromatography is better forensically in determining blood alcohol levels, and no forensic laboratory uses this older technology.

11D-8.013(1): Incorporate the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation. Revises this form to remove Alcohol Dehydrogenase (Enzymatic) as a method used for blood alcohol analyses.

11D-8.0013(3): Removes approval of enzymatic analytical procedures based on alcohol dehydrogenase because alcohol dehydrogenase is not an approved blood alcohol test method pursuant to Rule 11D-8.011, F.A.C.

11D-8.013(3)(g): Removes the requirements for enzymatic analytical procedures based on alcohol dehydrogenase because alcohol dehydrogenase is not an approved blood alcohol test method pursuant to Rule 11D-8.011, F.A.C.

11D-8.013(4): Removes provision that ATP approve any substantial change to a laboratory facility. FDLE/ATP has never utilized the provision and the statute lacks the legislative authority to regulate laboratory facilities.

11D8.017: Repeals the various forms in this section. Repeals all forms associated with the Intoxilyzer 5000 because Florida no longer uses this instrument. Reincorporates forms associated with the Intoxilyzer 8000 instrument throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

SUMMARY:

Adds the phrase "on a single Form 38 affidavit" to the definition of "Approved Breath Alcohol Test"; removes "the Department of Law Enforcement" from the definition of authorized repair facility; adds the word "human" to the definition of blood; names the National Institute of Standards and Technology or international equivalent traceable standards as the "dry gas standard"; defines "instrument registration"; defines the "4-year permit cycle" and specifies the initial 4-year anniversary; removes the Intoxilyzer 5000 instrument; reincorporates the Instrument Evaluation Procedures, FDLE/ATP Form 34; clarifies that the Alcohol Testing Program is to evaluate software and requires that an approved make and model breath test instrument remains approved until disapproved by the Department; reincorporates the Certificate of Assurance FDLE/ATP Form 32; requires that each breath test instrument shall be inspected; defines the purpose of required Department inspections of the breath test instruments and when they must occur; reincorporates the Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 41; repeals the Department Inspection Report FDLE/ATP Form 26; repeals the Agency Inspection Procedures FDLE/ATP Form 16 and the Agency Inspection Report FDLE/ATP Form 24; reincorporates the Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 and Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40; adds "Department" as an authorized entity to remove the cover of the Intoxilyzer 8000 evidentiary breath test instrument; repeals the Breath Test Results Affidavit FDLE/ATP Form 14; reincorporates the Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 and the Breath Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38; repeals the Breath Test Log FDLE/ATP Form 13; removes the agency inspection print cards and breath test log record requirements; incorporates the Breath Test Permit Application FDLE/ATP Form 8; defines the frequency of continuing education requirements; defines when a breath test operator or agency inspector permit expires for failing to complete the required mandatory continuing education; adds the requirements to activate an expired permit to obtain a valid breath test operator or agency inspector permit; adds the rule reference for the

Breath Test Instructor certification requirements to maintain instructor certification; removes alcohol dehydrogenase (enzymatic) as an approved blood alcohol test method; incorporates the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4; removes the requirements for and approval of enzymatic analytical procedures based on alcohol dehydrogenase; removes approval of substantial changes to a laboratory facility by the Department; repeals all forms listed in Rule 11D-8.017 and incorporates active forms throughout the rule chapter; makes grammatical revisions; and renumbers 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: 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS.

LAW IMPLEMENTED: 316.1932(1)(b)2., 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: Thursday, May 13, 2015 at 9:00 AM

PLACE: Florida Department of Law Enforcement, 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:

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).

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-8.002 Definitions.

(1)-(11) No Change.

(12) Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level, on a single Form 38 affidavit. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(13) Authorized Repair Facility – ~~the Department~~, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) Blood – human whole blood.

(15) – (19) No change.

(20) Dry Gas Standard – a National Institute of Standards and Technology or international equivalent traceable standard consisting of a mixture of alcohol and gas which produces a known alcohol vapor concentration used to verify the accuracy ~~calibration~~ of a breath test instrument.

(21) No change.

(22) Instrument Registration – when issued by the Department, certifies that the specified breath test instrument meets the requirements of Rule 11D-8.003 and Rule 11D-8.004, F.A.C. and is authorized to be placed into evidentiary use. A breath test instrument registration remains valid until relinquished by the agency or suspended or revoked by the Department.

~~(23)~~(22) Methods – types of alcohol analyses approved by the Department to conduct chemical or physical tests of blood or breath.

~~(24)~~(23) Mouth Alcohol Solution – a mixture of alcohol and distilled or deionized water provided by the Department.

~~(25)~~(24) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department.

(26) Permit Cycle – the 4-year period in which continuing education requirements shall be satisfied. The initial cycle due date is June 30th of the fourth year following the initial permit date. Subsequent cycles will run for 4-year periods from the initial cycle due date.

EXAMPLE:

<u>Initial Permit Date</u>	<u>November 21, 2012</u>
<u>4-year Anniversary Date</u>	<u>November 21, 2016</u>
<u>Continuing Education Due Date/Initial Cycle Due Date</u>	<u>June 30, 2017</u>

~~(27)~~(25) Reference Sample Device – a device, also known as a simulator, that produces a known vapor concentration by the passage of air through a liquid.

~~(28)~~(26) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL. Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 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, 7-6-99, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) The approved breath test ~~Department has approved the following~~ method(s) for evidentiary breath testing is: Infrared Spectroscopy Light Test, also known as Infrared Light Absorption Test.

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. The approved breath test instrument make and model is the ~~Department has approved the following breath test instrumentation for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program; and CMI, Inc. Intoxilyzer 8000 using software evaluated by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34, revised March 2004,~~ _____, hereby

incorporated by reference. This form may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. — Rev. March 2004.

~~(3) The Department has approved the following options for use with Intoxilyzer 5000 Series instruments: keyboard; simulator recirculation; sample capture; pressure switch setting at no less than two inches and no more than six inches of water.~~

~~(3)(4)~~ A Department inspection performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, accuracy and reliability of an evidentiary breath test instrument.

~~(4)(5)~~ The Department shall conduct evaluations for approval of new instrumentation under subsection (2) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004.

~~(5)(6)~~ The availability or approval of new instruments, evaluation of software, options or modifications does not negate the approval status of previously approved instruments, or evaluated software, options or modifications. An approved make and model of a breath test instrument remains approved until disapproved by the Department.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) No Change.

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) No change.

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 revised March 2001, _____, hereby incorporated by reference. This form may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. — Rev. March 2001.

(3) – (4) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 7-6-99, Amended 7-29-01, 12-9-04, _____.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect each individual ~~inspect a~~ breath test instrument for accuracy and reliability prior to such instrument being initially placed into evidentiary use by an agency. The inspection validates that ~~the~~ instrument's approval for evidentiary use, and the registration completes that instrument's approval ~~denotes an instrument approved~~ pursuant to these rules. The registration and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation.

(2) Registered breath test instruments shall be inspected by the Department at least once each calendar year to ensure accuracy and reliability, and must be accessible to the Department for inspection. A department inspection must be conducted subsequent to repair and ~~Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department~~ prior to being placed in evidentiary use. ~~The inspection validates the instrument's approval for evidentiary use.~~

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36, revised August 2005, _____, hereby incorporated by reference. — Rev. August 2005 for the Intoxilyzer 8000; and the results reported on the FDLE/ATP Form 26 — Department Inspection Report — Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 — Department Inspection Report – Intoxilyzer 8000, FDLE/ATP Form 41, revised August 2005, hereby incorporated by reference. These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. — Rev. August 2005 for the Intoxilyzer 8000.

(4) No Change.

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)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with the Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39, revised August 2005, hereby incorporated by reference ~~Rev. August 2005 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 24 – Agency Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40, created March 2004, hereby incorporated by reference.~~ These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use. ~~– March 2004 for the Intoxilyzer 8000.~~

(2) ~~Whenever an agency relocates an Intoxilyzer 5000 evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument's removal, and another inspection shall be conducted prior to the instrument's use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.~~

(3) Whenever an instrument is taken out of evidentiary use, the agency shall conduct an agency inspection. The agency shall also conduct an agency inspection prior to returning an instrument to evidentiary use. 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)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an instrument out of evidentiary use to an authorized repair facility or the Department via common carrier transport. Only authorized repair facilities or the Department are authorized to remove the top cover of an Intoxilyzer 8000 evidentiary breath test instrument.

(2) – (3) No change.

(4) ~~When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002.~~ When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37, revised August 2005, hereby incorporated by reference ~~Rev. August 2005,~~ and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38, created March 2004, hereby incorporated by reference. Forms FDLE/ATP 37 and FDLE/ATP 38 may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use. ~~– March 2004.~~

(5) ~~Each agency shall record all breath tests conducted on a particular Intoxilyzer 5000 Series evidentiary breath test instrument on the Breath Test Log FDLE/ATP Form 13 – Effective January 1997. The breath test log shall be reviewed each calendar month by an agency inspector to ensure that the information is properly recorded and that all necessary corrections are made. The agency inspector's signature on the breath test log shall signify compliance with this section.~~

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)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: agency inspection reports ~~and agency inspection print cards, breath test logs,~~ and breath test instrument repair records. The breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after receipt. These records shall be accessible to the Department upon request.

(2) ~~The above records shall be accessible to the Department upon request.~~ At least once each calendar month each agency shall electronically transmit to the Department all breath tests conducted on that agency's Intoxilyzer

8000 evidentiary breath test instruments.

(3) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History—New 7-29-01, Amended 11-5-02, 12-9-04, _____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1)(a) – (d) No Change.

(e) Submit to the Department a complete written application, Breath Test Permit Application, FDLE/ATP Form 8, revised October 2007, _____, hereby incorporated by reference, upon successful completion of the breath test operator course, but no later than 90 ~~ninety~~ days after completion. This form may be obtained by contacting the Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

(2)(a) – (b) No Change

(c) Submits to the Department a complete written application, Breath Test Permit Application, FDLE/ATP Form 8, upon successful completion of the agency inspector course, but no later than 90 ~~ninety~~ days after completion.

(d) No Change

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits. Continuing education requires successful completion of the applicable Commission-approved Renewal Course by June 30 following the fourth permit anniversary date, and at least once during each subsequent 4-year ~~four-year~~ cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector's breath test operator continuing education requirements.

(4) No Change

(5) Permits to conduct breath tests and inspect breath test instruments issued pursuant to this rule section ~~former Rule 11D-8.008, F.A.C.,~~ shall remain valid until such permits expire on December 31st following the mandatory continuing education due date without completion of such training ~~or otherwise become invalid in accordance with those rules.~~

(6) No change.

(7) Any breath test operator or agency inspector whose permit has expired pursuant to paragraph (5) of this rule section or who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the Commission-approved basic course.

(8) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.010 Qualifications for Instructors.

(1) No Change.

(2) Unless exempted by the Commission, at least once every four years each breath test instructor must successfully complete the Commission-approved breath test instructor certification renewal course pursuant with Rule 11B-20.0017, F.A.C., in order to remain qualified for a breath test instructor certification. Successful completion of the Commission-approved breath test instructor certification course or breath test instructor certification renewal course satisfies that person's agency inspector and breath test operator continuing education requirements. Each breath test instructor must also successfully complete all Department breath test instructor update courses.

(3) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.011 Approval of Blood Alcohol Test Methods.

The Department approves the following test methods for determining blood alcohol level:

(1) ~~Alcohol Dehydrogenase (Enzymatic)~~

(2) Gas Chromatography

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 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 _____.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) The application for a permit to determine the alcohol level of a blood sample shall be made on the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4, revised December 2014, hereby incorporated by reference, ~~a form~~ provided by the Department and shall include the following information:

(a) – (e) No Change

(2) No Change

(3) The department shall approve gas chromatographic analytical procedures ~~and enzymatic analytical procedures based on alcohol dehydrogenase~~ which meet the following requirements.

(a) – (f) No Change

(g) ~~An enzymatic analytical procedure based on alcohol dehydrogenase must use the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis, and the enzyme used must have sufficient selectivity to provide negligible cross reactivity towards methanol, acetone and isopropanol.~~

(4) The permit shall be issued by the Department for a specific method and procedure. Any substantial change to the method, ~~or~~ analytical procedure, ~~or laboratory facility~~ must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.

(5) No Change

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 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)(b), (e), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02, 12-9-04, _____.

11D-8.017 Forms.

~~The following forms referenced in these rules are hereby incorporated by reference:~~

~~FDLE/ATP Form 13 — Breath Test Log — Effective January 1997.~~

~~FDLE/ATP Form 14 — Breath Test Result Affidavit — Revised March 2002.~~

~~FDLE/ATP Form 16 — Agency Inspection Procedures — Revised March 2004.~~

~~FDLE/ATP Form 24 — Agency Inspection Report — Revised March 2001.~~

~~FDLE/ATP Form 26 — Department Inspection Report — Revised March 2004.~~

~~FDLE/ATP Form 32 — Certificate of Assurance — Revised March 2001.~~

~~FDLE/ATP Form 34 — Instrument Evaluation Procedures — Revised March 2004.~~

~~FDLE/ATP Form 35 — Department Inspection Procedures — Revised August 2005.~~

~~FDLE/ATP Form 36 — Department Inspection Procedures — Intoxilyzer 8000 — Revised August 2005.~~

~~FDLE/ATP Form 37 — Operational Procedures — Intoxilyzer 8000 — Revised August 2005.~~

~~FDLE/ATP Form 38 — Breath Alcohol Test Affidavit — Intoxilyzer 8000 — March 2004.~~

~~FDLE/ATP Form 39 — Agency Inspection Procedures — Intoxilyzer 8000 — Revised August 2005.~~

~~FDLE/ATP Form 40 — Agency Inspection Report — Intoxilyzer 8000 — March 2004.~~

~~FDLE/ATP Form 41 — Department Inspection Report — Intoxilyzer 8000 — Revised August 2005.~~

~~These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.~~

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 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)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06. Repealed _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

NEW RULE CHAPTER 11D-10, FLORIDA ADMINISTRATIVE CODE

CREATING RULES 11D-10.001, 11D-10.002, and 11D-10.003

ELIGIBILITY REQUIREMENTS; NOMINATION GUIDELINES; SELECTION COMMITTEE

SUMMARY OF THE RULE

This new rule chapter implements newly created s. 265.0041, F.S. Defines the minimum eligibility requirements for nomination; defines certain positions that are not eligible for nomination and time period before eligibility for nomination; defines when and how many nominations can be accepted and who can submit nominations; clarifies that nominations must be postmarked by August 31 to be accepted; defines documents to be included in nomination packages; incorporates the Florida Law Enforcement Officers' Hall of Fame Nomination, form FAME-1; identifies optional documentation; defines length of nomination packages; specifies that only one person shall be included in a nomination package; defines when and how persons can be re-nominated; specifies the nomination package becomes the property of the Florida Law Enforcement Officers' Hall of Fame; defines the review process for nomination packages; defines the Florida Law Enforcement Officers' Hall of Fame Selection Committee; defines the number of nominees to be submitted to the Governor and Cabinet; and defines when nominees will be submitted to the Governor and Cabinet.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To implement newly created s. 265.0041, F.S.

11D-10.001(1)(a)-(e): Defines the minimum eligibility requirements for persons nominated for induction into the Florida Law Enforcement Officers' Hall of Fame.

11D-10.001(2): Defines certain positions that are not eligible for nomination due to the nature of the position and the time period until eligibility.

11D-10.002(1)(a)-(e): Defines the nomination period for applications for induction into the Hall of Fame. Defines the professional associations from which nominations will be accepted and how many nominations each association may submit.

11D-10.002(2): Specifies that all nomination forms and supporting documents must be postmarked by August 31, and clarifies that any nominations postmarked after the deadline will not be accepted.

11D-10.002(3)(a)-(e): Defines the documents that must be included in the nomination package to be eligible for consideration.

11D-10.002(3)(a): Incorporates the Florida Law Enforcement Officers' Hall of Fame Nomination, form FAME-1 into the rule pursuant to Joint Administrative Procedures Committee recommendation.

11D-10.002(4): Identifies optional documentation for inclusion in the nomination package.

11D-10.002(5): Defines that nomination packages are to include only one person per nomination. Also, defines the maximum number of pages that are to be included in a single nomination package.

11D-10.002(6): Defines when and how persons can be re-nominated if not selected for induction.

11D-10.002(7): Specifies that nomination packages become the property of the Florida Law Enforcement Officers' Hall of Fame and will not be returned to the association submitting the nomination.

11D-10.003(1): Defines the criteria used to review nomination packages.

11D-10.003(2): Establishes a Florida Law Enforcement Officers' Hall of Fame Selection Committee, and defines who will serve on the committee.

11D-10.003(3): Specifies that the Selection Committee will deliberate and select no more than 5 nominees in any given nomination cycle to submit to the Governor and Cabinet for consideration for induction into the Law Enforcement Officers' Hall of Fame. Defines when the Governor and Cabinet receive nominees from the Selection Committee.

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

Florida Department of Law Enforcement
Division of Local Law Enforcement Assistance

RULE NO.:	RULE TITLE:
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11D-10.001	Eligibility Requirements
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11D-10.002	Nomination Guidelines
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11D-10.003	Selection Committee
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PURPOSE AND EFFECT:

To implement newly created s. 265.0041, F.S.

11D-10.001(1)(a)-(e): Defines the minimum eligibility requirements for persons nominated for induction into the Florida Law Enforcement Officers' Hall of Fame.

11D-10.001(2): Defines certain positions that are not eligible for nomination due to the nature of the position and the time period until eligibility.

11D-10.002(1)(a)-(e): Defines the nomination period for applications for induction into the Hall of Fame. Defines the professional associations from which nominations will be accepted and how many nominations each association may submit.

11D-10.002(2): Specifies that all nomination forms and supporting documents must be postmarked by August 31, and clarifies that any nominations postmarked after the deadline will not be accepted.

11D-10.002(3)(a)-(e): Defines the documents that must be included in the nomination package to be eligible for consideration.

11D-10.002(3)(a): Incorporates the Florida Law Enforcement Officers' Hall of Fame Nomination, form FAME-1 into the rule pursuant to Joint Administrative Procedures Committee recommendation.

11D-10.002(4): Identifies optional documentation for inclusion in the nomination package.

11D-10.002(5): Defines that nomination packages are to include only one person per nomination. Also, defines the maximum number of pages that are to be included in a single nomination package.

11D-10.002(6): Defines when and how persons can be re-nominated if not selected for induction.

11D-10.002(7): Specifies that nomination packages become the property of the Florida Law Enforcement Officers' Hall of Fame and will not be returned to the association submitting the nomination.

11D-10.003(1): Defines the criteria used to review nomination packages.

11D-10.003(2): Establishes a Florida Law Enforcement Officers' Hall of Fame Selection Committee, and defines who will serve on the committee.

11D-10.003(3): Specifies that the Selection Committee will deliberate and select no more than 5 nominees in any given nomination cycle to submit to the Governor and Cabinet for consideration for induction into the Law Enforcement Officers' Hall of Fame. Defines when the Governor and Cabinet receive nominees from the Selection Committee.

SUMMARY:

This new rule chapter implements the newly created s. 265.0041, F.S. Defines the minimum eligibility requirements for nomination; defines certain positions that are not eligible for nomination and time period before eligibility for

nomination; defines when and how many nominations can be accepted and who can submit nominations; clarifies that nominations must be postmarked by August 31 to be accepted; defines documents to be included in nomination packages; incorporates the Florida Law Enforcement Officers' Hall of Fame Nomination, form FAME-1; identifies optional documentation; defines length of nomination packages; specifies that only one person shall be included in a nomination package; defines when and how persons can be re-nominated; specifies the nomination package becomes the property of the Florida Law Enforcement Officers' Hall of Fame; defines the review process for nomination packages; defines the Florida Law Enforcement Officers' Hall of Fame Selection Committee; defines the number of nominees to be submitted to the Governor and Cabinet; and defines when nominees will be submitted to the Governor and Cabinet.

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: 265.0041(5), F.S.

LAW IMPLEMENTED: 265.0041, F.S.

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: Wednesday, May 13, 2015, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 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:

The Department at 850-410-8600, 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: Vickie Koenig, Chief of Policy and Special Programs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-10 Florida Law Enforcement Officers' Hall of Fame

11D-10.001 Eligibility Requirements

(1) Any person nominated for induction into the Florida Law Enforcement Officers' Hall of Fame shall meet the following minimum eligibility requirements:

(a) An active, retired, or deceased Florida law enforcement officer as defined in s. 943.10(1), F.S.;

(b) Born in Florida or adopted Florida as their home state pursuant to s. 222.17, F.S.;

(c) Served in the field of law enforcement in the State of Florida;

(d) Exhibited excellent character within the line of duty and to the community for which he/she served. For the purpose of this rule, the term excellent character means the officer has exhibited good moral character pursuant to Rule 11B-27.0011, F.A.C.; and

(e) Be of good reputation among peers and in the community served.

(2) Governor's Office employees, state elected officials, and members of the Florida Law Enforcement Officers' Hall of Fame Selection Committee are ineligible for induction until two years after they have left their position.

Rulemaking Authority 265.0041(5), F.S. Law Implemented 265.0041, F.S. History – New _____

11D-10.002 Nomination Guidelines

(1) Between July 1 and August 31 of each calendar year, the Florida Department of Law Enforcement shall accept a maximum of three nominations from each of the following associations:

(a) Florida Police Chiefs Association,

(b) Florida Sheriffs Association,

(c) Florida Police Benevolent Association,

(d) Fraternal Order of Police, and

(e) State Law Enforcement Chiefs Association.

(2) All nomination forms and supporting documentation shall be postmarked no later than August 31.

Nominations postmarked after August 31 will not be considered.

(3) Nomination packages shall include the following to be eligible for consideration:

(a) Florida Law Enforcement Officers' Hall of Fame Nomination, form FAME-1, effective January 1, 2015, hereby incorporated by reference. Form FAME-1 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 the Florida Law Enforcement Officers' Hall of Fame coordinator at (850) 410-7567.

(b) Summary of the nominee's professional law enforcement history;

(c) Written two-page documentation describing why the nominee should be selected, to include a description of his/her contribution to law enforcement;

(d) Agency or department photograph; and

(e) Proof of the nominee's outstanding performance, actions, accomplishments and character, to include any professional acts of excellence above and beyond minimum standards. Examples include letters of recommendation, official reports, statements, newspaper article(s), or other media archive historical references.

(4) Examples of additional information to include are a summary of civic contributions, humanitarian activities or other awards and honors bestowed on the nominee.

(5) Nomination packages shall not exceed 10 pages and shall include one person per nomination.

(6) Nominees not selected for induction are eligible to be nominated in subsequent years by one of the associations identified in paragraph (1) of this rule section.

(7) All nomination packages become the property of the Florida Law Enforcement Officers' Hall of Fame and will not be returned.

Rulemaking Authority 265.0041(5), F.S. Law Implemented 265.0041, F.S. History – New _____

11D-10.003 Selection Committee

(1) Nominations for induction into the Florida Law Enforcement Officers' Hall of Fame will be reviewed to ensure nominations were received by the established deadline, nominees meet the eligibility requirements pursuant

to Rules 11D-10.001(1), F.A.C, and the nomination package complies with the requirements of Rule 11D-10.002, F.A.C.

(2) A Florida Law Enforcement Officers' Hall of Fame Selection Committee is established. The Selection Committee shall be comprised of an individual from each of the nominating organizations pursuant to Rule 11D-10.002(1), F.A.C.

(3) The Selection Committee shall deliberate and select no more than 5 nominees to be transmitted in January of each calendar year to the Governor and Cabinet for possible induction into the Florida Law Enforcement Officers' Hall of Fame.

Rulemaking Authority 265.0041(5), F.S. Law Implemented 265.0041, F.S. History – New _____



Richard L. Swearingen, COMMISSIONER

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Midterm Evaluation

June 23, 2015





MISSION

Promote Public Safety

To promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida's citizens and visitors.





OBJECTIVES

- Conduct multi-jurisdictional, multi-victim and special criminal investigations with local, state and federal partners
- Examine forensic evidence from law enforcement
- Provide backbone for critical criminal history information
- Promote competency and professional conduct of criminal justice officers
- Provide security for state Capitol Complex and protect Governor, First Lady, First Family and visiting dignitaries





HISTORY

- 1967 - Bureau of Law Enforcement created by combining Florida Sheriffs Bureau, State Narcotics Bureau and Attorney General's Anti-Bookie Squad
- 1969 - Reorganized as Department of Law Enforcement to be headed by Governor and Cabinet
- 1990 – First investigative state law enforcement agency in nation accredited by CALEA
- 1996 – Adopted values of Service, Integrity, Respect and Quality
- 2008 – 2012 – Eliminated 335 FTEs (300 IFS positions)





BUDGET

**Criminal
Investigations &
Forensic Science**

1,008 FTE

\$126.3 million

**Criminal
Justice
Information**

445 FTE

\$86.7 million

**Criminal
Justice
Professionalism**

99.5 FTE

\$21.4 million

Capitol Police

88 FTE

\$6.6 million

**Executive
Direction
and
Business Support**

130.5 FTE

\$69.3 million

TOTAL BUDGET

\$310 million* 1,771 FTE

***\$44.7 million in federal pass thru funds**





PRIORITIES / PERFORMANCE

- Establishing cybercrime capabilities
- Enhancing domestic security partnerships and investigations
- Leveraging new analytical capabilities to better utilize data and information
- Allocating additional assets to public safety task forces
- Maintaining public confidence in professional standards and character of peace officers
- Providing objective use of force / in-custody death investigations
- Evaluating department infrastructure / Updating technology, facilities and equipment
- Improving recruitment, retention and development of members





PRIORITIES / PERFORMANCE

Establishing cybercrime capabilities

- Provide cyber security intelligence to partners
- Expand regional squads
- Advance training plan
- Extend efforts to address cyber intrusion, hacking and denial of service
- Work with other agencies regarding security incident reporting, state agency incident response and cybersecurity awareness training for state employees





PRIORITIES / PERFORMANCE

Enhancing domestic security partnerships and investigations

- Reorganized the Office of Statewide Intelligence
- Transitioned FDLE Watch and Warning Desk
- Better engage Florida Fusion Center partners
- Improve domestic security threat detection
- Produce more relevant and timely intelligence to better allocate resources





PRIORITIES / PERFORMANCE

Leveraging new analytical capabilities

- Support the Florida Law Enforcement Analyst Academy
- Develop cost effective mechanism for delivery of training to local law enforcement agencies
- Continue FDLE analyst progression





PRIORITIES / PERFORMANCE

Allocating additional assets to public safety task forces

- Leverage assets to detect and dismantle greatest threats
- Recommit to task force assignments
- Continue seeking other working partnerships





PRIORITIES / PERFORMANCE

Maintaining public confidence in professional standards

- Take leadership role to help ensure public trust
- Ensure professional standards are soundly defined and high to meet increasing expectations for all law enforcement
- Improve moral character definition for officers
- Enhance programs offered by FCJEI
- Restructured FDLE sworn training assets, curriculum and training audits
- Promote accreditation





PRIORITIES / PERFORMANCE

Providing objective use of force/in-custody death investigations

- Uniquely positioned / authority to investigate
- Imperative to maintain public trust
- MOU with Department of Corrections
- Developed training
- Continue to seek assets for officer-involved shootings / use of force investigations





PRIORITIES / PERFORMANCE

Evaluating infrastructure / updating technology, facilities and equipment

- Align resources to create sustainable and significant efficiencies
- Refresh and rebuild technology
- Invest in physical infrastructure
- Continue with initiatives to enhance member morale





PRIORITIES / PERFORMANCE

Improving recruitment, retention and development of members

- Implementing policies to develop and keep high performing members
- Improve pathways for promotion of members
- Expand mentoring program
- Address competitive pay differentials
- Developing plan to address forensic turnover





FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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