

**AGENDA**  
**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**  
**March 10, 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 January 13, 2015 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit **Notice 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 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's FY 2014-15 2<sup>nd</sup> Quarter Report, with Contracts, Agreements and Purchases over \$100,000 for October 1 to December 31, 2014.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4. Respectfully submit the **Florida Department of Law Enforcement's Amended Legislative Budget Request for FY 2015-16.**

(See Attachment 4)

RECOMMEND APPROVAL

FLORIDA CABINET

IN RE: CABINET AGENDA

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APPEARANCES: GOVERNOR RICK SCOTT  
ATTORNEY GENERAL  
PAM BONDI  
CFO JEFF ATWATER  
COMMISSIONER ADAM PUTNAM

DATE: TUESDAY, JANUARY 13, 2015

TIME: COMMENCED AT: 9:00 A.M.  
CONCLUDED AT: 11:00 A.M.

LOCATION: THE CAPITOL  
CABINET MEETING ROOM

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

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## P R O C E E D I N G S

GOVERNOR SCOTT: Good morning. Welcome to the January 13th, 2015, Cabinet meeting.

At this time I'd like to recognize Pastor Dave Hess from Every Nation Campus Ministries to lead this morning's invocation.

Please remain standing after the invocation for the Pledge of Allegiance led by Boy Scout Andrew Sanderson.

(WHEREUPON, THE INVOCATION WAS GIVEN AND THE PLEDGE OF ALLEGIANCE SAID) .

GOVERNOR SCOTT: Thank both of you.

\* \* \* \*

**APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT**

GOVERNOR SCOTT: You know, we have volunteers all across our state that make our state better all the time.

Florida law requires the Governor to appoint the Executive Director of the Florida Department of Law Enforcement with the approval of the Cabinet. Today I'd like to ask the Cabinet to approve my appointment of Rick Swearingen, if Rick would stand up, as the Executive Director of the Florida Department of Law Enforcement at a salary of \$150,000.

Rick has served the Florida Department of Law Enforcement for over 30 years and has dedicated his career to protecting Florida families and making sure Florida is a safe state for our residents, visitors, and businesses. He has been an outstanding leader in our law enforcement community.

Is there a motion to approve Rick Swearingen as the Executive Director of the Florida Department of Law Enforcement?

ATTORNEY GENERAL BONDI: So moved.

1 GOVERNOR SCOTT: Is there a second?

2 CFO ATWATER: Second.

3 GOVERNOR SCOTT: Any comments or objections?

4 ATTORNEY GENERAL BONDI: I have some comments.

5 GOVERNOR SCOTT: Okay.

6 ATTORNEY GENERAL BONDI: I've known you for  
7 longer than I can --

8 GOVERNOR SCOTT: They're good. Good luck,  
9 Rick.

10 ATTORNEY GENERAL BONDI: This is one of the  
11 most honorable men I know, one of the most  
12 hardworking men I know, and you've truly dedicated  
13 your entire life to law enforcement. And I'm so  
14 proud of you and everything you've accomplished,  
15 and thank you for your service to our state. And I  
16 think you have some family members here, too.

17 COMMISSIONER SWEARINGEN: I do. First I'd  
18 like to say thank you, Governor, for selecting me  
19 for this position. I'd like to thank Attorney  
20 General Bondi, CFO Atwater, and Commissioner Putnam  
21 for your confidence in appointing me as the  
22 Commissioner of the Florida Department of  
23 Law Enforcement.

24 FDLE truly is one of the most prestigious  
25 law enforcement agencies in the country, and I am

1 privileged and honored to represent the more than  
2 1,800 members across the state who carry out our  
3 mission daily. So thank you, again, for your  
4 support.

5 I would like to say a couple of special  
6 thank you's if you'll give me a moment of  
7 indulgence. The two people most responsible for me  
8 standing here today, my mom and dad.

9 (APPLAUSE) .

10 COMMISSIONER SWEARINGEN: And I'd also like to  
11 ask -- I've got members of my FDLE family, both  
12 past and present; retired members, as well as  
13 present members here, if you would stand. I didn't  
14 order them to be here.

15 (APPLAUSE) .

16 COMMISSIONER SWEARINGEN: Thank you.

17 GOVERNOR SCOTT: CFO Atwater or  
18 Commissioner Putnam, would you like to -- do you  
19 have any comments?

20 CFO ATWATER: Commissioner, we're just very  
21 proud. You have it all right. We believe that the  
22 FDLE is an extraordinary law enforcement agency,  
23 and that we also believe it's a real honor to lead  
24 it. And I think that all of us are very proud  
25 today, and you're going to take us down that road

1 further and maintain that integrity that all of us  
2 know and trust, and so thank you, and all the best.

3 COMMISSIONER SWEARINGEN: Thank you, CFO.

4 COMMISSIONER PUTNAM: Thank you, Governor.  
5 Congratulations, Commissioner. You know, we all  
6 stand on the shoulders of those who have preceded  
7 us, and you've certainly inherited an exceptionally  
8 strong law enforcement agency and one that the  
9 State of Florida can be very proud of and at a time  
10 when Florida's crime rate is at a record low.

11 This is a critically important position to our  
12 sheriffs and local law enforcement. It's  
13 critically important to building prosecutions with  
14 the lab analysis, and I have confidence that you'll  
15 continue to build on the success of this agency and  
16 continue to keep us at the top of the heap in terms  
17 of being the most respected law enforcement agency  
18 in the nation, and continuing to provide  
19 outstanding service to the -- particularly the  
20 smaller agencies who depend on the good work of  
21 FDLE. So I wish you all the best.

22 COMMISSIONER SWEARINGEN: Thank you,  
23 Commissioner.

24 GOVERNOR SCOTT: So hearing no objections, the  
25 motion carries.

1           Congratulations, Rick.  You're going to do a  
2   great job.

3           COMMISSIONER SWEARINGEN:  Thank you.

4           (APPLAUSE) .

5           GOVERNOR SCOTT:  Why don't we take a picture.  
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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

GOVERNOR SCOTT: Now I'd like to recognize Rick Swearingen with the Department of Law Enforcement.

COMMISSIONER SWEARINGEN: Good morning. Thank you again.

Governor and Cabinet members, before I introduce the Department's agenda, I would like to introduce two key members of my new leadership team: Assistant Commissioner Don Ladner; and Assistant Commissioner Jennifer Cook Pritt, a/k/a Cookie.

(APPLAUSE) .

COMMISSIONER SWEARINGEN: Both have significant knowledge and experience with the various criminal justice issues facing our state, making them excellent representatives for the Department.

We have three agenda items for you today. First, we would request approval of the minutes from the December 9th, 2014, meeting.

GOVERNOR SCOTT: Is there a motion to approve?

ATTORNEY GENERAL BONDI: So moved.

GOVERNOR SCOTT: Is there a second?

1 COMMISSIONER PUTNAM: Second.

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

4 COMMISSIONER SWEARINGEN: Next is the  
5 Department's fiscal year '15/'16 legislative budget  
6 request. We have submitted 18 priorities that  
7 represent a focus on improving aging technology,  
8 funding additional workload needs, and enhancing  
9 facilities. These priorities total approximately  
10 \$36 million. I can go through them by item, if  
11 you'd like.

12 GOVERNOR SCOTT: I think we've already  
13 reviewed them.

14 ATTORNEY GENERAL BONDI: Can I just highlight  
15 one? You -- I just thank you, Commissioner -- I  
16 love to say Commissioner Swearingen. Thank you  
17 for adding a human trafficking squad. That's so  
18 very important to our state right now, and that's  
19 well-spent money. Thank you so much for doing  
20 that.

21 COMMISSIONER SWEARINGEN: I think a key stat  
22 on that, AG Bondi, is our case hours have increased  
23 150 percent --

24 ATTORNEY GENERAL BONDI: I know, it's --

25 COMMISSIONER SWEARINGEN: -- since '12/'13.

1           ATTORNEY GENERAL BONDI: Well, thank you.

2           GOVERNOR SCOTT: Is there a motion to accept?

3           CFO ATWATER: So moved.

4           GOVERNOR SCOTT: Is there a second?

5           ATTORNEY GENERAL BONDI: Second.

6           GOVERNOR SCOTT: Florida law requires the  
7 Governor to independently submit budget proposals.  
8 Accordingly, I am abstaining from the vote on  
9 this item. The record should reflect my  
10 abstention.

11           Any objections to accepting the legislative  
12 budget request?

13           (NO RESPONSE).

14           GOVERNOR SCOTT: Hearing none, the motion is  
15 approved with one abstention.

16           COMMISSIONER SWEARINGEN: Our final item is  
17 the Department's legislative proposal for the  
18 upcoming Session. This proposed legislation  
19 attempts to rectify the unintended consequences of  
20 a September 2012 court ruling regarding the  
21 Department's dissemination of juvenile criminal  
22 history records.

23           In short, the proposed changes allow us to  
24 resume sharing juvenile records with those agencies  
25 or entities who currently receive sealed or

1 expunged records when they are required to do so in  
2 criminal history record checks. This will allow  
3 for greater protection of the state's vulnerable  
4 populations because certain misdemeanor juvenile  
5 crimes are not currently provided when the agencies  
6 request a record check. This proposed legislation  
7 does not affect law enforcement or the public's  
8 access to these records.

9 GOVERNOR SCOTT: Is there a motion to accept  
10 the legislative proposals?

11 ATTORNEY GENERAL BONDI: So move.

12 GOVERNOR SCOTT: Is there a second?

13 CFO ATWATER: Second.

14 GOVERNOR SCOTT: Florida law requires the  
15 Governor to independently review legislation upon  
16 passage. Accordingly, I am abstaining from the  
17 vote on this item. The record should reflect my  
18 abstention.

19 Any objections to accepting the legislative  
20 proposals?

21 (NO RESPONSE).

22 GOVERNOR SCOTT: Hearing none, the motion is  
23 approved with one abstention.

24 Thank you, Rick.

25 COMMISSIONER SWEARINGEN: Thank you, and

1           thank you again for my appointment.  
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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.

## 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:

**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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>, 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: |
|-----------|-------------|

|            |                         |
|------------|-------------------------|
| 11B-18.004 | Regional Training Areas |
|------------|-------------------------|

### 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:

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.; 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.

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.

## 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:

**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:

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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>. 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.

## 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:

**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 <https://www.flrules.org/Gateway/reference.asp?No=Ref> \_\_\_\_\_, and an ~~Exemption-From-Equivalency-of-Training~~ Proficiency Demonstration, form CJSTC-76A, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~December 16, 2010, (effective 5/2012)~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref> \_\_\_\_\_, 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 ~~e~~Canine ~~Team~~ ~~p~~Performance ~~e~~Evaluation 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 verification 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-70 can be obtained at the following FDLE Internet address: <http://www.fldle.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<https://www.flrules.org/Gateway/reference.asp?No=Ref>. 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, which shall be verified by a Commission-approved evaluator, shall be taught using Commission-certified Canine Instructors, approved by a Commission-approved evaluator and shall be 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 verified 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 verify 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 verification 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<https://www.flrules.org/Gateway/reference.asp?No=Ref>, shall be verified by evaluator(s) to ensure the canine team completed the proficiency requirements. Form CJSTC-83 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

1. – 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>. 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)(f)~~ 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)(g)~~ 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.

## 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:

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 <https://www.flrules.org/Gateway/reference.asp?No=Ref> . 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref> . Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) 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,

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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.

## 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:

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

(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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>, 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>, 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>, 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>. 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:

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

|  |  |                                  |  |                       |
|--|--|----------------------------------|--|-----------------------|
|  |  | Florida CMS Law Enforcement BRTP |  | U-7/1/12<br>R-6-30-14 |
|--|--|----------------------------------|--|-----------------------|

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 |  |  |  |
|-----|-------------------------|--|--|--|

1. – 5. No change.

|    |      |  |     |                       |
|----|------|--|-----|-----------------------|
| 6. | 1192 | Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP | 156 | E-7/1/12<br>R-6/30/14 |
|----|------|--|-----|-----------------------|

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> |
|------------|-------------|---|------------|-----------------|

|     |                                   |  |  |  |
|-----|-----------------------------------|--|--|--|
| (c) | Correctional Probation Discipline |  |  |  |
|-----|-----------------------------------|--|--|--|

1. – 6. No change.

|    |      |  |     |                                   |
|----|------|--|-----|-----------------------------------|
| 7. | 1184 | Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP | 130 | E-4/1/08<br>U-7/1/12<br>R-6/30/14 |
|----|------|--|-----|-----------------------------------|

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>            |

|           |  |            |
|-----------|--|------------|
| <u>m.</u> | <u>CMS Law Enforcement Vehicle Operations</u>                      | <u>48</u>  |
| <u>n.</u> | <u>Dart-Firing Stun Gun</u>  | <u>8</u>   |
| <u>o.</u> | <u>Cross-Over Handgun Transition Course</u>                        | <u>24</u>  |
| <u>p.</u> | <u>Correctional Cross-over to Law Enforcement Officer Wellness</u> | <u>35</u>  |
|           | <u>TOTAL</u>   | <u>515</u> |

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:

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

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:

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

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:

|  | <u>Course Name</u> | <u>Course</u> |
|--|--------------------|---------------|
|--|--------------------|---------------|

|    |  | <b>Hours</b> |
|----|--|--------------|
| a- | <del>Correctional Cross Over to Law Enforcement Introduction and Legal</del>     | 47.0         |
| b- | <del>Correctional Cross Over to Law Enforcement Communications</del>             | 56.0         |
| c- | <del>Correctional Cross Over to Law Enforcement Human Issues</del>               | 32.0         |
| d- | <del>Patrol 1</del>  | 58.0         |
| e- | <del>Patrol 2</del>  | 40.0         |
| f- | <del>Crime Scene Investigations</del>  | 24.0         |
| g- | <del>Criminal Investigations</del>   | 56.0         |
| h- | <del>Traffic Stops</del>   | 24.0         |
| i- | <del>DUI Traffic Stops</del>   | 24.0         |
| j- | <del>Traffic Crash Investigations</del>  | 32.0         |
| k- | <del>CMS Criminal Justice Vehicle Operations</del>                               | 48.0         |
| l- | <del>Dart Firing Stun Gun</del>  | 8.0          |
| m- | <del>CMS Criminal Justice Firearms</del>   | 80.0         |
| n- | <del>Cross Over Program Updates</del>  | 8.0          |
| o- | <del>Correctional Probation Cross Over to Law Enforcement Officer Wellness</del> | 42.0         |
|    | <del>TOTAL</del>   | 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:

|    | <b>Course Name</b>  | <b>Course Hours</b> |
|----|---|---------------------|
| a- | <del>Law Enforcement Cross Over to Correctional Introduction and Legal</del>          | 22.0                |
| b- | <del>Law Enforcement Cross Over to Correctional Officer Safety</del>                  | 14.0                |
| c- | <del>Facility and Equipment</del>   | 8.0                 |
| d- | <del>Law Enforcement Cross Over to Correctional Procedures</del>                      | 14.0                |
| e- | <del>Supervising in a Correctional Facility</del>                                     | 40.0                |
| f- | <del>Law Enforcement Cross Over to Correctional Supervising Special Populations</del> | 14.0                |
| g- | <del>Cross Over Program Updates</del>   | 8.0                 |
| h- | <del>Law Enforcement Cross Over to Correctional Officer Wellness</del>                | 12.0                |
| i- | <del>Cross Over Handgun Transition Course</del>                                       | 24.0                |
|    | <del>TOTAL</del>  | 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref> \_\_\_\_\_. 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)(4)~~ 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-19 can be obtained at the following FDLE Internet Address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A copy of the completed form shall be provided to the student and the original shall be maintained in the course file.

(k) Canine Team Training Course number 1198. A handler shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Canine Performance Evaluation form CJSTC-83, revised November 7, 2013, effective 5/2014, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>. Form CJSTC-83 can be obtained at the following FDLE Internet Address: <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~~ November 7, 2013, effective 5/2014, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref>, shall be provided to the student and the original form CJSTC-20 maintained in the instructor student course file. Form CJSTC-20 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. 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> |
|------------|-------------|--|-----------|

(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.

|                    |             |  |           |
|--------------------|-------------|--|-----------|
| <del>(b)</del>     | 1126        | <del>Human Diversity In service Training for Professionalism and Ethics</del>                            | 4         |
| <del>(e)</del>     | 1127        | <del>Human Diversity In service Training for Interdependent Relationships</del>                          | 8         |
| <del>(d)</del>     | 1128        | <del>Human Diversity In service Training for Reducing Inter group Conflict</del>                         | 4         |
| <del>(e)</del>     | 1129        | <del>Human Diversity In service Training for Reducing Inter group Conflict</del>                         | 4         |
| <del>(f)</del>     | 1130        | <del>Human Diversity In service Training for Specialized Topics in Diversity</del>                       | 4         |
| <del>(b)(g)</del>  | 1144        | Human Interaction Course   | 16        |
| <del>(c)(h)</del>  | 1131        | Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops          | 4         |
| <del>(d)(i)</del>  | 1112        | Canine Team Training Course (Retired 11/6/13)  | 400       |
|                    | 1198        | Canine Team Training Course (Effective 11/7/13)  | 480       |
| <del>(e)(j)</del>  | 1113        | Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired 12/31/08) | 12        |
| <del>(f)(k)</del>  | 1132        | Parking Enforcement Specialist for Civilians   | 16        |
| <del>(g)(l)</del>  | 1133        | Selective Traffic Enforcement Program for Civilians  | 80        |
| <del>(h)(m)</del>  | 732         | Traffic Control Officer for Civilians  | 8         |
| <del>(i)(n)</del>  | 1134        | Criminal Justice Officer Ethics Course   | 8         |
| <del>(j)(o)</del>  | 1135        | Crimes Against Children  | 24        |
| <del>(k)(p)</del>  | 1136        | Domestic Violence  | 8         |
| <del>(l)(q)</del>  | 1137        | Violent Crime Investigator Training Course   | 40        |
| <del>(m)(r)</del>  | 808         | CMS Field Training Officer Transition Course (Retired 12/31/08)  | 8         |
| <del>(n)(s)</del>  | 1140        | Basic Incident Command System (ICS) Course   | 6         |
| <del>(o)(t)</del>  | 1141        | Intermediate Incident Command System (ICS) Course  | 18        |
| <del>(p)(u)</del>  | 1142        | Advanced Incident Command System (ICS) Course  | 14        |
| <del>(q)(v)</del>  | 1149        | Special Populations  | 32        |
| <del>(r)(w)</del>  | 1150        | Problem-Solving Model: SECURE  | 6         |
| <del>(s)(x)</del>  | 1160        | Dart-Firing Stun Gun   | 8         |
| <del>(t)(y)</del>  | 1167        | CMS General Instructor Update Course (Retired 12/31/10)  | 4         |
| <del>(u)(z)</del>  | 1169        | CMS Defensive Tactics and Firearms Instructor Update Course (Retired 12/31/10)                           | 6         |
| <del>(v)(aa)</del> | 1185        | Elder Abuse Investigations   | 4         |
| <del>(w)(bb)</del> | 1189        | Physical Fitness Trainer Course  | 32        |
| <del>(x)(cc)</del> | 1194        | Responding to Veterans   | 16        |
| <del>(y)(dd)</del> | 1195        | Public Safety Telecommunications for Law Enforcement Officers  | 40        |
| <del>(z)(ee)</del> | 1197        | STEP Course for Red Light Cameras  | 40        |
| <u>(aa)</u>        | <u>2002</u> | <u>Property Repossession Processes</u>   | <u>2</u>  |
| <u>(bb)</u>        | <u>2006</u> | <u>Canine Team Training Instructor Update Course</u>   | <u>24</u> |
| <u>(cc)</u>        | <u>2007</u> | <u>Safe Handling of Firearms</u>   | <u>16</u> |
| <u>(dd)</u>        | <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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>, for out-of-state, federal, and inactive Florida Officers. Form CJSTC-76 ~~CMS~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(6) 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref>, 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](mailto: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](mailto: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 ~~40~~ 15 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.

## 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](mailto: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](mailto: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 \_\_\_\_\_, rev. \_\_\_\_\_ 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 \_\_\_\_\_, new \_\_\_\_\_ 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

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:  |
|------------|--|
| 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](mailto: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 30<sup>th</sup> 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 31<sup>st</sup> 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: |
|-----------|-------------|
|-----------|-------------|

|            |                          |
|------------|--------------------------|
| 11D-10.001 | Eligibility Requirements |
|------------|--------------------------|

|            |                       |
|------------|-----------------------|
| 11D-10.002 | Nomination Guidelines |
|------------|-----------------------|

|            |                     |
|------------|---------------------|
| 11D-10.003 | Selection Committee |
|------------|---------------------|

### 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 \_\_\_\_\_



# 2<sup>nd</sup> QUARTER PERFORMANCE REPORT

|   | Quarterly Performance<br>38,747   102% | Quarterly Standard<br>39,000   95% |
|---|--|------------------------------------|
| Number / percent of lab service requests completed  |  |                                    |
| Average number of days to complete lab service requests   | 65                                     | 63                                 |
| BIS (Biometric Identification System)   | 136 <sup>1</sup>                       | 60                                 |
| CER (Computer Evidence Recovery)  | 106 <sup>1</sup>                       | 70                                 |
| Chemistry   | 46 <sup>1</sup>                        | 30                                 |
| Crime Scene   | 56 <sup>1</sup>                        | 30                                 |
| Firearms  | 50                                     | 80                                 |
| Latent Prints   | 84 <sup>1</sup>                        | 60                                 |
| Trace Evidence  | 162 <sup>1</sup>                       | 115                                |
| DNA/Biology   | 79                                     | 111                                |
| Toxicology  | 46 <sup>1</sup>                        | 40                                 |
| Number of hits, samples added and total samples in DNA Database                                   |  |                                    |
| Number of hits  | 1,906                                  | 1,000                              |
| Samples added   | 34,377 <sup>2</sup>                    | 45,000                             |
| Total samples   | 1,027,110                              | 700,000                            |
| Percent of investigative resources dedicated to conducting major investigations                   | 72%                                    | 70%                                |
| Number of criminal investigations   | 1,569                                  | 1,000                              |
| Number of domestic security cases   | 13                                     | 15                                 |
| Number of intelligence initiatives  | 917                                    | 350                                |
| Number of calls for Capitol Police service  | 1,820 <sup>3</sup>                     | 2,250                              |
| Number of criminal incidents per 1,000 employees  | 0.50                                   | <10                                |
| Percent of criminal history record check requests responded to within defined timeframes          | 100%                                   | 96%                                |
| Number of criminal history record checks processed  | 1,553,507                              | 1,375,000                          |
| Number of registered sexual predators / offenders added and total identified to the public        | 1,651   65,669 <sup>4</sup>            | 1,800   68,796                     |
| Number of missing persons cases   | 2,659                                  | 2,125                              |
| Missing Child Alerts activated  | 16                                     | 4                                  |
| Amber Alerts activated  | 4                                      | 3                                  |
| Silver Alerts activated   | 93                                     | 25                                 |
| Percent of time FCIC is accessible  | 100%                                   | 99.5%                              |
| Number of arrest records created and maintained   | 25.66 million                          | 25.25 million                      |
| Average reliability index for state officer certification examination                             | 0.88                                   | 0.90                               |
| Number / percent of individuals who pass the basic professional certification examination         | 2,969 <sup>5</sup>   78.4%             | 3,200   80%                        |
| Percent of training centers in compliance with established administrative and financial standards | 66% <sup>6</sup>                       | 80%                                |
| Number of professional law enforcement certificates issued  | 9,424                                  | 10,000                             |
| Number of criminal justice officer disciplinary actions   | 256                                    | 226                                |



## Justifications

<sup>1</sup> **Forensic 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.

<sup>2</sup> **Number 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.

<sup>3</sup> **Number 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.

<sup>4</sup> **Number 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.

<sup>5</sup> **Number 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.

<sup>6</sup> **Percent 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.



## Highlights

**Crime Dropped in the First Half of 2014.** The 2014 Semi-Annual Uniform Crime Report shows Florida's crime volume dropped 2.4 percent (8,133 fewer crimes) compared to the first six months of 2013. While overall crime was down overall, violent crime was up slightly, 0.1 percent, and nonviolent crime was down 2.8 percent. Index crimes including robbery, burglary and larceny all fell during this reporting period, while murder, forcible sex offenses, aggravated assault and motor vehicle thefts all increased. The report also contains information about three law enforcement officers killed feloniously while on duty in the first six months of the year. The report, including county-by-county breakdowns, can be found on FDLE's website at [www.fdle.state.fl.us/fsac/ucr/](http://www.fdle.state.fl.us/fsac/ucr/).



**Six Years of Silver Alerts.** Florida recognized the sixth anniversary of Florida's Silver Alert program in November 2014. Silver Alerts are activated statewide shortly after a senior with Alzheimer's or related dementia goes missing. Since Silver Alerts began in 2008, more than 900 alerts have been issued and 87 seniors have been found after an individual saw an alert, recognized the missing senior and called law enforcement. The program aids local law enforcement in the rescue of an elderly person with an irreversible deterioration of intellectual faculties who goes missing by broadcasting information via email, the media and highway message signs (when a vehicle is involved) to enlist citizens in the search for an endangered senior. Additionally, this past year FDLE and the Florida Lottery added Silver Alerts to lottery ticket terminals. Citizens can sign-up to receive Silver Alerts via email at [www.floridasilveralert.com](http://www.floridasilveralert.com).

**Sixteen Arrested in Operation Cyber Claws.** FDLE's Orlando Cyber Crime Task Force arrested 16 individuals between Dec. 8-12, 2014, as part of a law enforcement operation that focused on child pornography suspects and registered sex offenders on probation. Called Operation Cyber Claws, the operation was conducted in partnership with the Department of Corrections Office of Community Corrections, Brevard and Osceola County Sheriffs' Offices, Clermont, Altamonte Springs, Kissimmee and Winter Springs Police Departments and Homeland Security Investigations. Collectively, the suspects were charged with 33 counts of possession of child pornography, 17 counts of possession of material depicting the sexual performance of a child, three counts of distribution of child pornography, six counts violation of probation, and one count each of possession of morphine, diazepam, cannabis, and drug paraphernalia. FDLE's Secure Florida website includes tips to keep children safe online: [http://secureflorida.org/2011/family/best\\_practices\\_for\\_parents/](http://secureflorida.org/2011/family/best_practices_for_parents/).





## CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2014-15 (Oct. 1 – Dec. 31, 2014)

| <u>P.O.#</u> | <u>VENDOR/SERVICE</u>   | <u>AMOUNT</u> |
|--------------|---|---------------|
| AB6A50       | <b>Morpho Trak, Inc.</b><br>Upgrade of existing Morpho Trak latent station. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ One Time Purchase</li></ul>   | \$116,300     |
| AB5C2B       | <b>Pen-Link, Ltd.</b><br>System upgrade and relocation from Miami to Tallahassee. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ One Time Purchase</li></ul>   | \$117,847     |
| AB651C *     | <b>Kyra Info Tech, Inc.</b><br>IT staff augmentation for system analysis and programming for the Automated Investigative Management System. <ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Term: 10/24/14-6/30/15</li></ul>            | \$117,600     |
| AB72F9       | <b>Harris Corporation</b><br>Equipment for each FDLE regional operation center. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ One Time Purchase</li></ul>   | \$385,000     |
| AB6A85*      | <b>Global Information Services</b><br>IT staff augmentation for system analysis and programming for Computerized Criminal History (CCH) system. <ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Terms: 11/1/14-6/30/15</li></ul>        | \$105,000     |
| AB401D       | <b>Brandt Information Services, Inc.</b><br>IT staff augmentation for quality assurance for new CCH system. <ul style="list-style-type: none"><li>▪ State Term Contracts</li><li>▪ Term: 10/13/14-6/30/15</li></ul>   | \$132,000     |
| FDLE-006-15  | <b>Morpho Trak, Inc.</b><br>System expansion and data migration of the Biometric Identification System. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 11/24/14-2/7/17</li></ul>   | \$1,580,000   |
| FDLE-011-15  | <b>Northrop Grumman Systems Corporation, Inc.</b><br>LINX data source integration for Jacksonville Beach Police Department and Levy County Sheriff's Office. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 12/19/14-4/30/15</li></ul> | \$114,803     |



**FDLE Response to Incidents of Death or Serious Injury  
Involving the Department of Corrections**

*Issue Code 3000550*

**\$2,258,436 General Revenue / 17 FTE**



**Background.** Incidents involving police and corrections personnel use of force and in-custody death incidents attract media attention and invite public scrutiny. Florida law enforcement agencies often request independent investigation to alleviate citizen concerns and eliminate any perception that internal investigations may be biased. Independent, impartial investigations of this nature are imperative to maintain trust between the criminal justice community and the citizens of Florida.

As a statewide independent law enforcement agency, the Florida Department of Law Enforcement (FDLE) is uniquely positioned and has the authority to investigate use of force by a law enforcement or correctional officer and incidents of in-custody inmate deaths. Investigations are currently pursued at the request of a sheriff, police chief, administrator of a criminal justice agency, the state attorney or designee, and with the approval of the Office of the Commissioner. Investigations can also be initiated pursuant to Executive Order of the Governor or by an existing Memorandum of Understanding (MOU).

The MOU currently with the Florida Department of Corrections (DOC) requires FDLE to respond with investigative and/or forensic personnel as appropriate to:

1. Any homicide, suicide, or death of an inmate which occurs as a result of anything other than apparent natural causes; except (1) death by execution pursuant to Chapter 922, FS, or (2) death of an inmate attended by a physician.
2. Any homicide, suicide, or death of any person other than an inmate, who dies on institutional property or in connection with DOC care, custody, or control of inmates while off institutional property.
3. Any incident that results in life-threatening injuries to any person

Additionally, DOC may request FDLE assistance with the investigation of a credible complaint or other significant evidence of major organized criminal activity involving inmates or DOC personnel. If DOC requests assistance, FDLE will respond with investigative and/or forensic personnel appropriate to the situation.

**Issue.** While FDLE has traditionally responded when requested by Executive Order to investigate allegations involving state agencies including DOC, the requirement to respond to all homicides, suicides, and unattended deaths of inmates is a new workload for which the FDLE is not sufficiently staffed. Without additional staffing dedicated to handle workload created by this new mandate, valuable investigative hours will be diverted from other core mission investigations including violent crime, economic / computer crime, organized drug crime, public integrity and domestic security investigations that help to keep Florida's citizens safe.

**Resources.** During the period September through December 2014, FDLE responded to a total of 75 death or serious injury notifications from DOC which resulted in 15 investigations that would fall within the parameters of the MOU currently being developed. Projected over a one year period, FDLE estimates being required to respond to approximately 60 such incidents. Although resource requirements are dependent upon the circumstances of each incident, examination of data from the Automated Investigative Management System (AIMS) reference 35 closed in-custody death investigations (2009 – 2014) that meet the MOU requirements. FDLE responses in these investigations required between 100 and 1,000 investigative hours, with an average requirement of 219 hours/case.

Additionally, the MOU requires FDLE to respond to unattended deaths of inmates. This is an unknown workload for which DOC cannot provide baseline numbers. FDLE assumes that 60 of the 75 incidents to which FDLE responded during the period September to December 2014 that did not result in a major criminal investigation is a reasonable approximation of additional workload that could be associated with FDLE response mandates. Annualizing these 60 responses, FDLE projects response under requirements of the MOU will be an additional 240 incidents per year. Assuming these responses do not develop into a major criminal investigation, FDLE can anticipate a minimum commitment of an average 40 hours per response.

Death or Serious Injury Response: 60 cases x 219/hours per case = 13,140 hours

Additional MOU Required Response: 240 incidents x 40 hours per incident = 9,600 hours

Total work load requirement = 22,740 investigative hours / 1854 standard hours per full time equivalent (FTE) position = 12 FTE

Based on projected work load data, FDLE will need a minimum of 12 agent FTEs to accommodate the new mandates without negatively impacting other investigative priorities.

Every FDLE region was impacted by the 75 DOC incidents to which the agency responded during the period September through December 2014. FDLE cannot respond to an incident covered by the MOU with less than two special agents. Besides the officer safety issues associated with response to a crime scene within a correctional facility, at least two agents are required to accomplish the initial tasks associated with the response. The limited access nature of the facility may require one person to go to the crime scene, while the other begins to collect records. Standard police procedure requires two agents to conduct interviews for officer safety, interview dynamics, and corroboration of facts particularly if the interview cannot be recorded.

Based on workload and officer safety considerations, the department is requesting \$2,258,437 in General Revenue (\$1,537,093 recurring and \$721,344 non-recurring) for two agents in each of the department's seven regions (14 FTEs) and an additional agent in Jacksonville, Pensacola and Tallahassee (3 FTEs), for a total of 17 new special agent FTEs. The standard sworn expense package included in the request includes funds for a vehicle, laptop and radio equipment.

**Results.** These positions will be dedicated to DOC investigations allowing FDLE to fill a statewide need for which the agency is uniquely authorized to provide without negatively impacting other critical investigative priorities.

**Risks.** FDLE investigative resources will continue to be diverted from other critical core missions to meet the demands of DOC investigations.

**Effective dates.** Upon receipt of funds.

*This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe and healthy communities that attract workers, residents, businesses and visitors.*



## Add Investigative Staffing for Officer Involved Shooting (OIS) and Use of Force Investigations

Issue Code 3000560

\$1,868,546 General Revenue / 14 FTE



**Issue.** The Florida Department of Law Enforcement (FDLE) is authorized to investigate the use of deadly or non-deadly force by a law enforcement officer upon the request of a sheriff, police chief, administrator of a criminal justice agency, or the state attorney, with the approval of the Office of the Commissioner. Investigations can also be initiated pursuant to Executive Order of the Governor or an existing Memorandum of Understanding (MOU). By MOU or informal agreement, FDLE currently handles Officer Involved Shooting/Use of Force (OIS) investigations for approximately 200 Florida sheriffs and municipal, state and federal law enforcement agencies when incidents occur within the state. OIS incidents attract media attention and invite public scrutiny. Independent, impartial investigation of OIS incidents is imperative to maintain trust between local law enforcement agencies and the citizens of Florida.

This sensitivity to citizen relations has caused local agencies to increasingly request FDLE to perform these types of investigations. The number of OIS cases initiated in 2013 (50 cases) more than doubled in 2014 (103 cases) and the investigative hours devoted to such cases increased by more than 39 percent (17,903 hours) over the same period. Data contained within FDLE's Automated Investigative Management System (AIMS) reflects increased resource commitment to OIS investigations in every FDLE region during FY 13-14.

The investigative man hours required to satisfy the increased number of OIS investigations has reduced the number of hours available to investigate other core mission priorities. In FY 12-13 public integrity investigations represented 13 percent of total investigative hours; in FY 13-14 they increased to 17 percent. FDLE anticipates its commitment to OIS investigations will continue to grow, requiring an increasing percentage of available investigative resources. Without additional resources, the demand for OIS investigations will increasingly divert manpower from other critical investigative priorities including domestic security, economic crime, violent crime, and major drugs.

**Resources.** Statewide statistics regarding the number of OIS incidents that occur in Florida each year is not available, however FDLE was able to obtain 2010-2014 statistics collected by the Miami-Dade and City of Miami Police Departments. These two agencies, that serve eight percent of Florida's population, reported an average 17 OIS incidents per year over that five-year period or one incident per year for every 91,624 people. Using this as a basis, FDLE projects that 210 OIS incidents (Florida population 19,259,543 divided by 91,624) can be anticipated to occur in Florida each year. Based on FDLE's handling of investigations for approximately 200 agencies, the department anticipates responding to at least 45 percent (94 incidents) of the reported 210 annual incidents. According to AIMS, an average FDLE OIS investigation requires 285 hours to investigate [94 incidents/year x 285 hours/incident = 26,790 hours/1854 standard hours per full time equivalent (FTE) position = 14 FTE].

The department is requesting \$1,868,546 in General Revenue (\$1,274,498 recurring and \$594,048 non-recurring) for 14 new special agent FTEs agents to be allocated across the department's seven regions. The standard sworn expense package included in the request includes funds for a vehicle, laptop and radio equipment.

**Results.** These positions will be dedicated to OIS investigations allowing FDLE to fill a statewide need for which the agency is uniquely authorized to provide without negatively impacting other critical investigative priorities.

**Risks.** FDLE investigative resources will continue to be diverted from other critical core missions to meet the demands of OIS/Use of Force investigations.

**Effective dates.** Upon receipt of funds.

*This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe and healthy communities that attract workers, residents, businesses and visitors.*



## Expand Digital Evidence Lab Discipline

Issue Code 3000330

\$ 727,894 General Revenue / \$20,000 Operating Trust Fund  
5 FTEs



**Issue.** The Florida Department of Law Enforcement (FDLE) first began offering computer evidence recovery services in the lab in the late 1990s. At that time the service consisted primarily of retrieving data files from standalone computer hard drives and floppy disks. Along with the explosive growth in the sophistication of digital technology and the use of computers and other digital media involvement in nearly every type of crime, the job of the forensic analyst has become much more advanced, intricate and time consuming. Digital Evidence, as the discipline is now called, involves retrieval and analysis of data stored on (and deep within) cell phones, tablets, hard drives, removable media, as well as simple and very complex computer networks. The advancement in capability within the digital evidence discipline has contributed to a significant increase in the workload of digital evidence analysts. In the past five years, incoming requests for service have increased by 36 percent, and the volume of data analyzed as measured in gigabytes, has risen 25 percent. Given the growth in digital media usage, it is anticipated that the demand for digital forensic analysis services will continue to grow.

Currently, FDLE offers digital evidence analysis services in two FDLE crime laboratories, Tallahassee and Tampa. There are a total of nine Crime Lab Analysts (CLA) in these two laboratories providing digital evidence analysis services to criminal justice agencies throughout the state. The increased volume of digital evidence work without an increase in the number of digital evidence analysts has contributed to a 26 percent increase in the number of pending digital evidence service requests statewide between June 2010 and June 2014.

**Resources.** The department is requesting \$727,894 in General Revenue (\$390,479 recurring and \$377,415 non-recurring) and \$20,000 in Operating Trust Fund authority for five full time equivalent (FTE) positions (Crime Laboratory Analysts). The positions will enable FDLE to enhance digital evidence services in both the Tallahassee and Tampa Regional Crime Laboratories and increase productivity, reduce the number of pending service requests and improve turnaround in the digital evidence discipline. The addition of these FTEs would bring the total number of analysts assigned to digital evidence statewide to 14 CLA positions and provide a full team contingent at both digital evidence laboratory locations. Estimated cost for equipment is \$264,080, with \$20,000 in annual maintenance.

**Results.** Ability to process the increasing number of incoming service requests from digital evidence contributors more quickly, decreasing the number of pending service requests and turnaround time.

**Risks.** The number of pending cases and turnaround time for FDLE contributors will continue to grow.

**Effective dates.** Upon receipt of funds.

*This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.*



## Improve Solvency of Criminal Justice Standards and Training Trust Fund

Issue Code 4100500  
\$4,800,000 General Revenue



**Issue.** Since FY 07-08, the Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Trust Fund (CJSTTF) revenue has declined from \$18.2 million to \$11.5 million, a 37 percent loss. The trust fund also lost \$2.7 million during FY 08-09 due to fund shifts and a trust fund “sweep”. Revenue from court penalty assessments, traffic infractions, and exam and tuition charges are deposited into the fund in accordance with Chapters 938 and 943, FS.

The CJSTTF was established to educate and train Florida’s criminal justice community. Funding is distributed to the state’s 40 criminal justice training centers to support advanced and specialized training of Florida’s 75,000 certified law enforcement, corrections, and correctional probation officers. It also supports FDLE’s Professionalism operations, Alcohol Testing Program, Florida Criminal Justice Executive Institute, Drug Abuse Resistance Education (D.A.R.E), Medical Examiners Commission, and Criminal Justice Standards and Training Commission.

Steadily declining revenues over the last six fiscal years and legislative redistributions have resulted in dramatic reductions to the training dollars distributed statewide to the training centers. This funding is critical to ensuring Florida’s officers are properly trained to protect Florida’s citizens and visitors. Prior to FY 07-08, the seven-year average distribution was \$102 per officer. Over the last seven fiscal years, the distribution declined to an average of \$64 per officer, with FY 13-14 marking the lowest amount in the history of the fund at \$40 per officer.

The Florida Legislature provided a \$3.9 million cash infusion in FY 14-15 to maintain solvency and restore training dollars to \$67 per officer. However, without another cash infusion in FY 15-16, the fund will remain solvent only through a portion of FY 15-16 unless the agency again reduces the per officer training distribution.

**Resources.** The department is requesting \$4.8 million in General Revenue (recurring).

**Results.** Maintain officer training funds at \$67 per officer. Ensure that the CJSTTF remains solvent through FY 15-16.

**Risks.** Insolvency of the CJSTTF will decrease officer training, negatively impact public safety, create potential liabilities for local and state governments and result in the elimination of certain FDLE services to the criminal justice community.

**Effective dates.** Upon receipt of funds.

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## Conduct Study of Headquarters Annex

Issue Code 990S00  
\$200,000 General Revenue



**Issue.** Since the Florida Department of Law Enforcement (FDLE) moved into the headquarters facility in Tallahassee in 1990, FDLE's population has increased 24 percent. More than 1,060 members are currently assigned to Tallahassee; however, because the headquarters facility can no longer accommodate all members and functions, 52 are housed at a building in the Fort Knox Office Complex through a private lease.

The department leases 23,993 square feet in the complex to house criminal justice services critical to public safety in Florida. The current annual cost is \$450,348, but will increase to \$452,587 in FY 15-16. The lease ends in April 2017 and limits the agency in configuring/remodeling the space to meet agency needs. FDLE also leases an off-site warehouse/storage facility in Quincy, Florida at an annual cost of \$36,357, but the cost will increase to \$37,438 in FY 15-16. The storage facility occupies 5,000 square feet and is filled to capacity, providing insufficient space to store sensitive FDLE specialty vehicles. In FY 15-16, the agency will pay almost \$500,000 under the two current private lease agreements.

Given the continuing agency growth, it is necessary to conduct further renovations to accommodate new members as well as complex and vital equipment needed to support critical functions. It is essential for FDLE to make tenant improvements, conduct renovations/build-outs, update technological equipment and provide security upgrades to harden critical infrastructure through client-agency agreements with DMS. The department owns a parcel of land in close proximity to headquarters that is sufficient to construct an annex facility.

**Resources.** The department is requesting \$200,000 General Revenue (non-recurring)/Fixed Capital Outlay for a design study of a new headquarters annex building.

**Results.** The agency will be removed from two privately held leases, moving into one state owned-facility. This new 50,000 square foot annex building will provide a home to FDLE members delivering valuable criminal justice services imperative to Florida's public safety; offer ample space necessary to store and secure valuable and sensitive specialty vehicles and equipment; and allow room for the continued growth in the agency.

**Risks.** Lease space in another area or execute another lease with the same owner, despite not being able to configure/remodel the space to meet the needs of the agency.

**Effective date.** Upon receipt of funds.

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## Add Human Trafficking Resources

Issue Code 3000570

\$931,074 General Revenue

7 FTEs



**Issue.** The primary investigative mission of the Florida Department of Law Enforcement (FDLE) is to conduct major criminal investigations that target crime and criminal organizations whose illegal activities and/or associates cross jurisdictional boundaries, include multiple victims, represent a major social or economic impact to Florida, and/or address a significant public safety concern. Human trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion.

The Florida Coalition Against Human Trafficking (FCAHT) states that human trafficking is a growing problem worldwide, recently rising to the second most common criminal activity behind the illegal drug trade. Due to the geographic versatility of Florida, many forms of human trafficking are occurring throughout the state. FCAHT estimates that approximately 27 million people are enslaved throughout the world and 2.5 million are located in the United States. FCHAT has identified Florida as the second largest hub in the U.S. for this illegal activity.

Trafficking is fueled by economically desperate victims and market demands for cheap labor. Where there are labor-intensive industries, human trafficking often exists. Florida's agriculture industries are attractive to both smuggled individuals and those being trafficked. The agricultural labor forces often provide customers for the commercial sex trades. Human trafficking has quickly risen to the level of a public safety concern, not only statewide, but internationally as well.

Human trafficking investigations are very labor and time intensive, and the cases are often protracted and difficult to work. An FDLE case agent working a human trafficking investigation requires additional investigative support to conduct surveillances, track vehicles, interview victims, handle confidential informants and conduct covert operations. The exploited victims, whose services are sold over and over, are considered renewable commodities and are transported in and out of multiple jurisdictions and across state lines.

In FY 13-14, FDLE spent 36,544 investigative hours on human trafficking investigations, a 152 percent increase over FY 12-13 (17,643 hours). Of the 36,544 hours, 10,906 hours (30 percent) were for intelligence gathering to develop cases. FDLE is requesting positions in each FDLE regional operations center, which will be dedicated to identifying multi-jurisdictional human trafficking organizations, developing trafficking, organized fraud and Racketeer Influenced and Corrupt Organizations (RICO) level cases and dismantling and prosecuting organized criminal groups engaged in human trafficking and subsequent exploitation. Based on information and intelligence obtained as a result of focused investigative effort, FDLE will evaluate the need for additional investigative positions to adequately address the human trafficking issue in Florida.

**Resources.** The department is requesting \$931,074 in General Revenue (\$634,049 recurring and \$297,024 nonrecurring) for seven full time equivalent (FTE) special agent positions to establish a comprehensive approach to investigating human trafficking. The positions will be distributed in FDLE regional operations centers statewide and trained to understand the state and federal laws on human trafficking, recognize indicators and potential victims of human trafficking, and conduct multi-jurisdictional investigations on those suspects and/or organizations who are perpetuating all forms of human trafficking in the state of Florida, to include sex trafficking, domestic servitude, and forced labor. The standard sworn expense package included in the request includes funds for a vehicle, laptop and radio equipment.

**Results.** Allow the agency to mount a focused effort to identify and investigate multi-jurisdictional human trafficking organizations, and develop trafficking, organized fraud and RICO level cases. Mitigate some of the resource issues associated with human trafficking investigations by dedicating a special agent in each region devoted to these investigations. Additionally, FDLE will gather information and intelligence needed to

adequately define the human trafficking issue in Florida and assess the need for additional resources to adequately address the problem.

**Risks.** FDLE will not have the investigative capacity to divert resources from other investigative priorities to mount a focused, statewide effort to identifying, targeting and dismantling the organizations responsible for the complex human trafficking crimes in Florida.

**Effective dates.** Upon receipt of funds.

*This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe and healthy communities that attract workers, residents, businesses and visitors.*



## Increase Trust Fund Authority for Tenant Broker Commissions

Issue Code 4100600

\$50,000 Operating Trust Fund

**Issue.** State agencies are required to engage a tenant broker to negotiate all private lease agreements for office and storage space in excess of 2,000 square feet. State agencies act as pass-through entities for the associated tenant broker commissions. When a new lease is executed, the landlord remits a check to the agency for the amount of the tenant broker commission. These funds are deposited into the agency trust fund and then paid to the tenant broker once services have been completed and invoiced.

The Florida Department of Law Enforcement (FDLE) has three existing private leases that will require a tenant broker to facilitate the lease renewal or procurement process in FY 15-16:

- Lease 710:0237 (FDLE Sarasota Field Office, 2,258 sq ft – lease ends 06/30/2016) The estimated tenant broker fee is \$1,650.15 based on a historical 36 month renewal and assumes the rate per square foot remains constant at \$12.18.
- Lease 710:0229 (FDLE Pensacola Regional Operations Center Warehouse, 3,969 sq ft –lease ends 11/30/2015) The estimated tenant broker fee is \$858.89 based on a historical 24 month renewal and assumes the rate per square foot remains constant at \$5.41.
- Lease 710:0203 (FDLE Orlando Regional Operations Center Warehouse - lease ends 11/30/2015) FDLE has outgrown its current Orlando warehouse facility measuring 9,273 square feet and is preparing an Invitation to Negotiate (ITN) for a new lease for approximately 25,000 square feet of warehouse space. The estimated tenant broker fee is \$41,956.25 based on a standard five year term and assumes the rate per square foot remains constant at \$10.02.

**Resources.** The department is requesting \$50,000 in recurring tenant broker commission expenditure authority in the Operating Trust Fund to cover anticipated pass-through obligations associated with the renewal or procurement process for private leases in FY 15-16 and future years.

**Results:** Pass-through funds will be timely paid to tenant brokers upon completion of requisite services.

**Risks:** FDLE will not have ability to meet its obligations when private leases come up for renewal.

**Effective dates:** Upon receipt of funds.

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## National Instant Criminal History Background Check System – Increase Staffing

Issue Code 3000240  
\$127,376 Operating Trust Fund / 2 FTE

**Issue.** The Department of Agriculture and Consumer Services, Division of Licensing (DOL) is responsible for issuing concealed weapon or firearm licenses in the state of Florida, as outlined in Section 790.06, FS. Part of the licensing process requires DOL submit a set of fingerprints to the Florida Department of Law Enforcement (FDLE) for a state and national criminal history records checks to determine a person's eligibility to be issued a concealed weapon or firearm license. FDLE also queries the National Instant Background Check System (NICS) on behalf of DOL for every applicant fingerprint they submit and provides a NICS eligibility determination to be used in their licensing process. State law requires that a person must be eligible to purchase or receive a firearm in order to be eligible for a license to carry a concealed weapon or firearm. NICS is only accessible to law enforcement agencies so FDLE provides the NICS eligibility determination to DOL through secure electronic means.

One significant challenge agencies face when reviewing criminal history records is a lack of completeness within the criminal history. For Florida criminal history records, FDLE's Disposition section works with DOL to locate and update Florida criminal history records with missing dispositions through our partnerships with the Florida Clerks of Court. Historically, DOL has denied licenses to applicants that were arrested outside Florida for a disqualifying offense that was missing a court disposition. DOL generally places the responsibility to research and provide supporting documentation regarding missing dispositions associated with out-of-state criminal history records upon the applicant whose permit was denied.

Since not all states are considered public records states like Florida, many applicants are unsuccessful in their attempts to retrieve missing disposition information from the courts. Similarly, because DOL is not a law enforcement agency, most other states will not respond to their request for missing disposition information. Because FDLE is a law enforcement agency, other states respond to department requests for information or update their criminal history records accordingly.

To resolve this issue, each week DOL would provide a list of applicant records with missing out-of-state dispositions. FDLE would follow-up on the out-of-state disposition records, receive and review supporting court documentation and provide DOL updated disposition information through secure electronic means. The research for these records takes days, weeks or months, depending on the state conducting the missing disposition research. Instead of denying the applicant's license, DOL will suspend the application process until they receive a response from FDLE with the updated out-of-state disposition research.

**Resources:** The department is requesting \$127,376 in Operating Trust Fund authority for two Government Analyst I full time equivalent (FTE) positions to handle associated workload. The cost of the positions would be reimbursed to FDLE from the Licensing Trust Fund via legislative direction and an interagency memorandum of understanding with DOL.

**Results:** Improve accuracy and completeness of criminal record history records. Reduce the number of denials for licenses to qualified applicants that results from incomplete records.

**Risks:** Persons who are allowed by law to obtain a concealed weapon or firearm license would be denied or delayed through the appeal process.

**Effective date.** Upon receipt of funds.

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